

COPYRIGHT / HAK CIPTA

International Journal of Law and Strategic Studies

**Safeguarding Human Rights in the Global AI Ecosystem: Toward a
Unified and Binding International Legal Framework**

Dr. Hussein Ahmed Alghashami

Volume 1, Issue 1 · 2026

ISSN: Pending Registration

PUBLISHED BY

Hague Solutions and Consultancy

27, Jalan Wirawati 4, Taman Maluri

55100 Kuala Lumpur, Malaysia

journal.haguecenter.com

© 2026 Hague Solutions and Consultancy

All rights reserved.

No part of this journal may be reproduced
without prior written permission from the publisher.

OPEN ACCESS

INTERNATIONAL JOURNAL OF LAW AND STRATEGIC STUDIES

Safeguarding Human Rights in the Global AI Ecosystem *Toward a Unified and Binding International Legal Framework*

Dr. Hussein Ahmed ALghashami

Abstract

Artificial intelligence has moved from a discrete technical domain to a structural feature of contemporary governance, economic organization, and social life, reshaping how decisions are made, how information circulates, and how power is exercised both within and across borders. This shift carries profound consequences for the international human rights order. Existing responses, ranging from voluntary ethical charters to binding instruments such as the European Union's Artificial Intelligence Act and the Council of Europe's Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, remain regionally concentrated, doctrinally narrow, and largely silent on the structural and transboundary character of AI's human rights footprint. This article argues that the international community requires a single, treaty-based instrument, anchored in the United Nations Charter and the International Bill of Human Rights, capable of reaching the full life cycle of artificial intelligence systems: their design, their data and material supply chains, their deployment, and their long-term societal consequences. The article develops an independent legal and policy argument for why the United Nations Human Rights Council is institutionally best placed to convene this process, what substantive pillars such a convention must contain, and how a phased pathway, beginning with a General Assembly resolution, can realistically lead toward a binding global regime. Attention is given to groups whose protection existing frameworks have left incomplete, including indigenous peoples, populations of the Global South, and individuals exposed to algorithmic decision-making in high-stakes settings such as health, justice, migration, and armed conflict.

Keywords: artificial intelligence; international human rights law; United Nations Human Rights Council; algorithmic accountability; indigenous rights; global AI governance.

1. Introduction: A Technology Outpacing Its Governance

Artificial intelligence no longer operates at the margins of public life. It informs medical diagnosis, allocates social benefits, screens job applicants, guides military targeting decisions, and shapes the information that billions of people receive each day. Its capacity to act as an instrument of both progress and harm is not hypothetical; it is documented across sectors as diverse as healthcare, finance, law enforcement, and digital communication.¹ Yet the international legal order has not kept pace with this transformation. States, regional bodies, and private actors have produced an expanding but uncoordinated patchwork of ethical declarations, sectoral regulations, and data-protection statutes, most concentrated in North America and Europe and few designed with the realities of the Global South, indigenous communities, or cross-border corporate accountability in mind.²

This article contends that fragmentation is no longer a tolerable governance strategy. The same architecture that allows artificial intelligence to deliver benefits at planetary scale also allows its harm, discriminatory outcomes, opaque decision-making, surveillance, exploitative data and mineral supply chains, to travel across jurisdictions faster than domestic law can respond. A binding international convention, negotiated under the auspices of the United Nations and grounded in established human rights doctrine, is therefore not an aspirational ideal but a practical necessity.

The argument proceeds in six parts. Part 2 situates human rights law as the appropriate normative anchor for AI governance. Part 3 surveys the present regulatory landscape and identifies its principal gaps. Part 4 sets out six substantive pillars that a future convention should contain. Part 5 makes the institutional case for United Nations Human Rights Council leadership and proposes a phased pathway toward a binding instrument. Part 6 translates this analysis into a concrete action agenda before the article concludes.

