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Agora: Selected Aspects of Intersections Among Artificial Intelligence, Law, and the Right to Life

1. Introduction

Artificial intelligence (AI) systems pose both immediate and long-term risks to human rights, necessitating AI governance that aligns with international norms and principles, including respect for human rights.

Human rights are a well-established concept in legal discourse, and the right to life has, since the earliest codifications of human rights law, been recognised as the supreme right from which no derogation is permitted—even in situations of armed conflict or other public emergencies that threaten the life of a nation.[1] The United Nations Human Rights Committee emphasises the right to life's crucial significance for both individuals and society asserting that

> "it is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights."[2]

Therefore, any new development influencing societal behaviour, including the development and use of new technologies such as those powered by AI systems, necessitates legal analysis. Such an analysis must necessarily include an assessment of potential human rights impacts, including on the right to life. This contribution aims to introduce the debate surrounding the various intersections among AI, law, and the right to life, as explored in the following contributions.

Contrary to the well-defined and extensively explained content of human rights in general—and the right to life in particular—through domestic and international laws,

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[1] Human Rights Committee, General Comment No. 36 on Article 6: right to life, § 2.

[2] *Ibid.*

practices, and jurisprudence, the absence of legal definitions of AI suggests that analysis should turn to the practices that have emerged in this regard within various international organisations.

2. Developments within International Organisations

In the absence of a universally codified definition of AI, one possible framing is the definition developed by the Organisation for Economic Co-operation and Development (OECD) in 2018 and revised in 2023. This definition now considers an AI system as:

> "a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments,"

adding that

> "different AI systems vary in their levels of autonomy and adaptiveness after deployment."[3]

This definition also informed the Council of Europe's Convention on Artificial Intelligence, Human Rights, Democracy, and the Rule of Law,[4] the first internationally legally binding treaty regulating AI, as well as the European Union (EU) Regulation (EU) 2024/1689 of the European Parliament and the Council of 13 June 2024, on establishing harmonized rules on artificial intelligence and amending Regulations (EC) No. 300/2008, (EU) No. 167/2013, (EU) No. 168/2013, (EU) 2018/858, (EU) 2018/1139, and (EU) 2019/2144, as well as Directives 2014/90/EU, (EU) 2016/797, and (EU) 2020/1828 (the Artificial Intelligence Act), which defines an AI system as:

> "software developed using one or more techniques and approaches from Annex I and capable, for a defined set of objectives specified by a human, of generating outputs such as content, predictions, recommendations, or decisions that influence the environment with which they interact."[5]

Both states and international organisations have addressed the impacts of AI on human rights. The OECD Council adopted recommendations as early as 2019, emphasising the need for trustworthy and responsible AI development and use.[6] The United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the Recommendation on the Ethics of Artificial Intelligence in 2021, highlighting relevant values, principles, and implementation methods for AI governance.[7] In October 2023,

[3] Grobelnik, Perset & Russel, 2024.

[4] Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (2024), Article 2.

[5] OJ L, 2024/1689, 12.7.2024.

[6] OECD, Recommendation of the Council on Artificial Intelligence (2019).

[7] UNESCO, Recommendation on the Ethics of Artificial Intelligence (2021).

the Secretary-General of the United Nations (UN) adopted a plan for digital cooperation and established the Advisory Body on Artificial Intelligence to conduct analyses and prepare recommendations for international AI governance.[8] In September 2024, this Advisory Body issued its final report, AI Governance for Humanity.[9]

Further, in March 2024, the UN General Assembly (UNGA) adopted a resolution on reliable AI systems,[10] followed by the Pact for the Future[11] in September 2024, which includes multiple provisions addressing the increasing use of AI. Measure No. 30 acknowledges both the opportunities and risks posed by emerging technologies and calls for responsible and ethical research that upholds and promotes human rights. Additionally, this measure mandates the systematic incorporation of human rights considerations into regulatory and normative processes, highlighting the private sector's role in adhering to ethical principles when developing new technologies. As will be discussed later, this *Agora* contributes significantly to the discussions needed to operationalise these goals.

The United Nations Human Rights Council (UNHRC), a subsidiary body of the UNGA, has also been actively engaged with issues related to AI's impact on human rights. In September 2024, UNHRC President Omar Zniber convened an informal discussion on new technologies, AI, and the digital divide.[12] In his opening remarks, he stressed that the challenge of harnessing AI's potential while safeguarding human rights is "one of the most pressing challenges of our time." He emphasised the urgent need for clearer guidelines on the application of human rights protection standards in the digital age. AI development must be based on respecting and ensuring human rights to prevent the erosion of rights and the exacerbation of global inequalities.[13]

3. The Importance of Legally Considering the Right to Life in the Era of AI

A common characteristic of new technologies, including AI systems, is that they enable and facilitate the synchronisation of online and physical space. They are not inert or

8 UNGA, Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation – Report of the Secretary-General, U.N. Doc. A/74/821 (2020).

9 UN AI Advisory body, Governing AI for Humanity – Final Report (2024), <https://www.un.org/sites/un2.un.org/files/governing_ai_for_humanity_final_report_en.pdf> (29. 1. 2025).

