



**Compliance of the UK Human Rights Act with the European Convention on
Human Rights.
Case in Point: The UK AI Surveillance System**

BACHELOR THESIS

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I declare that this thesis is my own work, and that all references to, or quotations from, the work of others are fully and correctly cited.

RIGA, 2023

ABSTRACT

This thesis addresses the significance of human rights in the United Kingdom. Due to the fact that the technology, notably Artificial Intelligence, is advancing at a lightning speed, at times it is hard to define the line between human rights and governmental power. The purpose of this thesis was to establish if the UK Artificial Intelligence Surveillance System goes against the law or complies with the European Convention on Human Rights. Following the analysis of various case studies and all available material, the author concluded that, despite the number of violations, the Human Rights Act is critical for maintaining the fundamental and inalienable rights granted to every individual. Any effort to change it or totally replace it with the newly proposed Bill of Rights Bill will damage the UK's international reputation and, eventually, cause legal uncertainty

Key Words: Human Rights, Artificial Intelligence, United Kingdom, Surveillance Systems.

Summary

In this thesis the author discusses the legal framework of the United Kingdom. The major focus is the Human Rights Act of 1998 and its conformity with the European Convention on Human Rights in relation to the Artificial Intelligence (AI) Surveillance System. The Human Rights Act is the main legislative act that governs and safeguards the rights and freedoms of UK residents. Thanks to this Act, people no longer have to worry about paying excessive legal fees or travelling to Strasbourg to seek justice; they can submit their claims in domestic courts. Nonetheless, the use of AI surveillance raises concerns about the legitimacy of the Human Rights Act since, with all of the technology presence in our daily lives, it is incredibly difficult to identify where individual rights end and the government's ability to exercise power begins.

The study undertaken for this paper tries to assess the extent to which the UK government's actions are in accordance with the European Convention on Human Rights, using the Artificial Intelligence Surveillance System as the primary emphasis. Due to the fact that the subject of human rights protection is so vast and complex, this research is limited to one country, the United Kingdom, and one particular case, the Artificial Intelligence Surveillance System.

The research revealed that, despite the UK's complex human rights protection system, the Human Rights Act 1998 is crucial for the country and is required for effectively safeguarding the rights and freedoms of the UK citizens. The Act offers a number of benefits to the people and ensures that public authorities maintain all of the fundamental rights granted to each individual at birth. Nevertheless, despite the many advantages the Act provides, questions are being raised about how the country is using AI surveillance technologies. The use of AI might perpetuate the already existing bias in the criminal justice system and employ discriminatory practices. In the case of systematic errors, the use of AI might potentially lead to identity theft or the leakage of extremely important and sensitive personal data.

During the course of the research, it became evident that there is no single conclusive and obvious response to the question of whether AI is evil or if its usage clearly infringes our rights. Even if better decision-making, effectiveness, accuracy, and low cost are some of the advantages of AI surveillance, these systems pose a number of potential risks to the citizens of the country

and their right to enjoy a private life. Therefore it is critical to recognize the UK-ECHR structural relationship and the benefits that the UK obtains by being a member of the ECHR. The HRA 1998 incorporates the Convention into the domestic legal system and guarantees that the government does all possible to safeguard individuals from potential abuses and that UK legislation is consistent with the Convention.

Finally, the thesis emphasises the importance of safeguarding and respecting human rights, particularly the most fundamental ones that were addressed in this paper and are at stake because of AI : the right to respect for private and family life, freedom of expression, and the right not to be discriminated against. This is especially significant under democratic regimes, where legal equality, political freedom, and the rule of law are frequently cited as essential features of a well-functioning democracy. According to the research, it is incredibly challenging to provide definitive answers in this particular field of study. Because AI has not been around for very long and the long-term implications of it are not yet known to mankind, each case should be considered separately and investigated as such.

Nonetheless, what we know and can control is the level of education we receive, and the more informed and awake we are as a society, the more we can demand from our governments and the more difficult we become to control and manipulate. The author calls for further observation and research on this subject in order to better understand the long-term impact of AI on human rights not only in the UK, but globally.