2. Human Rights as the Appropriate Normative Anchor

2.1 Universality and Existing Obligation

International human rights law offers a uniquely suitable foundation for AI governance for several interlocking reasons. First, it is universal in scope and already binds the overwhelming majority of states through the Universal Declaration of Human Rights and its two implementing covenants,

the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.³ A convention on AI would therefore extend, rather than invent, legal obligations, lowering the political cost of accession relative to an entirely novel regulatory regime.

2.2 Demonstrated Adaptability

Second, human rights law has shown a sustained capacity to absorb new technological and societal challenges. Its expansion to address bioethics through the UNESCO Universal Declaration on Bioethics and Human Rights, the digital environment through successive Human Rights Council resolutions on privacy online, and the recognition of the right to a clean, healthy and sustainable environment in 2021, illustrates a doctrinal elasticity well suited to a technology whose applications are still evolving.⁴

2.3 Holding Individual and Collective Dimensions Together

Third, because artificial intelligence simultaneously implicates individual rights, such as privacy, due process, and non-discrimination, and collective rights, including self-determination and cultural integrity, a human rights framework is structurally equipped to hold both dimensions in view, unlike purely sectoral or market-oriented regulatory models that tend to privilege the individual consumer relationship over communal and intergenerational harm.⁵

2.4 The Limits of a Purely Human Rights Frame

At the same time, the analysis must resist treating AI governance as an exclusively human rights matter. The dual-use character of these technologies, particularly in military and security contexts, places parts of the debate squarely within international humanitarian law and the law of state responsibility under the UN Charter.⁶ Disinformation campaigns engineered or amplified through AI implicate the Charter's prohibition on the use of force and on interference in the internal affairs of states, while autonomous weapons systems raise questions that international humanitarian law, not human rights law alone, is best equipped to answer.⁷ A credible convention must therefore be drafted with conscious attention to this overlap rather than treating human rights as a self-contained silo.

3. Where Current Governance Falls Short

3.1 Regional and Sectoral Fragmentation

The most developed binding instruments to date, the EU Artificial Intelligence Act and the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, were negotiated primarily among states of the Global North and reflect their regulatory traditions and risk tolerances.⁸ Both instruments leave significant gaps: neither comprehensively addresses lethal autonomous weapons, neither extends meaningful protection to collective or indigenous rights, and both face structural limits in reaching multinational corporate conduct beyond their territorial jurisdiction.⁹ National efforts in Singapore, Greece, South Korea, Brazil, and Thailand add further texture but compound, rather than resolve, the underlying fragmentation, since each jurisdiction defines prohibited practices, high-risk categories, and enforcement mechanisms differently.¹⁰

3.2 The Value Chain Is Invisible to Most Frameworks

Discussions of algorithmic harm tend to focus on the moment of deployment, a biased hiring tool, a discriminatory credit score, an opaque content-moderation decision. This emphasis obscures harms occurring earlier in the value chain. The extraction of minerals essential to AI hardware, including cobalt and copper, has been documented under conditions involving child labour in parts of the Democratic Republic of Congo, with the International Labour Organization reporting tens of thousands of children engaged in hazardous mining activity.¹¹ Further downstream, the labour of data annotators and content moderators, frequently based in the Global South, has been associated with inadequate pay, high psychological strain, and limited access to mental health support.¹² The infrastructure that sustains large models, principally data centers, carries significant water and energy demands, generating community-level disputes in regions such as Chile and Uruguay over access to drinking water.¹³ A convention confined to deployment-stage harms would leave the human costs of the AI supply chain entirely outside its protective reach.

3.3 Marginalized and Collective Rights Remain an Afterthought

Indigenous peoples, refugees, persons with disabilities, and populations across the Global South are disproportionately exposed to algorithmic harm and disproportionately absent from the datasets, design processes, and regulatory conversations that shape AI systems.¹⁴ The 2007 United Nations Declaration on the Rights of Indigenous Peoples offers normative language, recognizing

rights to cultural integrity, traditional knowledge, and self-determination, that current AI instruments rarely operationalize, leaving traditional knowledge and cultural expression vulnerable to unauthorized extraction and use in training data.¹⁵