10 UNGA, Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development, A/78/L.49 (2024).

11 UNGA, Resolution adopted by the General Assembly on 22 September 2024, The Pact for the Future, A/RES/79/1 (2024).

12 UN Human Rights Council, High-Level Informal Presidential Discussion on New Technologies, Data, Artificial Intelligence, and the Digital Divide from a Human Rights Perspective: Summary Report (2024).

13 On file with the author.

neutral and often embody the values and prejudices of the organisations or individuals who create and use them.[14]

In recent years, there has been an avalanche of literature on AI, including within the legal domain. This literature explores a broad range of topics, reflecting the complexities and societal impact of AI. It spans foundational issues of regulation, governance, ethics, bias, liability, and accountability, to more specialised areas, such as intellectual property, contract law, labour law, autonomous weapons systems etc. A distinct and growing corpus of legal and academic literature focuses on AI and human rights, examining how AI intersects with, impacts, and challenges internationally recognised human rights frameworks, including those recognised in core human rights treaties at global and regional levels. Among various human rights impacted by the development and use of AI, the main themes most often covered in this literature are usually the right to privacy, freedom of expression, equality and non-discrimination, freedom from arbitrary detention, access to justice etc. It is, however, also quintessential to recognise AI's increasing intersections with scenarios where life is directly or indirectly at stake. These technologies can both uphold and endanger the fundamental right to life, as recognised in international human rights frameworks, such as Article 6 of the International Covenant on Civil and Political Rights (ICCPR)[15] and Article 2 of the European Convention on Human Rights (ECHR).[16]

The potential impacts of AI systems on various human rights have been acknowledged in recent European legislative developments, such as the risk-based approach in the EU AI Act,[17] and the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.[18]

The advances in science and the development of new technologies, including AI, are increasingly manifesting in various spheres, including individual life, society, the state, and the international community. Since the outbreak of the COVID-19 pandemic, reliance on AI in meeting daily basic needs and work commitments has grown drastically. Automated decision-making has long influenced daily life, from route planning and online shopping to smartphones usage. In some countries, AI systems are already being used in policy-mak-

14 Sancin & Bobnar, 2024, p. 110.

15 International Covenant on Civil and Political Rights (opened for signature 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

16 European Convention for the Protection of Human Righst and Fundamental Freedoms (opened for signature 4 November 1950, and entered into force 3 September 1953) ETS 5.

17 Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), OJ L, 2024/1689, 12 July 2024 (AI Act).

18 Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series – No. [225], 2024.

ing, judicial processes, and administrative decision-making. It can thus be expected that in the future data collection and (semi)autonomous processing will enable the widespread use of sophisticated AI systems in various areas extremely important for individuals and the society (*e.g.,* health, judiciary, policy planning and police control).

Given the all-encompassing potential of the use of AI technology, the development and use of this technology will inevitably encroach upon (and, in some cases, already encroach upon) fundamental human rights, including the right to life. Despite the fundamental nature of this right, there is currently no in-depth scientific research into the various aspects of the interaction between the development and use of AI technology and this fundamental right.

4. The Insights from Near and Far

The rapid advancement of AI has led to its integration into various sectors, including healthcare, finance, and national security. One of the most contentious debates revolves around the use of AI in the development of autonomous weapon systems (AWS). As Yuval Shany notes in his contribution *To Use AI or Not to Use AI? Autonomous Weapon Systems and Their Complicated Relationship with the Right to Life*, the increasing prevalence of AI technology developed or adapted for military use raises difficult questions about its compatibility with international law in general, and international human rights law (IHRL) in particular. Relying on the UN Human Rights Committee's position, as reflected in General Comment No. 36, he examines the terms of the IHRL debate surrounding the introduction of AI technology into military contexts and its relationship to the right to life. He does so by engaging with three principal objections to introducing military AI into battlefield environments: the capacity of autonomous or semi-autonomous AI systems to properly apply international humanitarian law (IHL); concerns about the *de facto* lowering of humanitarian protection standards, and the ethical and legal implications of transferring certain life-and-death decisions from humans to machines.

Yuval Shany thus engages with both the proponents of AWS and those who call for their prohibition. The former argue that AI-driven warfare has the potential to enhance precision, reduce human casualties, and ensure military efficiency, as machines, unlike human soldiers, are not driven by emotions, biases, or fatigue—factors that can lead to reckless decision-making on the battlefield. They also contend that AI can process vast amounts of data in real time, identify threats with greater accuracy, and minimise collateral damage compared to human-controlled operations. Despite these potential benefits, AWS raises profound concerns about the right to life. Article 6 of the International Covenant on Civil and Political Rights explicitly states that "no one shall be arbitrarily deprived of their life," placing a legal obligation on states to prevent unlawful killings, even during armed conflict.

