HOW ARTIFICIAL INTELLIGENCE IS BYPASSING THE HUMAN RIGHTS PROTECTIONS UNDER THE CURRENT LEGAL REGIMES

Agama, Ferdinand Onwe (LLB, BL, LLM, PhD)

Department of Public Law, Faculty of Law, National Open University of Nigeria.

Abstract

The discipline of computer science dedicated to engineering machines capable of executing tasks necessitating human-like cognition—such as reasoning, linguistic comprehension, sensory perception, and learning—is known as Artificial Intelligence (AI). However, the velocity at which these systems have been assimilated into the fabric of modern society has eclipsed the developmental pace of regulatory and legal infrastructures, resulting in substantial obstacles to the preservation of fundamental human rights. Adopting a doctrinal research methodology, this study conducts a critical inquiry into the mechanisms by which AI technologies are currently evading established human rights safeguards, highlighting the systemic fragilities and legislative voids that facilitate these transgressions. Empirical evidence suggests that AI deployments in sectors such as predictive policing, mass surveillance, facial recognition, and automated decision-making inflict a disproportionate toll on rights concerning privacy, due process, non-discrimination, and freedom of expression. Within the spheres of law and governance, AI functions with escalating autonomy, frequently eroding the legal system's capacity to guarantee transparency, accountability, and the defense of basic rights. This article investigates how judicial systems, grounded in traditional notions of jurisdiction, liability, and human agency, are currently ill-suited to govern the decentralized, transnational nature of AI deployment. The analysis reveals that a combination of regulatory inertia, the outsourcing of public duties to private technology firms, intense corporate lobbying, and insufficient data privacy statutes contributes to a global dilution of rights protections. Consequently, the paper advocates for immediate reforms to integrate "human rights-by-design" principles into AI architecture, enforce algorithmic transparency, and institute powerful regulatory bodies equipped with tangible enforcement mandates. It concludes by recommending a unified, proactive global legal strategy to ensure AI technologies reinforce, rather than undermine, the tenets of democratic governance and human dignity.

Keywords: *Algorithmic Accountability, Human Rights Jurisprudence, Digital Governance, Regulatory Lacunae, Automated Decision-Making.*

Introduction

Once relegated to the realm of speculative fiction, Artificial Intelligence (AI) has rapidly matured into a cornerstone of contemporary existence. It is fundamentally altering the methods by which governments, corporations, and individuals process data, render judgments, and distribute services. AI technologies are no longer peripheral; they are deeply woven into society's critical infrastructure, ranging from ubiquitous tools like recommendation engines and virtual assistants to high-stakes applications in law enforcement, national security, financial modeling, and medical diagnostics. The incorporation of these systems has yielded undeniable advancements for humanity, notably in automating labor-intensive processes, boosting operational efficiency, and offering predictive insights that refine decision-making. Both the public and private sectors are aggressively adopting AI-driven solutions to streamline operations and curtail expenses on a massive scale.

Nevertheless, this swift integration has precipitated a fresh spectrum of legal, ethical, and social dilemmas, particularly as AI systems gain ubiquity and autonomy, thereby exerting greater influence over fundamental freedoms, privacy, and human behavior. A complex paradox has emerged: while AI offers profound societal utility, it simultaneously presents novel threats to core human rights, including the rights to due process, privacy, non-discrimination, and freedom of expression. These technological strides have outstripped existing legal architectures, generating a regulatory void wherein AI operations often function devoid of necessary accountability. Unlike prior industrial innovations, modern AI systems frequently operate autonomously, deriving logic from immense datasets and executing decisions without human mediation, often through opaque and unpredictable processes.

This new breed of machine learning-fuelled intelligence carries weighty implications for the principles underpinning human rights, specifically equality, autonomy, and privacy. We face a contradiction where the very technology poised to enhance human welfare possesses the latent capacity to dismantle the rights established to protect citizens in democratic states. The friction between safeguarding human rights and fostering technological innovation is becoming increasingly acute as global legal systems struggle to match the scope, complexity, and speed of AI evolution. The majority of current human rights instruments, including International Human Rights Law, were conceived in a pre-digital epoch, relying on static frameworks that are ill-equipped to manage the adaptive and dynamic nature of AI.