3.4 Structural Technical Risks: Opacity, Bias, and Automation

Beyond questions of intent, the structural features of AI systems, algorithmic opacity, statistical bias arising from unrepresentative training data, and the progressive transfer of decision-making authority from humans to machines, generate harms that exist independently of any malicious purpose.¹⁶ These risks are amplified in sectors such as healthcare, criminal justice, and public administration, where automated or automation-assisted decisions can be effectively irreversible and where avenues for meaningful remedy remain underdeveloped.¹⁷

3.5 Momentum Without Convergence

The year 2024 produced three notable developments: the Council of Europe Framework Convention, the first AI-specific resolution of the UN General Assembly, A/78/L.49, and the Global Digital Compact.¹⁸ Each represents meaningful progress, yet their legal force, geographic reach, and substantive scope diverge considerably, underscoring that political appetite for AI governance currently outpaces institutional convergence around a single binding global standard.

3.6 The Cost of Inaction

The withdrawal of key states from previously announced AI safeguards, including the 2025 revocation in the United States of an executive order addressing AI-related risk, illustrates how quickly national commitments can reverse in the absence of a binding international floor. Each year of continued fragmentation increases the practical difficulty of later harmonization, as domestic industries, investment patterns, and enforcement bureaucracies become entrenched around incompatible national rules, a dynamic familiar from the decades-long effort to harmonize data protection law prior to the GDPR's adoption.¹⁸

4. Illustrative Case Studies of Structural Harm

4.1 Facial Recognition and Racialized Policing

Facial recognition technology illustrates the duality at the heart of this debate. The same systems used to locate missing persons have also been deployed in contexts where ethnicity or race informs

predictive policing and public security assessments, raising acute concerns under the prohibition of discrimination found in Article 2 of the Universal Declaration of Human Rights and Article 26 of the International Covenant on Civil and Political Rights.³⁰ Where such systems are deployed in contexts of repression or racialized conflict, the relevant legal framework may extend beyond ordinary anti-discrimination law into international humanitarian law and the Genocide Convention, depending on the severity and intent of the resulting harm.³¹

4.2 Algorithmic Disinformation and Democratic Integrity

AI-driven disinformation campaigns, including the use of microtargeting and synthetic media to discredit political opponents, implicate the right to seek and receive information under Article 19 of the International Covenant on Civil and Political Rights, while their use to destabilize foreign political processes touches the UN Charter's prohibition on the use of force and interference in the internal affairs of states.³² The same algorithmic infrastructure that personalizes advertising can be repurposed to amplify hate speech or war propaganda, engaging the prohibition found in Article 20 of the Covenant.

4.3 Automated Decision-Making in Health and Public Administration

In healthcare, AI-assisted diagnostic and treatment tools can improve clinical outcomes while simultaneously constraining patient autonomy where consent processes fail to keep pace with the complexity of the underlying system.³³ In public administration, the same automation that promises efficiency gains can erode the proportionality and due process guarantees that the rule of law requires, particularly where affected individuals lack a meaningful avenue to contest an adverse automated outcome.³⁴

4.4 Military Applications and Lethal Autonomous Weapons

The integration of AI into military targeting and decision-making raises distinct questions under international humanitarian law, particularly the principles of distinction and proportionality in armed conflict. Ongoing discussions at the UN Convention on Certain Conventional Weapons illustrate both the urgency of the issue and the present absence of binding restraint, a gap that several humanitarian and faith-based organizations have urged states to close.³⁵

5. Toward a Binding Convention on Artificial Intelligence, Data, and Human Rights

Drawing on the deliberations of the 2024 Munich Summit on AI and Human Rights and the broader scholarly and policy reviewed above, this article proposes that any future convention be organized around six interlocking pillars.¹⁹

5.1 Integration Within Existing International Law

A convention should be situated explicitly within the UN Charter, the International Bill of Human Rights, and, where relevant, international humanitarian law, rather than constructed as a freestanding regime. This integration avoids the normative fragmentation that has affected other emerging-technology debates and allows the convention to draw on established interpretive mechanisms, including the jurisprudence of human rights treaty bodies and the International Court of Justice.²⁰

5.2 State Obligations, Positive and Negative

A convention should require states both to refrain from deploying AI in ways that violate protected rights, a negative obligation, and to take affirmative measures, including legislative and administrative reform, to prevent third-party and corporate harm, a positive obligation consistent with the established doctrine of due diligence in human rights law.²¹ This dual structure mirrors the architecture used to address torture, discrimination, and genocide prevention, and offers states a familiar template for implementation.

