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Original Article

# The Role of International Human Rights Law in AI Governance: Challenges and Opportunities

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***Abstract***

*Artificial Intelligence (AI) has significant potential for transforming societies by enhancing efficiency, fostering innovation, and driving economic growth. However, its implementation raises substantial ethical and legal concerns including algorithmic bias, pervasive surveillance, and threats to privacy and personal autonomy. International Human Rights Law, as articulated in documents such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), provides a robust framework for guiding the ethical development and regulation of AI technologies. Fundamental human rights principles, including equality and non-discrimination, privacy, fair trials, and freedom of expression are essential to AI governance. Various global initiatives, such as the UN Guiding Principles on Business and Human Rights, the OECD AI Principles, and the EU AI Act, have begun to integrate human rights into AI governance strategies. Nonetheless, the application of international human rights law to AI governance faces several challenges including jurisdictional fragmentation, limited corporate accountability, technological complexity, and conflicting state interests. Strengthening AI governance through international human rights laws necessitates the establishment of binding international standards, enhancement of transparency and accountability, promotion of multi-stakeholder collaboration, and utilization of regional human rights courts. By embedding human rights principles into AI development and regulation, the global community can ensure that AI serves humanity while safeguarding fundamental rights and freedom.*

***Keywords:*** *Artificial Intelligence, Human Rights, International Law, AI Governance, Ethics, Accountability*

## Introduction

Artificial intelligence is transforming societies by offering significant benefits in terms of efficiency, innovation, and economic development. However, its implementation also presents ethical and legal challenges, including bias in algorithmic decision-making, extensive surveillance, and threats to privacy and individual autonomy. International human rights law, as articulated in treaties such as the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social, and Cultural Rights (ICESCR), establishes a global standard for protecting individuals from harm.

### International Human Rights Law as a Framework for AI Governance

As Artificial Intelligence (AI) has become increasingly integrated into critical sectors, such as healthcare, finance, law enforcement, and digital communication, it offers both extraordinary opportunities and significant ethical challenges. Although AI has the potential to enhance efficiency and drive innovation, it also poses substantial threats to human rights. In the absence of universally binding legislation specifically addressing AI, international human rights law provides a robust and well-established framework for guiding the ethical development, implementation, and regulation of AI technologies.

**1. Fundamental Human Rights Principles Pertinent to AI:** AI systems that are either unregulated or poorly designed can potentially violate several basic human rights, as outlined in international legal frameworks like the Universal Declaration of Human Rights (UDHR) and



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the International Covenant on Civil and Political Rights (ICCPR).

**a. Right to Equality and Non-Discrimination:** (Article 7 UDHR; Article 26, ICCPR): AI systems developed using historical or biased data can perpetuate and exacerbate social disparities. In domains such as employment, credit evaluation, healthcare access, and law enforcement, algorithmic decision-making has been found to discriminate against marginalized communities, often unintentionally, but with significant repercussions. Human rights law mandates equal treatment and protection under the law, a standard that AI governance frameworks must uphold through transparency, accountability, and bias assessments.

**b. Right to Privacy:** (Article 12, UDHR; Article 17, ICCPR): The advent of AI technologies, such as facial recognition, behavioral analytics, and pervasive surveillance, presents a significant global challenge to personal privacy. Unregulated collection of data, particularly by governmental bodies and technology corporations, can lead to intrusive monitoring and profiling. Safeguarding the right to privacy requires the establishment of robust data protection measures, informed consent protocols, and limitations in data retention and utilization.

**c. Right to a Fair Trial:** (Article 10, UDHR; Article 14, ICCPR): In the realm of criminal justice, the deployment of AI in risk assessments, predictive policing, and sentencing recommendations may undermine due process if these tools lack transparency or introduce bias. Human rights law emphasizes the imperative of a fair and impartial hearing, which is compromised by opaque or flawed algorithmic systems that may influence judicial decisions without adequate oversight or explainability.

**d. Freedom of Expression:** (Article 19, UDHR; Article 19, ICCPR): AI-driven content moderation systems designed to combat misinformation or hate speech may inadvertently suppress legitimate discourse. Automated removal of content without substantial human review poses a risk to freedom of speech and access to information. To prevent excessive censorship, a human rights-based approach necessitates well-defined criteria, procedural protections, and avenues for redress.