Consequently, numerous AI systems evade the enforcement mechanisms and scrutiny designed to protect individual liberties, as current legal regimes frequently fail to assign liability to developers or deployers when violations occur. Occurrences of mass surveillance rationalized by predictive policing, discriminatory results from biased algorithms, and opaque administrative decisions are increasingly prevalent; yet, legal recourse remains scarce or unattainable due to deficiencies in enforcement and oversight. This issue is aggravated by the "black box" nature of many AI models, which obscures the decision-making logic from courts, regulators, and the public, complicating efforts to assign responsibility for violations. The prevailing regulatory gap permits AI to function with a level of impunity, effectively sidestepping the human rights protections that are essential to the rule of law and democratic governance. This article critically assesses the inadequacy of current legal regimes in curbing AI's potential to infringe upon human rights and argues for immediate legal reformation to ensure technological advancement does not necessitate the sacrifice of fundamental freedoms.

A Conceptual Overview of Artificial Intelligence

In its broadest sense, Artificial Intelligence (AI) denotes the engineering of computer systems designed to execute tasks that traditionally demand human intellect. These capabilities encompass language comprehension, perception, problem-solving, reasoning, and learning. Fundamentally, AI covers a diverse array of methodologies and technologies, extending from rule-based expert systems to machine learning, deep learning, and neural networks, all aiming to simulate cognitive processes. AI has transitioned from a theoretical ambition into a potent technological driver, reshaping societal norms, government operations, and industrial landscapes.

The intellectual lineage of AI stretches back to mathematical logic and classical philosophy, where early scholars contemplated the feasibility of mimicking human reasoning via mechanical instruments. The field is built upon an interdisciplinary bedrock, synthesizing insights from neuroscience, linguistics, cognitive psychology, mathematics, philosophy, and computer science. Visionaries of the 1950s and 60s, such as John McCarthy and Alan Turing, conceptualized machines capable of replicating human thought. The formal genesis of AI as a standalone discipline is often linked to the mid-20th century, specifically Alan Turing's groundbreaking 1950 publication, *Computing Machinery and Intelligence*, which posed the provocational query, "Can machines think?". This work introduced the Turing Test as a benchmark for determining machine intelligence.

The field was officially christened at the Dartmouth Conference in 1956, spearheaded by John McCarthy alongside other pioneers. This conference represented a watershed moment, solidifying AI as a research domain dedicated to the creation of machines that simulate human intelligence. Early endeavors, particularly throughout the 1960s and 70s, focused on symbolic reasoning models and rule-based systems that mimicked intelligent behavior through predefined logic. These initial forays were heavily shaped by nascent theories of cognition and computation, laying the groundwork for future AI evolution. However, progress was intermittent; limitations in algorithmic complexity, data availability, and computational power led to eras of stagnation famously termed "AI winters".

The 21st-century renaissance of AI has been propelled by a triad of converging factors: the refinement of deep learning and machine learning techniques, substantial leaps in processing capabilities (notably GPUs), and the exponential growth of available data (big data). These elements have collectively enabled the creation of vastly more sophisticated intelligent systems. In the contemporary era, AI has transcended experimental laboratories and academic theory. It has become an omnipresent force, embedded within global infrastructures and daily existence. Its utility covers a vast expanse, from natural language processing and medical diagnostics to financial fraud detection, predictive policing, autonomous transport, and consumer-facing tools like chatbots and digital assistants.

The maturation of deep learning models and artificial neural networks, which excel at complex pattern recognition tasks like image classification and language processing, has hastened AI's deployment in critical, high-stakes environments. In the medical field, AI facilitates robotic surgery, drug development, and early disease identification. In the educational sector, adaptive platforms customize learning materials for individual students. Governments are increasingly leveraging AI to bolster national security, automate administrative duties, and refine public service delivery. These examples strongly validate the immense benefits AI offers to civilization.

However, the expanding footprint of AI is not devoid of apprehension. As these systems increasingly dictate outcomes regarding civil liberties, justice, employment, and privacy, the discourse surrounding accountability, algorithmic transparency, and ethical design has intensified. Furthermore, the risks associated with labor displacement, surveillance abuse, and inherent bias mandate a cautious, informed governance strategy to ensure the continued preservation of human rights in the digital age. Conceptually, AI must be viewed not merely as a collection of technical instruments, but as a socio-technical phenomenon that simultaneously mirrors and molds regulatory frameworks, institutional structures, and human values. This comprehensive perspective highlights the necessity for responsible innovation and interdisciplinary collaboration in AI deployment to align with the fundamental human rights guaranteed by law.