5.3 Purpose-Based Regulation

A convention should distinguish AI uses that states are obliged to affirmatively promote, such as applications supporting clean energy, healthcare, and education, particularly in underserved regions, from uses that should be prohibited outright, including social scoring systems, non-consensual synthetic sexual imagery, and AI-enabled incitement to ethnic, racial, or sectarian hatred.²²

5.4 Structural Safeguards

A convention should mandate human oversight, transparency, and accountability mechanisms calibrated to high-risk domains such as healthcare, employment, law enforcement, and critical infrastructure, with particular attention to irreversible or time-critical decisions where the right to an effective remedy is most acutely at risk.²³

5.5 Codified Algorithmic Rights

A convention should establish enforceable rights to opt out of automated decision-making, to receive an intelligible explanation of decisions, to contest adverse outcomes, and to be forgotten, alongside emerging protections for cognitive and neurological integrity in response to advances in neurotechnology.²⁴

5.6 Extraterritorial and Corporate Accountability

A convention should oblige states to hold multinational technology companies accountable for human rights harms connected to their global AI operations, closing the jurisdictional gaps left by purely territorial regimes and building on the precedent set by the UN Guiding Principles on Business and Human Rights.²⁵

These pillars are deliberately conceived as mutually reinforcing rather than as a hierarchy: a convention that codifies algorithmic rights without addressing supply-chain accountability, for instance, would protect the visible end-user while leaving the invisible labour and resource costs of AI development entirely unaddressed.

5.7 Anticipated Objections and Responses

Three objections typically arise against proposals of this kind. The first holds that a binding convention would chill innovation; the experience of the GDPR suggests instead that clear baseline rules tend to channel innovation toward compliant design rather than suppress it.³⁶ The second holds that universal consensus is unattainable given divergent state interests; the same was said, with comparable force, of the early negotiations on the prohibition of certain weapons and the abolition of the transatlantic slave trade, both of which eventually produced binding instruments.³⁷ The third holds that enforcement is impossible without a supranational authority; this objection understates the role that reporting obligations, periodic review, and a dedicated special rapporteur can play in generating reputational and diplomatic pressure even absent direct enforcement powers.³⁸

6. The Case for United Nations Human Rights Council Leadership

6.1 Institutional Mandate and Track Record

Among existing international bodies, the United Nations Human Rights Council is best positioned to convene this process. Its mandate under General Assembly Resolution 60/251 to promote universal respect for human rights, combined with its track record of translating principle into actionable instruments, most notably the UN Guiding Principles on Business and Human Rights and the 2021 recognition of the right to a healthy environment, demonstrates an institutional capacity that purely technical or sectoral bodies lack.²⁶

6.2 Universality as Comparative Advantage

Unlike regional organizations, the Council's universal membership allows it to reconcile divergent legal traditions and developmental priorities, an essential quality given that AI governance cannot credibly be designed by, or for, a narrow subset of states. The Global Digital Compact has acknowledged the Council's role in fostering an inclusive, open, safe, and secure digital space.²⁷

6.3 A Phased Pathway

A realistic pathway begins with a General Assembly resolution articulating the foundational principles of a future convention, including prohibited practices, protections for marginalized groups, and accountability mechanisms. Non-binding resolutions of this kind have historically catalyzed binding norms, as the trajectory from the 2021 resolution on the right to a healthy environment toward broader treaty practice illustrates.²⁸ Sustained engagement with regional bodies, including the Council of Europe, the African Union, and ASEAN, together with civil society, the scientific community, and representatives of indigenous and marginalized populations, will be indispensable to building the legitimacy a global instrument requires.