**Existing Legal Instruments and Initiatives:** To address these issues, various international and regional frameworks have begun to integrate human rights into AI governance strategies.

**a. UN Guiding Principles on Business and Human Rights (2011):** These guidelines encourage companies, including those in the technology sector, to respect, protect, and address the human rights impacts arising from their activities. Although not legally enforceable, they provide a foundational framework for ethical AI development, emphasizing the importance of due diligence, impact assessments, and accountability.

**b. OECD AI Principles (2019):** Supported by over 40 nations, these principles advocate human-centric and reliable AI. These include commitments to inclusive growth, transparency, robustness, and accountability, all of which closely align with human rights standards. While voluntary, they serve as global benchmarks for AI policy making.

**c. EU AI Act (2024):** The European Union's AI Act is the first comprehensive legal framework worldwide that categorizes AI systems based on risk levels, from minimal to unacceptable, and imposes strict controls on high-risk applications, such as biometric surveillance and credit scoring. The Act strongly emphasizes human rights by prohibiting AI uses that endanger dignity, safety, and fundamental freedom. However, its impact is currently confined to the EU and its regulatory partners.

Despite increasing awareness and regulatory initiatives, AI governance remains fragmented, particularly in regions with insufficient legal infrastructure and enforcement capacity. Many existing guidelines are non-binding and rely on voluntary adherence rather than legal enforcement. This allows for inconsistent enforcement and unchecked harm, particularly in countries with weaker human rights protection. International human rights law offers the most legitimate and globally recognized framework for ensuring ethical AI governance. By grounding AI regulations in the principles of equality, privacy, due process, and freedom of expression, policymakers can mitigate technological misuse while upholding human dignity. Future efforts should focus on harmonizing global standards and strengthening legal capacities to ensure that AI fosters innovation without compromising fundamental rights.

**Challenges in Applying International Human Rights Law to AI Governance**

As Artificial Intelligence (AI) continues to transform governance, economics, and social dynamics, it presents significant ethical and legal challenges. Although International Human Rights Law (IHRL) offers a vital normative framework for guiding AI development, its implementation is difficult. The global community faces considerable obstacles in aligning AI governance with the universally accepted principles of human rights, including jurisdictional inconsistencies and enforcement gaps.

1. **Jurisdictional Fragmentation:** A primary challenge in applying the IHRL to AI governance is jurisdictional fragmentation. AI technologies and services are inherently transnational, often developed in one nation, deployed in another, and affect users globally. For instance, the European Union enacted the EU AI Act (2024), which is a comprehensive regulatory framework grounded in fundamental rights. However, many regions, particularly the Global South, lack comparable legal instruments. This regulatory disparity results in enforcement gaps, allowing AI developers or corporations to operate in jurisdictions with weaker protection or minimal oversight. Consequently, accountability becomes diffuse and cross-border legal cooperation remains limited, impeding the effective application of human rights standards throughout the AI lifecycle. In the absence of a unified global framework, AI governance remains fragmented, thus undermining the universality and enforceability of IHRL in the digital era.
2. **Corporate Accountability:** Another significant challenge is the limited enforcement of IHRL against private technology companies, which are often primary developers and deployers of AI systems. While the UN Guiding Principles on Business and Human Rights (2011) outline corporate responsibilities, they are voluntary and non-binding and rely on self-regulation and corporate goodwill. Many companies prioritize technological innovation, market expansion, and profitability over adherence to ethical or human rights norms. As private entities, corporations are not directly bound by international treaties, and existing mechanisms lack the power to hold them accountable for rights violations, such as discriminatory algorithms or

surveillance-based business models. Thus, without mandatory legal obligations and robust oversight mechanisms, corporate actors remain inadequately regulated in the human-rights context of AI governance.