Understanding Human Rights Frameworks in Legal Systems

Human rights frameworks function as the structural foundation within various legal systems through which states acknowledge, defend, and execute the freedoms and rights of individuals. Deriving from regional and international instruments, these frameworks are woven into national legislation to foster accountability, equality, and justice, thereby safeguarding human dignity across distinct societal and legal landscapes. They provide the benchmarks against which the conduct of institutions and governments is evaluated, ensuring the upholding of individual rights. Consequently, it is unlawful for the State or any public authority to engage in actions incompatible with the human rights frameworks codified in these legal instruments.

At the global level, the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, stands as the cornerstone of modern human rights jurisprudence. Although not legally binding in itself, the UDHR delineates an extensive array of cultural, social, economic, political, and civil rights, and has significantly shaped national constitutions and binding treaties worldwide. One prominent binding treaty is the International Covenant on Civil and Political Rights (ICCPR), adopted in 1966. This Covenant legally compels member states to respect the political and civil rights of persons within their jurisdiction. It safeguards essential liberties, including freedom from arbitrary detention and torture, the right to a fair trial, the right to life, and freedom of speech. Compliance is monitored by the UN Human Rights Committee, a panel of 18 independent experts who review individual complaints and oversee state adherence.

On a regional scale, the European Convention on Human Rights (ECHR), adopted by the Council of Europe in 1950, operates as a binding treaty. It contains substantive rights provisions enforced by the European Court of Human Rights, offering individuals a pathway to seek redress for state-committed violations. Similarly, the African Charter on Human and Peoples' Rights (ACHPR), adopted in 1981, serves as a comprehensive regional instrument protecting both collective and individual rights, spanning civil, political, economic, social, and cultural domains. The mandate of the Charter is overseen by the African Commission and Court on Human and Peoples' Rights. Inaugurated in 1987, the Commission acts as the African Union's primary body for human rights monitoring.

Institutions and states differ in their roles regarding enforcement. States bear the primary responsibility for assimilating international standards into domestic law, establishing policy and legal frameworks that ensure equal treatment and protect freedoms. They are also obligated to

provide effective remedies for violations via independent oversight bodies and courts. Complementing this, institutions like international organizations, ombudspersons, and national human rights commissions are tasked with promoting awareness, investigating abuses, and monitoring compliance. Regional and global entities, such as UN bodies and human rights courts, bolster enforcement by holding nations accountable and offering avenues for redress when domestic systems falter.

Collectively, these instruments create a stratified system of protection, providing universal principles alongside region-specific enforcement mechanisms that must evolve to meet contemporary challenges, including those introduced by AI. The pivotal question remains: are the frameworks within existing legal instruments sufficiently robust to manage the risks of rapidly advancing technology?. This inquiry is critical, as most of these instruments were architected in a pre-digital era and did not foresee the modern threats to human rights presented by artificial intelligence. The fluid nature of technological progress continues to outstrip the sluggish pace of legal reform, generating fissures in rights protection and regulation.

Human Rights Protection Measures in Jurisdictions

Legal systems worldwide employ a variety of measures to safeguard human rights, grounded in both domestic legal structures and international obligations. These protective measures frequently originate from foundational texts, such as constitutions, which enshrine core rights like protection against discrimination, freedom of expression, privacy, liberty, and the right to life. These constitutional mandates are typically buttressed by detailed statutes, human rights institutions, and independent judiciaries.

For example, the Constitution of South Africa is globally recognized for its progressive nature; it explicitly guarantees an extensive range of social, economic, political, and civil rights, granting individuals direct access to the Constitutional Court. Likewise, Germany's Basic Law (*Grundgesetz*) establishes formidable human rights protections, serving as a template for other nations, with the Federal Constitutional Court pivotal in upholding these rights via judicial review. Beyond judicial and constitutional mechanisms, numerous nations, including Nigeria, have instituted independent bodies to promote and monitor human rights.

In the United Kingdom, the Equality and Human Rights Commission (EHRC) was established to oversee adherence to human rights legislation and foster awareness nationwide. Canada boasts a sophisticated human rights regime involving both provincial and federal commissions that adjudicate discrimination complaints and provide remedies. Specifically, Section 2 of the Canadian Charter of Rights and Freedoms guarantees fundamental liberties, including freedom of expression and opinion. Furthermore, under the Canadian Human Rights Act of 1977, the country established the Canadian Human Rights Commission to ensure protections. Nigeria utilizes institutions like the National Human Rights Commission (NHRC), mandated to advise the government, investigate violations, and promote human rights.