6.4 A Standing Special Rapporteur

Given the rapid evolution of the underlying technology, the Council should establish a standing special rapporteur on artificial intelligence, data, and human rights, tasked with monitoring emerging risks, conducting country visits, and recommending periodic updates to the convention's annexes on prohibited and high-risk practices. This mechanism would allow the instrument to function as a living document capable of responding to technological change without requiring repeated full renegotiation.³⁹

7. An Action Agenda

Translating the foregoing analysis into a working programmed, the Human Rights Council should priorities the following thematic areas as it builds toward a binding convention.

- Supporting the use of AI to document and provide evidence of human rights abuses by state and non-state actors.
- Prohibiting AI practices that violate established international human rights law, including mass surveillance and unconstrained social scoring.
- Identifying high-risk sectors require heightened scrutiny, including healthcare, employment, law enforcement, and critical infrastructure.
- Clarifying the intersection between human rights law, international humanitarian law, and the UN Charter in the specific context of AI.
- Defining algorithmic rights and emerging neudorfites, together with mechanisms for their global realization.
- Developing strategies to address jurisdictional gaps and the cross-border conduct of multinational technology companies.
- Embedding protection for underrepresented and marginalized populations, including those affected by the global digital divide.

Delivering this agenda will require the Council to convene a wide range of stakeholders, including UN specialized agencies, regional organizations, the International Committee of the Red Cross, standard-setting bodies such as ISO and IEEE, the private sector, and, critically, representatives of indigenous communities and the Global South, whose inclusion has historically determined whether international instruments achieve genuine legitimacy rather than formal universality.²⁹

8. Conclusion

Artificial intelligence presents the international community with a choice familiar from earlier governance challenges, nuclear technology, biomedicine, the global environment: either allow practice and harm to outpace law, or extend the existing architecture of international human rights law deliberately and collectively to meet a new technological reality. The latter path is the only one consistent with the universality that human rights law claims for itself. A binding convention on artificial intelligence, data, and human rights, convened under the leadership of the United

Nations Human Rights Council and grounded in the UN Charter and the International Bill of Human Rights, offers the most credible route to ensuring that the benefits of artificial intelligence are realized without further entrenching the inequalities and harms its unregulated growth has already produced.

The window for shaping this regime while it remains formative, rather than retrofitting protections onto an already entrenched global infrastructure, is narrowing. States, regional organizations, the technology sector, and civil society each have a constructive role to play, but the convening authority required these actors to align around a single binding text rest, more credibly than anywhere else in the multilateral system, with the United Nations Human Rights Council. Institutions such as the Hague International Centre for Law and Strategic Studies, together with the broader academic and diplomatic community engaged through this journal, have a corresponding responsibility to keep this agenda before policymakers until it is realized.

References

1. Maslej, N., Fattorini, L., Perrault, R., et al., The AI Index 2024 Annual Report (Stanford Institute for Human-Centered AI, 2024).
2. Fukuda-Parr, S. and Gibbons, E., 'Emerging Consensus on 'Ethical AI': Human Rights Critique of Stakeholder Guidelines' (2021) 12 Global Policy 32.
3. United Nations, Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966).
4. UNESCO, Universal Declaration on Bioethics and Human Rights (2005); UN Human Rights Council, Resolution 48/13 on the Right to a Healthy Environment (2021).
5. United Nations General Assembly, Declaration on the Rights of Indigenous Peoples (2007).
6. Sehrawat, V., 'Autonomous Weapon System: Law of Armed Conflict (LOAC) and Other Legal Challenges' (2017) 33 Computer Law & Security Review 38.
7. International Committee of the Red Cross, Views of the ICRC on Autonomous Weapon Systems (2016).
8. Regulation (EU) 2024/1689 (Artificial Intelligence Act); Council of Europe, Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law (2024).

