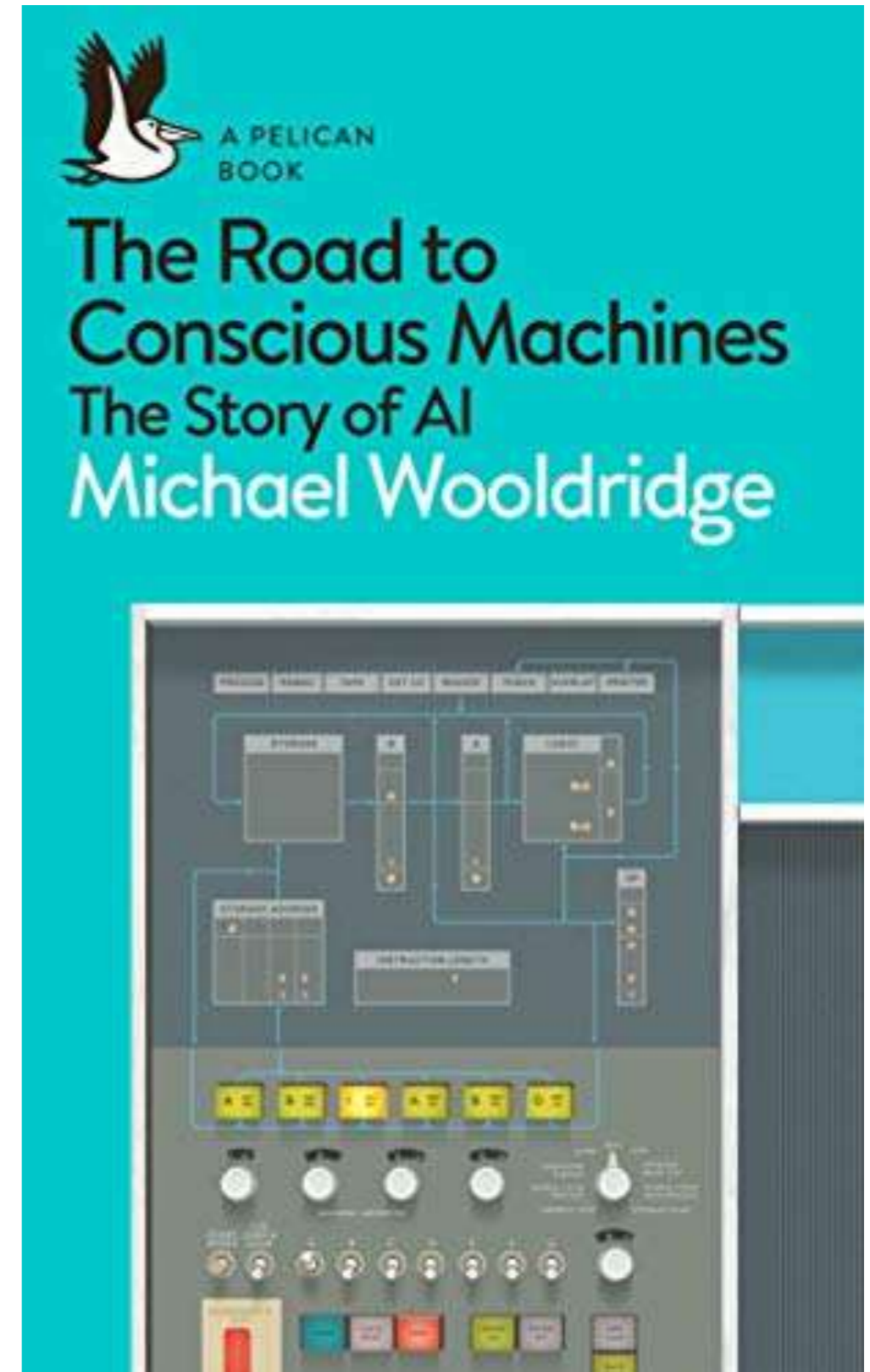


# FUNDAMENTAL RIGHTS FOR ARTIFICIAL INTELLIGENCE?

Eva Brems

# INTRODUCTION

- Double disclaimer
- Research question: *Is the recognition of fundamental rights something that is likely to happen? If so, under what circumstances? And what rights would those be?*
- Method: Literature study



# M.B. DEMBOUR: 'WHAT ARE HUMAN RIGHTS? FOUR SCHOOLS OF THOUGHT' HRQ 32(1) 2010

- Natural school: HR are *given*;
- Deliberative school: HR are *agreed upon*;
- Protest school: HR are *fought for*;
- Discourse school: HR are *talked about*

# THE NATURAL SCHOOL

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‘The *natural school* embraces the most common and well-known definition of human rights: a definition that identifies human rights as those rights one possesses simply by being a human being.’

Key issue: similarity of AI to humans

# TWO SCENARIOS

## 1) Consciousness

Cf. the dream of 'strong AI'

## 2) Indistinguishable

Cf. general AI and the Turing Test:

*'if after interacting with some entity for some time, you can't be confident whether it is a machine or person, you should accept it has human-like intelligence.'*

# THE PROTEST SCHOOL

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‘The *protest school* is concerned first and foremost with redressing injustice. For protest scholars, human rights articulate rightful claims made by or on behalf of the poor, the unprivileged, and the oppressed’.

Key question: when/why would humans claim fundamental rights for AI?



# SCENARIO 1: THE RELATIONAL TURN

- David Gunkel: "the social position and status of technological artifacts" should be based, not on *what something is*, but on how *humans interact with it*".
- Daniel Estrada: when certain robots have a social status in the community, harm against the robot becomes harm against the community.

# TWO EXAMPLES (ESTRADA):

## FUNERALS FOR FALLEN ROBOTS



## #botALLY

https://twitter.com/museumbot

Twitter icon

# Verkennen

Instellingen

Museum Bot  
3.758 Tweets

Volgen

**Museum Bot**  
@MuseumBot

I am a bot that tweets a random high-res Open Access image from the Metropolitan Museum of Art, four times a day. // by @tinysubversions

(not affiliated with the Met) [metmuseum.org/about-the-met/...](https://metmuseum.org/about-the-met/)

Lid geworden in mei 2014

1 Volgend 8.327 Volgers

Tweets Tweets en antwoorden Media Vind-ik-leuks



# WHICH HUMAN RIGHTS IN THIS MODEL?

Inclusion & participation – protection from violence & workers' rights



# THE DELIBERATIVE SCHOOL

The *deliberative school* 'conceives of human rights as political values that liberal societies *choose* to adopt.'

Key question : when are humans likely to decide to extend rights to AI?

# PIECEMEAL AND PRAGMATIC

- non-humans already have fundamental rights
- First legal personality and ordinary legal rights
- Big moves meet resistance
  - EP resolution 2017



# RESOLUTION OF THE EUROPEAN PARLIAMENT ON CIVIL LAW RULES ON ROBOTICS (2017)

*‘Creating a specific legal status for robots in the long run, so that at least the most sophisticated autonomous robots could be established as having the status of electronic persons responsible for making good any damage they may cause, and possibly applying electronic personality to cases where robots make autonomous decisions or otherwise interact with third parties independently’. (par. 59 f)*

# TO CONCLUDE

- Reflections on whether AI can or should have rights, are strongly tied to conceptions of human rights as such.
- Pointers for realistic scenarios:
  - humans may claim rights for AI in relation to their social interaction with AI and to prevent the erosion of human rights standards;
  - humans may decide to grant fundamental rights to AI when it seems like a small and pragmatic step to do so.