Certain nations, such as the Netherlands and Norway, integrate international human rights treaties directly into their domestic legal codes, enabling citizens to invoke instruments like the European Convention on Human Rights within national courts. The incorporation of regional and international instruments—which place binding duties on states—into domestic systems complements national efforts to fulfill, protect, and respect human rights, often granting individuals

access to international oversight bodies or tribunals for redress. These measures illustrate a multi-pronged strategy, merging international, institutional, and legal frameworks to secure human rights. However, the efficacy of these measures is contingent upon political will, the independence of oversight bodies, access to justice, and, increasingly, the capability to manage the impact of emerging AI systems.

AI Advancements Outpacing Legal Structure

The accelerated evolution of artificial intelligence has progressively outstripped the ability of current legal structures to effectively regulate its usage and development. Traditional legal systems tend to be reactive and slow, constructed around human-centric frameworks that failed to anticipate the data-driven, dynamic, and autonomous nature of contemporary AI. This "regulatory lag" presents severe challenges to human rights principles, specifically regarding intellectual property, discrimination, accountability, and data privacy.

For instance, generative AI is capable of creating content that spreads misinformation or infringes copyrights, yet current laws often struggle to definitively assign liability or determine ownership. Similarly, the use of AI in high-stakes decision-making—such as criminal justice, healthcare, and finance—raises alarms regarding bias and transparency, yet most legal systems lack the tools to effectively control or audit algorithmic conduct. Furthermore, effective regulation is hindered by a deficit in technological literacy among policymakers, which restricts their capacity to comprehend complex systems, accurately assess risks, and draft progressive legislation that matches the speed of technological change.

While efforts to bridge these gaps are appearing, they remain inconsistent and fragmented globally. The European Union's AI Act represents one of the premiere comprehensive efforts to regulate AI based on risk classification, striving to ensure high-risk applications adhere to standards of transparency, fairness, and safety. This Act establishes a high benchmark for rights protections and safety. It employs a risk-based methodology to govern the deployment of critical AI systems, emphasizing proper documentation, risk mitigation, and transparency.

Conversely, nations like China and the United States have adopted divergent strategies. The US follows a fragmented policy approach prioritizing risk management and innovation-friendly guidelines over rigid mandates, whereas China enforces stringent, centralized control. Additionally, organizations such as the Institute of Electrical and Electronics Engineers (IEEE) have made notable strides in promoting ethical AI regulation. For example, the IEEE's *Ethically Aligned Design* (EAD), first published in 2016, provides a foundational set of principles for aligning AI with human values.

The international community and individual states can partner with entities like the IEEE to construct robust governance frameworks. This is essential because the complexity of modern AI implies that without updated human rights frameworks, coordination, and international harmonization, isolated regulatory efforts may fail. The evident regulatory lag in areas like surveillance, facial recognition, and data privacy allows intrusive technologies to proliferate unchecked, often outpacing legal protections. This not only exposes citizens to rights violations but also corrodes public trust due to the absence of ethical oversight and clear accountability. The ubiquity and growing autonomy of AI necessitate proactive legal reforms that are globally coordinated, technologically literate, and flexible enough to accommodate future innovations.

Failure to act promptly risks entrenching inequality, eroding civil liberties, and permitting unchecked AI systems to mold society beyond the reach of ethical accountability or democratic oversight.

How AI is Bypassing Human Rights in Practice

In practice, Artificial Intelligence is increasingly utilized in manners that undermine or bypass fundamental human rights, frequently lacking adequate accountability or oversight. For instance, in China, the state's deployment of AI-driven surveillance—incorporating facial recognition integrated with an extensive CCTV network—has facilitated mass control and monitoring, specifically targeting the Uyghurs, a predominantly Muslim ethnic minority. Such systems represent a severe infringement on the rights to freedom of expression, movement, and privacy.

Parallel concerns exist in the United States, where algorithmic tools employed in the criminal justice system, such as COMPAS, have been shown to manifest racial bias, disproportionately flagging Black defendants as high-risk compared to their White counterparts. Consequently, the machine has been accused of exhibiting bias against Black individuals. This reality erodes the rights to due process and non-discrimination, revealing systemic defects in the application of AI for bail and sentencing determinations.

The ramifications of these practices are alarming and widespread. In authoritarian contexts, AI is weaponized to target political rivals, censor content, and stifle dissent, effectively dismantling civil liberties. In democratic nations, the usage of opaque AI systems lacking accountability or transparency threatens to entrench institutional biases and societal inequalities. Biased algorithms in social services allocation, predictive policing, and hiring processes further jeopardize the right to equal treatment. In many of these scenarios, the absence of legal recourse and human oversight leaves individuals vulnerable, possessing no means to correct or challenge unfair, AI-driven outcomes. As AI becomes deeply ingrained in decision-making and governance, the unchecked circumvention of human rights poses a growing threat to the rule of law and the foundations of democratic society.