9. van Kolschooten, H. and Shachar, C., 'The Council of Europe's AI Convention (2023–2024): Promises and Pitfalls for Health Protection' (2023) 138 Health Policy 104935.
10. Hagerty, A. and Rubinov, I., 'Global AI Ethics: A Review of the Social Impacts and Ethical Implications of Artificial Intelligence' (2019) arXiv:1907.07892.
11. International Labour and the Right to an Effective Remedy' in M. Balcerzak and J. Kapelańska-Pręgowska (eds), *Artificial Intelligence and International Human Rights Law* (Edward Elgar, 2024).
18. United Nations General Assembly, Resolution A/78/L.49, 'Seizing the Opportunities of Safe, Secure and Trustworthy Artificial Intelligence Systems for Sustainable Development' (2024); United Nations, *Global Digital Compact* (2024).
19. Kriebitz, A., Corrigan, C. and Boch, A., *Munich Convention on Artificial Intelligence, Data and Human Rights* (Draft for Public Consultation, 2024).
20. Buergenthal, T., 'The Evolving International Human Rights System' (2006) 100 *American Journal of International Law* 783.
21. Shelton, D. and Gould, A., 'Positive and Negative Obligations' in D. Shelton (ed), *The Oxford Handbook of International Human Rights Law* (Oxford University Press, 2013).
22. Floridi, L. et al., 'AI4People – An Ethical Framework for a Good AI Society' (2018) 28 *Minds and Machines* 689.
23. High-Level Expert Group on Artificial Intelligence, *Ethics Guidelines for Trustworthy AI* (European Commission, 2019).
24. Genser, J., Herrmann, S. and Yuste, R., *International Human Rights Protection Gaps in the Age of Neurotechnology* (Neurorights Foundation, 2022).
25. United Nations Human Rights Council, *Guiding Principles on Business and Human Rights*, Resolution 17/4 (2011).
26. United Nations General Assembly, Resolution 60/251 Establishing the Human Rights Council (2006).
27. United Nations, *Global Digital Compact*, para. 73 (2024).
28. Lepard, B.D., 'The Role of United Nations General Assembly Resolutions as Evidence of *Opinio Juris*' in *Customary International Law: A New Theory with Practical Applications* (Cambridge University Press, 2010).

29. Walter, M. and Suina, M., 'Indigenous Data, Indigenous Methodologies and Indigenous Data Sovereignty' in *Educational Research Practice in Southern Contexts* (Routledge, 2023).
30. Eaglin, J.M., 'Racializing Algorithms' (2023) 111 *California Law Review* 753.
31. Kreß, C., 'The Crime of Genocide under International Law' (2006) 6 *International Criminal Law Review* 461.
32. Colomina, C., Margalef, H.S., Youngs, R. and Jones, K., *The Impact of Disinformation on Democratic Processes and Human Rights in the World* (European Parliament, 2021).
33. Cohen, I.G., 'Informed Consent and Medical Artificial Intelligence: What to Tell the Patient?' (2019) 108 *Georgetown Law Journal* 1425.
34. Meneceur, Y., 'Artificial Intelligence, Public Administration, and the Rule of Law' in *The Rule of Law and Automated Decision-Making* (Springer, 2023).
35. United Nations Office for Disarmament Affairs, *Overview of Characterizations of Lethal Autonomous Weapons Systems* (CCW/GGE.1/2023/CRP.1, 2023).
36. Veale, M. and Zuiderveen Borgesius, F., 'Demystifying the Draft EU Artificial Intelligence Act' (2021) 22 *Computer Law Review International* 97.
37. Hamid, M.B. and Zeller, B., 'Right to Self-Determination: Extended Roles of the United Nations through the Decolonization Process' (2019) 42 *Houston Journal of International Law* 479.
38. Koh, H.H., 'Why Do Nations Obey International Law?' (1997) 106 *Yale Law Journal* 2599.
39. United Nations Human Rights Council, *Resolution 55/13 on the Prevention of Genocide* (2024), illustrating the Council's use of standing mandates to maintain continuous oversight of evolving thematic issues.