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List of Abbreviations

UK - United Kingdom

ECHR - European Convention on Human Rights

ECtHR - European Court of Human Rights

AI - Artificial Intelligence

HRA - Human Rights Act

EU - European Union

USA - United States of America

UDHR - Universal Declaration of Human Rights

EHRC - Equality and Human Rights Commission

CCTV - Closed-Circuit Television

FRT - Facial Recognition Technology

Introduction

As Mother Teresa would say “Human rights are not a privilege conferred by the government. They are every human being's entitlement by virtue of his humanity.”¹ Nonetheless, given the current state of the world, diplomacy and respect for human rights are luxuries that not everyone can afford.

Fortunately, the country that fell under the research of this thesis, the United Kingdom, is a parliamentary democracy.² This implies that the Parliament is chosen by the British people and is the highest possible sovereign authority in the country, having the right to make or unmake any type of legislation.³ The utmost decision-making authority is always with the chosen political leaders, never with the courts or any other establishment. Nevertheless, the political authority is expected to support the rule of law and protect human rights of every individual under their jurisdiction.⁴

The United Kingdom has long been an advocate of democratic values, respecting the rule of law and ensuring that every person's rights are upheld. The Constitution of the UK is not codified in a single document. Its principles have been formulated and advanced over time in response to multiple regulations, laws, political conventions, and social agreements. They regulate interactions between government organisations or between the government and people.⁵

The Bill of Rights, passed by Parliament in 1689, has also remained in custody since its creation. It outlines the individual liberties and rights that the state is obliged to safeguard and is also

¹ *Mother Teresa quote A.* Available at: <https://www.azquotes.com/quote/1124147?ref=human-rights-day> (Accessed: 03 April 2023).

² *United Kingdom Government (2013) Commonwealth of Nations.* Available at: https://www.commonwealthofnations.org/sectors-united_kingdom/government/ (Accessed: March 11, 2023).

³ Dicey, A., 1915. *Introduction To The Study Of The Law Of The Constitution*. 8th ed. London: Macmillan Education, pp.3-4.

⁴ Dicey, A., 1915. *Introduction to the Study of the Law of the Constitution*, 8th edn, pp. 30-34; McIlwain, C., 1940. *Constitutionalism Ancient and Modern*. Ithaca, NY: Cornell University Press, pp. 20-21.

⁵ Parliament.uk. 2015. *THE UK CONSTITUTION. A Summary, With Options For Reform*. [online] Available at:

<<https://www.parliament.uk/documents/commons-committees/political-and-constitutional-reform/The-U-K-Constitution.pdf>> [Accessed 10 April 2023].

often cited in legal cases. Due to the fact that the country lacks a single written constitution, the Bill of Rights is not considered a part of the formal, codified constitution of the UK. It has, however, influenced various other documents such as the United Nations Declaration of Human Rights and the European Convention on Human Rights.⁶

However, the Human Rights Act of 1998 serves as the key instrument for defending human rights in the UK. It provides UK residents with the chance to defend their rights in UK courts. Thanks to the HRA, which creates a legal framework for the defence of fundamental rights including freedom of expression, privacy, and the right to a fair trial, human rights in the UK have advanced significantly.

It is universally accepted that every person has fundamental and inalienable human rights, and that democracies should uphold these rights. However, with the speed at which technology is developing, particularly in the field of artificial intelligence and the areas that it affects, it is incredibly challenging to define the line between individual rights and governmental power.

Although using AI for surveillance has benefits like improved decision-making performance and accuracy, it also poses serious risks to privacy, civil liberties, and human rights. The UK's Human Rights Act's conformity with the European Convention on Human Rights is thus called into doubt by the employment of AI in monitoring.

Qualitative research methods will be applied in this paper. To be more precise, the Author has considered the theoretical case of just one country, the case of the United Kingdom. The European Convention on Human Rights, which takes into account the convention's core values and principles, shall serve as the primary source.

The purpose of this thesis is to examine and understand to what extent the Artificial Intelligence Surveillance system of the United Kingdom adheres to the European Convention on Human Rights. Due to the fact that the subject of human rights protection is so vast and complicated, the scope of this thesis is limited to one country, the United Kingdom, and one particular case study -

⁶ *Bill of Rights 1689.* Available at: <https://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentaryauthority/revolution/collections1/collections-glorious-revolution/billofrights/> (Accessed: March 2, 2023).

the Artificial Intelligence (AI) Surveillance System. Any potential and addressed human rights violations will be limited to this particular area of research.