Private Sector and Governmental Complicity

The erosion of human rights protections in the context of AI is significantly fuelled by the complicity of both governments and the private sector. Technology firms frequently prioritize the speed of innovation and profit margins over ethical concerns, resulting in the release of potent AI systems with negligible accountability. These corporations typically function within opaque ecosystems, utilizing proprietary datasets and algorithms that are shielded from public examination. Consequently, critical issues such as data privacy violations, discrimination, and algorithmic bias often remain undetected, undermining fundamental rights including dignity, equality, freedom of thought, and privacy.

Conversely, governments are increasingly leveraging AI tools for population control, border management, predictive policing, and surveillance. In certain instances, these actions directly contravene international human rights norms or constitutional protections. For example, the deployment of facial recognition technology in public spaces without legal safeguards or consent seriously compromises fundamental freedoms of privacy, movement, and expression. Autocratic

regimes, in particular, utilize AI to manipulate public opinion, silence opposition, and monitor dissent, transforming technological advancement into a tool of repression.

This reality indicates that the bypassing of human rights by AI is driven by both unintentional and intentional human actions. A primary enabler of these abuses is the persistent deficit of effective oversight and transparency in the application, deployment, and development of AI systems. Regulatory frameworks are frequently weak or obsolete, and independent review mechanisms are scarce. This absence of algorithmic governance permits both states and tech companies to operate without adequate checks, evading accountability when rights are violated. Without urgent reforms to enforce transparency, tighten regulations, and impose ethical constraints and public oversight, AI will continue to circumvent the human rights protections vital to democratic societies.

Challenges in Holding AI Systems Legally Accountable

A significant factor contributing to the erosion of human rights in the digital era is the difficulty of holding AI technologies legally accountable. A central issue is the attribution of responsibility — specifically, determining who is liable when an AI system inflicts harm, such as spreading misinformation, invading privacy, or discriminating. Because AI systems function autonomously and utilize complex, data-driven decision-making processes, tracing accountability to a specific entity or individual is arduous. This difficulty is exacerbated by the ongoing debate regarding the legal personality of AI.

While AI currently lacks defined legal personhood, its operations can yield severe ethical and legal repercussions. Responsibility typically defaults to human actors, including data suppliers, deployers, developers, and designers. Although AI legal personhood remains unestablished, courts have faced cases requiring the allocation of responsibility for harms caused by AI, such as due process violations, discrimination, or physical harm to humans. When such harms arise, involved actors often deny culpability, blaming the system's unpredictability or autonomy. This generates a "legal grey area" where accountability is diluted or deflected across a network of stakeholders.

Furthermore, AI systems often operate within proprietary "black box" frameworks, rendering them opaque and impervious to external inspection. Algorithms are frequently protected as trade secrets, shielding them from legal examination or independent audits. This opacity creates substantial evidentiary burdens for claimants attempting to prove discriminatory intent or causality in court, severely constraining efforts to seek redress for human rights violations. Consequently, victims of AI-induced harm encounter formidable barriers to justice, reinforcing a paradigm where rights can be infringed without remedy. These procedural and legal gaps not only embolden institutions and developers to evade responsibility but also foster a regulatory vacuum where AI is deployed with minimal regard for human rights, further eroding transparency, fairness, and accountability in free societies.

The Human Rights Cost of Artificial Intelligence

The human rights toll of artificial intelligence is becoming increasingly conspicuous as these systems permeate society, often lacking accountability or adequate safeguards. A primary concern is the degradation of data rights and privacy, as facial recognition tools, data-mining algorithms, and AI-driven surveillance systems collect, analyze, and exploit personal data without oversight or informed consent. These systems possess the capability to process vast quantities of data and render

decisions at speeds exceeding human capacity, and are now utilized across a broad spectrum of applications.

These applications not only provoke critical questions regarding ethics, accountability, transparency, and fairness but also routinely bypass and negatively impact fundamental human rights. Ubiquitous data harvesting allows corporate and state actors to profile, track, and manipulate individuals, thereby enabling digital authoritarianism and undermining the right to privacy. Additionally, algorithmic bias and discrimination present severe threats to the principles of non-discrimination and equality, as AI systems trained on prejudiced data can amplify existing social stratifications. This disproportionately impacts marginalized communities, ethnic minorities, and women in sectors such as healthcare access, credit scoring, hiring, and policing.