3. **Technological Complexity:** The rapid advancement and opacity of AI technologies present another formidable challenge for IHRL. Regulators and legal practitioners often struggle to keep pace with the development of machine-learning models, deep learning, and autonomous decision-making systems. Many AI systems function as "black boxes where developers cannot fully explain how certain outcomes are produced. This lack of transparency undermines the right to explanation, due process, and accountability, the core principles of human rights law. Automated decision-making complicates legal responsibility. When an AI system makes a harmful choice, it is unclear whether the liability lies with the developer, user, or the AI itself. This technological opacity and speed creates a regulatory lag, making it challenging to align AI development with existing human rights obligations in real time.
4. **Conflicting Interests:** Governments themselves can present significant barriers to the implementation of the International Human Rights Law (IHRL) in the governance of artificial intelligence (AI), particularly when national priorities conflict with individual rights. Certain nations actively utilize AI for extensive surveillance, predictive policing, and social control, as exemplified by China's social credit system, which assesses citizen behavior through data analytics and facial recognition. These applications directly infringe upon the right to privacy, freedom of movement, and freedom of expression, as delineated in the UDHR (Articles 12 and 19) and ICCPR (Articles 17 and 19). Even within democratic nations, imperatives to national security and law enforcement have led to the deployment of intrusive AI technologies without sufficient oversight, transparency, or public discourse. In such cases, state-driven AI initiatives are at odds with the international human rights standards that they are intended to uphold, rendering effective enforcement politically sensitive and diplomatically challenging.

   The International Human Rights Law provides a framework for ethical AI governance but faces systemic implementation challenges. Jurisdictional fragmentation, inadequate corporate accountability, technological opacity, and conflicting state interests hinder human-centered AI approaches. Addressing these issues requires international collaboration, binding legal standards, regulatory capacity, and global commitment to human dignity in AI governance. Only through coordination can we ensure that advances in AI respect fundamental rights.

**Opportunities for Strengthening AI Governance through International Human Rights Law**

As Artificial Intelligence (AI) continues to exert influence on societies and institutions, the global community is confronted with the urgent responsibility of ensuring that its development aligns with fundamental human values. While AI presents significant ethical and legal challenges, it also offers an opportunity to enhance governance frameworks, particularly through the lens of International Human Rights Law (IHRL). The IHRL, with its established principles of dignity, equality, and justice, provides a robust foundation for guiding responsible and ethical AI governance.

1. **Establishing Binding International Standards:** A critical step in strengthening AI governance is the creation of binding international legal instruments that focus on AI and human rights. A global treaty on AI and human rights would standardize ethical and legal norms across nations, offering a cohesive response to the transnational risks posed by AI technologies. Similar to how the General Data Protection Regulation (GDPR) has set a global standard for data privacy, such a treaty could establish universal principles on non-discrimination, accountability, privacy, and transparency in AI systems. This treaty could obligate signatory countries to incorporate human rights protection into AI legislation, promote algorithmic fairness, and prevent the misuse of AI for surveillance or repression. A binding global agreement would minimize jurisdictional fragmentation and create a level-playing field, which is especially crucial in an era of increasingly borderless technologies.
2. **Enhancing Transparency and Accountability:** A major concern with AI systems is their lack of transparency, often referred to as the 'black box' issue. The IHRL can be utilized to demand greater transparency, oversight, and accountability throughout the AI development process. Requiring algorithmic impact assessments (AIAs) can ensure that AI systems are evaluated for potential harm before they are deployed, particularly in critical areas such as criminal justice, employment, or healthcare. Human rights due diligence (HRDD) should be mandated for both public and private AI developers. This involves assessing risks, consulting affected groups, and documenting measures to mitigate rights violations. Developers and deployers of AI systems must adhere to clear accountability mechanisms, including auditing requirements, explainability standards, and legal remedies for affected individuals. These measures would align AI innovation with the principles of justice, non-discrimination, and the right to remedy, all of which are central to international human rights law.
3. **Enhancing Collaboration Among Multiple Stakeholders:** The governance of artificial intelligence (AI) cannot prosper in isolation. Collaboration among governments, private sector entities, civil society, and international organizations is imperative to effectively implement human rights principles. Institutions, such as the United Nations Office of the High Commissioner for Human Rights (OHCHR), have already initiated efforts to provide guidance on the human rights implications of digital technologies, including AI. Multi-stakeholder platforms can ensure the inclusion of marginalized groups, often excluded from technological development, in discussions concerning ethics, fairness, and accessibility. Partnerships between the public and private sectors can facilitate the joint creation of AI standards and ethical tools, thereby aiding the translation of legal principles into practical applications. Such collaboration ensures that AI governance is inclusive, adaptable, and globally relevant, aligned with the participatory ethos of International Human Rights Law (IHRL).
4. **Utilizing Regional Human Rights Courts:** Regional judicial systems offer a unique opportunity to enforce and interpret human rights in the context of AI, setting precedents and ensuring accountability. For instance, the European Court of Human Rights (ECtHR) can adjudicate cases in which AI-driven decisions infringe upon rights such as privacy, due process, or freedom of expression under the European Convention on Human Rights. Strategic litigation involving facial recognition,

