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On artificial intelligence systems in the context of human rights in the case law of the European Court of Human Rights

Abstract

Artificial intelligence is increasingly entering our lives. Rapid technological progress provides many new solutions, without which we often cannot imagine our everyday lives. Despite a rather heavily electronic and digitized reality, the potential of artificial intelligence has not yet been fully exploited. Moreover, due to the wide range of applications of AI systems in various areas of life, the possibilities that technological development creates for us go beyond human imagination. Artificial intelligence can be a source of invaluable help for humans, support, facilitation, convenience, but on the other hand it can pose many threats to basic values such as human rights, human dignity, democracy or the rule of law.

The aim of the article is to attempt to answer the question of how Strasbourg case law responds to issues concerning threats posed by the development of new technologies to fundamental rights and freedoms of individuals, including the right to privacy, personal freedom, personal security, protection of personal data, including biometric data. The starting point for analyses of the case law of the European Court of Human Rights was a discussion of international and national regulations in the field of artificial intelligence and their brief characteristics. Then, selected cases of the ECHR were presented and discussed in the context of individual freedoms and rights that are most vulnerable to violations in connection with the activity of AI systems. So far, the Court has not issued a judgment dedicated to artificial intelligence itself and its ngative effects on human rights and freedoms. The research problems related to the conducted analysis are related to indicating judgments of the ECHR related to the activity of new technologies, assessing their significance for the functioning of artificial intelligence and discussing the essence in the future.

Keywords: artificial intelligence systems − human rights − international law − case law of the European Court of Human Rights