Moreover, the lack of accountability and transparency in AI deployment—especially regarding proprietary "black-box" systems—prevents individuals from challenging or understanding automated decisions that impact their lives, effectively eroding access to legal redress and due process. This subverts the core objectives of human rights; AI has also been weaponized to suppress freedom of expression, notably through censorship tools and content moderation algorithms that restrict information access and silence dissenting voices. Furthermore, the automation of labor via AI systems is displacing workers on a massive scale, threatening social protections and economic rights, particularly for precarious and low-income workers. The implication is clear: without human rights-based design and effective regulatory frameworks, AI has the potential to bypass fundamental protections, erode democratic governance, and entrench inequality.

Conclusion

The swift progression of artificial intelligence is outdistancing the ability of contemporary legal regimes to protect fundamental human rights, generating a perilous divide between regulatory oversight and technological innovation. Existing legal frameworks lack the enforcement mechanisms, agility, and specificity required to manage the complex challenges AI presents, particularly regarding freedom of expression, accountability, equality, and privacy. As AI systems become increasingly entrenched in private and public decision-making, the continued violation and bypassing of human rights principles—in the absence of sufficient regulation—poses escalating risks. These harms fall disproportionately on marginalized and vulnerable populations, threatening the integrity of democratic institutions and exacerbating social inequality.

There is a critical need to reform legal frameworks that are either outdated or were developed without foresight of AI applications, in order to establish forward-looking, effective governance models that embed human rights protections throughout the AI lifecycle. This necessitates coordinated action: legislators must draft enforceable, clear regulations; technologists must prioritize rights-based, ethical design; and civil society must demand inclusive policymaking, accountability, and transparency. The cost of inertia is severe: the longer the disparity between human rights enforcement and AI capabilities persists, the harder it will be to reclaim control over systems that shape our societies and reverse the resultant harms. Only through principled, inclusive, and proactive engagement can we ensure AI serves the public good rather than subverting the freedoms and rights it ought to protect.

Recommendations

To realign artificial intelligence with the principles of human rights protection, this paper advocates for the urgent creation of new legal frameworks to bridge the chasms left by ill-equipped or obsolete regimes. These frameworks must embed enforceable human rights standards at every phase of AI deployment and development, prioritizing fairness, accountability, and transparency. Legislation must mandate that AI systems meaningfully uphold rights to freedom of expression, due process, non-discrimination, and privacy.

Algorithmic transparency is a fundamental prerequisite for guaranteed human rights protections. Consequently, AI deployers and developers must be legally obliged to disclose potential biases, training data sources, and decision-making logic. Concurrently, regular ethical audits and both post- and pre-deployment human rights impact assessments should be standardized and incorporated into AI governance structures. To ensure informed oversight and prevent harm, these assessments must be publicly reported and conducted independently.

The paper also underscores the necessity for international cooperation in managing AI's human rights impacts. A global treaty or framework, supported by the UN or a similar multilateral entity, should be established in partnership with relevant organizations like the IEEE to address cross-border impacts, harmonize standards, and prevent regulatory arbitrage. Such collaboration should also facilitate capacity-building to help under-resourced states implement protective measures. Finally, the paper highlights the imperative of human oversight and recommends AI literacy training for judicial officials, regulators, and policymakers as crucial for effective governance. Likewise, AI systems must be engineered from their inception with a rights-based approach that centers on democratic accountability, user agency, and human dignity. The adoption and execution of these recommendations are vital for addressing current and future impacts of AI on human rights.

Authors' contributions

All authors read and approved the final manuscript.

Data availability

No datasets were generated or analyzed during the current study.

Declarations

Ethics approval and consent to participate

Not applicable. This study did not involve human or animal subjects.

Funding

The authors declare that no funding was received for this work.

Competing interests

The authors declare that they have no competing interests.

References

1. Acevedo, M. (2023). *Artificial intelligence and authoritarian government*. Democratic Erosion Consortium.

2. Akpobome, O. (2024). The impact of emerging technologies on legal frameworks: A model for adaptive regulation. *International Journal of Research Publication and Reviews, 5*(7), 3.