Given the potential dangers posed by AWS, there have been increasing calls for global regulation. The United Nations and various human rights organisations advocate for strict controls or even a complete ban on fully autonomous lethal weapons. The 2021 UN Secretary-General's Report on AI and Warfare urged states to adopt frameworks ensuring meaningful human control over AI-driven weapons. While some countries, including Russia and the United States, continue to develop AWS, others, such as Austria and Germany, support the prohibition of "killer robots." The challenge lies in balancing military innovation with ethical responsibility, ensuring that AI remains a tool for protection rather than destruction. One thing is certain: as AI continues to evolve, the global community must ensure that technological advancements align with humanitarian values, rather than compromise them.

The next contribution, by Joana Gomes Beirão and Jan Wouters, titled *Towards an International Legal Framework for Lethal Artificial Intelligence Based on Respect for Human Rights: Mission Impossible?*, continues the critical debate on the potential use of AWS both within and beyond armed conflict, including in law enforcement. It presents several international initiatives that have emerged in recent years aiming to establish both non-binding and binding rules for the development and use of AI based on respect for human rights. The authors focus on the OECD Recommendation on AI, the UNESCO Recommendation on the Ethics of AI, the INTERPOL and UNICRI Toolkit for Responsible AI Innovation in Law Enforcement, and the Council of Europe AI Convention.

Turning from the use of AWS to the emergence of AI systems in humanitarian assistance, Maruša T. Veber's contribution *Artificial Intelligence and Humanitarian Assistance: Reassessing the Role of State Consent*, offers an original insight into the complex web of international legal regimes involved. She analyses the notion of State consent in the delivery of humanitarian assistance supported by AI systems from the perspective of the general legal regime of humanitarian assistance and the specific rules derived from IHL and IHRL. She highlights the important distinction between strategic and operational consent to humanitarian assistance, arguing that valid reasons for withholding operational consent to AI-supported humanitarian assistance under IHL must be distinguished from the arbitrary withholding of strategic consent, which is always prohibited when it amounts to a violation of other existing obligations of the State concerned (e.g., under international humanitarian law or human rights law). She explains that the non-consensual delivery of humanitarian assistance could be legally justified either through United Nations Security Council authorisation or by secondary rules of international law, particularly countermeasures.

The next two submissions share a common focus on space activities. Anže Singer, in his contribution titled *Artificial Intelligence in Space: Overview of the European Space Agency and Its role in the AI Environment*, discusses the importance of AI as an enabling technology for space missions, enhancing scientific output and mission efficiency. He examines relevant developments within the European Space Agency (ESA), which was

recently joined by Slovenia, noting that while AI has been successfully implemented in some ESA activities, its use remains relatively rare in the space industry. This is largely because models developed within neural networks are not human-readable. He provides examples of successful AI application within the ESA's own activities and explores concerns about the challenges that may arise in the AI and space sector.

Iva Ramuš Cvetkovič, in her contribution *AI—A Possible Solution to the Threats against Human Lives Arising from Space Objects?*, dives into conundrum of threats posed to human lives in outer space, in airspace, and on Earth. Through an analysis of the existing international legal framework, she demonstrates its insufficiency in addressing these threats. Finally, she assesses the extent to which AI systems can be used to mitigate such threats and outlines the legal challenges that the use of AI in this context would bring. She evaluates whether AI-driven threat mitigation can be as effective as currently predicted.

The section concludes with Kristina Čufar's contribution, *AI Software/Hardware as Mind/Body Problem: Global Supply Chains, Shadow Workers, and Wasted Lives*, in which she shifts the focus from ethical debates surrounding AI software-related issues to concerns related to AI hardware—an issue that has received significantly less attention in scholarly discourse. She argues that understanding AI primarily as software, or an "artificial mind," highlights only the supposedly new and exciting aspects of this technology, while ignoring the human and material costs of its fabrication. She proposes a conceptualisation of AI as both hardware and software, broadening the scope of ethical and legal issues that ought to be addressed through AI regulation. She argues that when the worldwide extraction of materials, labour, and data necessary for AI systems is seriously considered, AI emerges as yet another instance of colonial capitalism.

5. Conclusion

Legal scholarly exchanges on the complex legal issues involved in AI's integration into various domains—warfare, humanitarian assistance, space exploration, and global supply chains—offer a unique opportunity to critically assess both the unprecedented opportunities and profound ethical dilemmas involved. The central challenge remains balancing technological progress with the protection of fundamental human rights, including the right to life. While AI has the potential to enhance precision, efficiency, and even save lives, its unchecked development could jeopardise human dignity, create accountability gaps, and deepen global inequalities.

The development of autonomous weapons systems raises critical concerns regarding the right to life and the lack of legal oversight, making the adoption of a dedicated international legal framework an urgent necessity. Similarly, AI's role in humanitarian assistance challenges traditional notions of state consent, requiring a reassessment of ethical deployment in crisis situations. In the space sector, AI holds promise for monitoring

threats from space objects and optimising European Space Agency missions, yet its governance remains underdeveloped. Moreover, AI's role in global supply chains highlights concerns about shadow labour, ethical sourcing, and the mind-body dualism between AI software and hardware.

To ensure that AI systems advance human well-being and respect and protect the right to life, rather than endanger it, the global community must commit to multilateral regulation, ethical AI policies, and human-centred governance frameworks. AI should remain a tool for progress controlled by humans, not an unchecked force shaping an uncertain future.

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