algorithmic profiling, and automated content moderation can compel courts to establish legal thresholds and protection for AI usage. Decisions from these courts not only provide remedies for individual victims but also guide lawmakers and technology developers to align AI technologies with human rights obligations. Over time, these legal precedents can establish a foundation for a human right–based approach to global AI governance.

While AI presents complex governance challenges, it offers the opportunity to reinforce international human rights law as a framework. The international community can ensure that AI benefits humanity by establishing global standards, enhancing transparency, fostering collaboration, and leveraging regional courts. Integrating IHRL into AI governance safeguards freedom and builds public trust. As AI development accelerates, embedding human rights is both a legal obligation and moral imperative for global justice.

**Conclusion**

International human rights law provides a crucial framework for ensuring that AI development aligns with ethical and legal standards. However, challenges, such as jurisdictional conflicts, corporate resistance, and technological opacity, necessitate innovative governance solutions. By strengthening international cooperation, enhancing corporate accountability, and adapting legal mechanisms to digital realities, the global community can harness the potential of AI while protecting fundamental rights.

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**References**

1. Agrawal H. O., 'Human Rights', Central Law Publications, Allahabad, 2004
2. European Union AI Act (2024) available at https://artificialintelligenceact.eu/wp-content/uploads/2024/04/TA-9-2024-0138_EN.pdf2 accessed on 24/07/2025
3. Heaven Douglas (Ed.), 'Machine That Think', New Scientist, London, 2022OECD AI Principles (2019) available athttps://www.oecd.org/en/topics/sub-issues/ai-principles.html accessed on 24/07/2025
4. Rathi Mahesh, 'Information and Information Technology Transforming the World', People's Publishing House Private Limited, New Delhi, 2025
5. UN Guiding Principles on Business and Human Rights (2011) available at https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf accessed on 25/07/2025
6. Binns, R. (2018). Fairness in Machine Learning: Lessons from Political Philosophy. Communications of the ACM, 61(6), 8–9. https://doi.org/10.1145/3190570
7. Latonero, M. (2018). Governing Artificial Intelligence: Upholding Human Rights & Dignity. Data & Society Research Institute. https://datasociety.net/library/governing-artificial-intelligence/
8. Smuha, N. A. (2021). EU Artificial Intelligence Act: A Primer on Fundamental Rights Risks. European Law Blog. https://europeanlawblog.eu/2021/06/10/eu-artificial-intelligence-act-a-primer-on-fundamental-rights-risks/
9. United Nations. (1948). Universal Declaration of Human Rights. https://www.un.org/en/about-us/universal-declaration-of-human-rights
10. United Nations. (1966). International Covenant on Civil and Political Rights. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights
11. European Commission. (2024). AI Act: Regulation of Artificial Intelligence in the EU. https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai
12. World Economic Forum. (2021). Global AI Action Alliance: Responsible AI in Practice. https://www.weforum.org/projects/global-ai-action-alliance
13. Floridi, L., & Cowls, J. (2019). A Unified Framework of Five Principles for AI in Society. Harvard Data Science Review, 1(1). https://doi.org/10.1162/99608f92.8cd550d1
14. Council of Europe. (2020). Recommendation CM/Rec(2020)1 on the Human Rights Impacts of Algorithmic Systems. https://www.coe.int/en/web/artificial-intelligence
15. AlgorithmWatch. (2020). Automating Society Report 2020. https://automatingsociety.algorithmwatch.org/