3. Alvarez, M. A. P., Havens, J. C., & Winfield, A. F. T. (2017). *Ethically aligned design: A vision for prioritizing human wellbeing with artificial intelligence and autonomous systems*. IEEE. https://www.researchgate.net/publication/378975517_ETHICALLY_ALIGNED_DESIGN_A_Vision_for_Prioritizing_Human_Wellbeing_with_Artificial_Intelligence_and_Autonomous_Systems

4. Angwin, J., Larson, J., Mattu, S., & Kirchner, L. (2016). *Machine bias: There's software used across the country to predict future criminals. And it's biased against blacks*. ProPublica.

5. Ashraf, C. (2022). Exploring the impacts of artificial intelligence on freedom of religion or belief online. *The International Journal of Human Rights, 26*(5), 1–25.

6. Bajwa, J., Munir, U., Nori, A., & Williams, B. (2021). Artificial intelligence in healthcare: Transforming the practice of medicine. *Future Healthcare Journal*. https://doi.org/10.7861/fhj.2021-0095

7. Cevallos, A. (2025, March). How autocrats weaponise AI – and how to fight back. *Journal of Democracy*. https://www.journalofdemocracy.org/online-exclusive/how-autocrats-weaponize-ai-and-how-to-fight-back/

8. Chen, Q. (2024). *China's emerging approach to regulating general-purpose artificial intelligence: Balancing innovation and control*. Asia Society Policy Institute. https://asiasociety.org/policy-institute/chinas-emerging-approach-regulating-general-purpose-artificial-intelligence-balancing-innovation-and

9. Collins, C., Dennehy, D., Conboy, K., & Mikalef, P. (2021). Artificial intelligence in information systems research: A systematic literature review and research agenda. *International Journal of Information Management, 60*, 102383.

10. Duggal, N. (2025). *Advantages and disadvantages of artificial intelligence*. Simplilearn. https://www.simplilearn.com/advantages-and-disadvantages-of-artificial-intelligence-article

11. Elahi, M., Afolaranmi, S. O., Lastra, J. L. M., & Gracia, J. A. P. (2023). A comprehensive literature review of the applications of AI techniques through the lifecycle of industrial equipment. *Springer Nature Open Access, 3*(43).

12. European Parliament. (2023). *EU AI act: First regulation on artificial intelligence*. https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence

13. Falletti, E. (2023). Algorithmic discrimination and privacy protection. *Journal of Digital Technologies and Law, 1*(2).

14. Forrest, K. B. (2024). The ethics and challenges of legal personhood for AI. *The Yale Law Journal, 133*.

15. Garcia, A. C. B., Garcia, M. G. P., & Rigobon, R. (2024). Algorithmic discrimination in the credit domain: What do we know about it? *AI & Society, 39*.

16. Gardenas, S. (2010). Human rights and the state. *International Studies*. https://doi.org/10.1093/acrefore/9780190846626.013.52

17. Huomachi, W. O., & Okoye, J. C. (2024). Legal and institutional frameworks for human rights protection in Nigeria: Challenges and pathways to effective enforcement. *Fountain University Law Journal, 2*.

18. International Work Group for Indigenous Affairs. (2022). *The indigenous world 2022: African Commission on Human and Peoples' Rights*. https://iwgia.org/en/african-commission-on-human-and-peoples%E2%80%99-rights-achpr/4692-iw-2022-achpr.html

19. Kavitha, V., & Akila, C. (2022). A deep learning approach toward prediction of mental health of Indians. In S. J. Kavita Pandey & K. P. Seng (Eds.), *Artificial intelligence, machine learning, and mental health in pandemics: A computational approach*. Academic Press.

20. Khashman, A. (2009). Application of an emotional neural network to facial recognition. *Neural Computing and Applications, 18*(4).

21. Kridzic, Z. (n.d.). *AI winter: The reality behind artificial intelligence history*. AIBC World. https://aibc.world/learn-crypto-hub/ai-winter-history/

22. Kulal, A., Ur Rahiman, H., et al. (2024). Enhancing public service delivery efficiency: Exploring the impact of AI. *Journal of Open Innovation: Technology, Market, and Complexity*. https://www.sciencedirect.com/science/article/pii/S2199853124001239

23. McNeilly, M. (2023). *The human rights risks of artificial intelligence (AI)*. New Tactics in Human Rights. https://www.newtactics.org/perspectives/human-rights-risks-artificial-intelligence-ai/

24. Mensah, G. B. (2023). *Artificial intelligence and ethics: A comprehensive review of bias mitigation, transparency, and accountability in AI systems* (p. 12). EGRC Africa Regulation Research Consortium.

25. Mozur, P. (2019, April 14). One month, 500,000 face scans: How China is using A.I. to profile a minority. *The New York Times*. https://www.nytimes.com/2019/04/14/technology/china-surveillance-artificial-intelligence-racial-profiling.html

26. Murray, C., & Gluck, J. (2023). *Protecting human rights in constitutions* (p. 4). United Nations Development Programme.

27. Nesterova, I. (2020). Mass data gathering and surveillance: The fight against facial recognition technology in the globalized world. *EDP Sciences, 74*, 2.

28. Nnamani, S. O. (2011). Institutional mechanisms for human rights protection in Nigeria: An appraisal. *Nnamdi Azikiwe Journal of International Law and Jurisprudence, 2*.

29. Obe, S. C. (2009). *The human rights framework as a tool for regulators and inspectorates* (p. 48). Ministry of Justice.

30. Olabiyi, W., Akinyele, D., & Joel, E. (2025). *The evolution of AI: From rule-based systems to data-driven intelligence*. https://www.researchgate.net/publication/388035967_The_Evolution_of_AI_From_Rule-Based_Systems_to_Data-Driven_Intelligence

31. Olorunniwo, O. E., Alomge, M., & Isreal, O. (2025). *Accountability in AI decision-making*. https://www.researchgate.net/publication/390668560_Accountability_in_AI_Decision-Making

32. Prabhat, R. V. (2024). *The EU artificial intelligence act: Pioneering global AI regulation*. BW Legal World. https://www.bwlegalworld.com/article/the-eu-artificial-intelligence-act-pioneering-global-ai-regulation-509232

33. Purves, D., & Davies, J. (2023). Should algorithms that predict recidivism have access to race? *American Philosophical Quarterly, 60*(2), 24.

34. PwC. (2019). *Sizing the prize: Exploiting the AI revolution. What's the real value of AI for your business and how can you capitalise?* PwC's Global Artificial Intelligence Study.

35. Rinaldi, A., & Teo, S. A. (2025). The use of artificial intelligence technologies in border and migration control and the subtle erosion of human rights. *International & Comparative Law Quarterly*, Issue 1.

36. Roberts, T., & Oosterom, M. (2024). Digital authoritarianism: A systematic literature review. *Information Technology for Development*. https://www.tandfonline.com/doi/full/10.1080/02681102.2024.2425352?af=R

37. Rodrigues, R. (2020). Legal and human rights issues of AI: Gaps, challenges and vulnerabilities. *Journal of Responsible Technology, 4*.

38. Russel, S., & Norvig, P. (2022). *Artificial intelligence: A modern approach* (4th ed.). Prentice Hall.

39. Samudrala, S. B., Bansal, A., Puchakayal, P. R. A., Patil, S. A., & Suddala, S. (2024). Ethical challenges and accountability in generative AI: Managing copyright violations and misinformation in responsible AI systems. *Utilitas Mathematica, 121*, 366–370.

40. Scrut.io. (2024). *The European Union artificial intelligence (AI) act: Meaning, regulatory impact, risks, developments*. https://www.scrut.io/post/eu-artificial-intelligence-ai-act

41. Seibert-Fobr, A. (2001). Domestic implementation of the International Covenant on Civil and Political Rights pursuant to its article 2 para. 2. *Max Planck Yearbook of United Nations Law, 5*, 404.

42. Software Improvement Group. (2025, January). *AI legislation in the US: A 2025 overview*. https://www.softwareimprovementgroup.com/us-ai-legislation-overview/

43. United Nations. (2011). *Crucial role of national human rights institutions in preventing violations and protecting rights*. https://www.ohchr.org/en/press-releases/2011/05/crucial-role-national-human-rights-institutions-preventing-violations-and?LangID=E&NewsID=11025

44. Unver, H. A. (2024). *Artificial intelligence and human rights: Using AI as a weapon of repression and its impacts on human rights* (p. 76). European Union.

45. Valois, R. (2015). *Trade secrets: An obstacle to algorithmic transparency?* https://ip.rec.br/en/blog/trade-secrets-an-obstacle-to-algorithmic-transparency/

46. Wheeler, T. (2023). *The three challenges of AI regulation*. Brookings Institution. https://www.brookings.edu/articles/the-three-challenges-of-ai-regulation/

47. Wu, W., Huang, T., & Gong, K. (2020). Ethical principles and governance technology development of AI in China. *Engineering, 6*.

48. Zhang, Y. (2023). A historical interaction between artificial intelligence and philosophy. *Teorie Vedy/Theory of Science, 1*(1), 2–6.

Publisher's Note