1. The Existing Regime on Human Rights Protection in the United Kingdom

Introduction

The United Kingdom is a parliamentary democracy.⁷ The parliament, elected by the British people, is the highest sovereign authority inside the UK, with the power to make or unmake any law, according to orthodox doctrine.⁸ Considering that the ultimate decision making is always up to the elected politicians and never the courts or any other institution, the UK is often described as having a "political constitution."⁹ However, the political authority, headed by the Parliament, the government, and other state institutions are expected to respect the rule of law and protect the individual freedom and human rights of every single person who is subject to their jurisdiction.¹⁰

There is a universal agreement that every person ought to have fundamental, and inviolable human rights and that democracy should uphold such rights. They are necessary for individuals to participate in democracy voluntarily and effectively.¹¹ Following 1945, the British culture of respect for liberty started to have a significant impact on the creation of international human rights law and influenced the Universal Declaration of Human Rights (hence referred to as the "UDHR") being adopted in 1948 as a response to World War II monstrosities. The UDHR was even referred to by Eleanor Roosevelt as "the Magna Carta of Mankind."¹² The UK's public governance now cannot be imagined without reference to the European Convention on Human Rights. In addition, the UK sees internal human rights issues as crucial to advocating international respect for democracy, human rights, and the rule of law.

⁷ *United Kingdom Government* (2013) *Commonwealth of Nations*. Available at: https://www.commonwealthofnations.org/sectors-united_kingdom/government/ (Accessed: March 11, 2023).

⁸ Dicey, A., 1915. *Introduction To The Study Of The Law Of The Constitution*. 8th ed. London: Macmillan Education, pp.3-4.

⁹ Griffith, J.A.G., 1979. *The Political Constitution*. 42 *Modern L. Rev.* 1.

¹⁰ Dicey, A., 1915. *Introduction to the Study of the Law of the Constitution*, 8th edn, pp. 30-34; McIlwain, C., 1940. *Constitutionalism Ancient and Modern*. Ithaca, NY: Cornell University Press, pp. 20-21.

¹¹ Habermas, J., 2001. *Constitutional Democracy: A Paradoxical Union of Contradictory Principles?* 29 *Pol. Theory* 766–769.

¹² Craig, P., 1997. *Formal and Substantive Concepts of the Rule of Law*. Public Law 467.

The UK's historic Bill of Rights was adopted by Parliament in 1689 and has been kept in custody ever since. It outlines the liberties and rights of the individual, which the state is required to uphold. The British Bill of Rights, which served as a model for the US Bill of Rights in 1789, is still in effect today and is frequently cited in court proceedings. Other documents that establish human rights, like the European Convention on Human Rights and the United Nations Declaration of Human Rights, indicate its influence.¹³

It is crucial to note that the UK does not have a single written constitution in the exact same way as other countries do, and that the Bill of Rights is not regarded as a component of the formal, codified constitution of the UK. Rather, it is incorporated into the country's constitutional conventions together with other documents like the Magna Carta and the Common Law.

From the Magna Carta (the earliest document to express the idea that the king and his government were not above the law, published in June 1215. By creating law as a power unto itself, it tried to restrain the king from abusing his position of authority and set boundaries for royal power.)¹⁴ to the Human Rights Act of 1998 (an Act to further implement the freedoms and rights protected by the European Convention on Human Rights)¹⁵ the United Kingdom has a long history of defending and advancing human rights. However in recent years, people started questioning the country's dedication to respect human rights, particularly in light of Brexit and its prospective effects on this matter. The current legal system for defending human rights in the UK faces a lot of challenges and criticism, despite the legal structure in place to preserve its citizens' rights and freedoms.

This subject has caught the attention and interests of thousands of people due to the fact that it touches the main principles of human rights, which are fairness, equality, and justice, and might have a huge impact on individuals, communities, and society as a whole. In this chapter, we will

¹³ *Bill of Rights 1689*. Available at: <https://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentaryauthority/revolution/collections1/collections-glorious-revolution/billofrights/> (Accessed: March 2, 2023).

¹⁴ *Magna carta - UK parliament* (no date). Available at: <https://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/overview/magnacarta/> (Accessed: March 11, 2023).

¹⁵ Participation, E. (1998) *Human rights act 1998*, *Legislation.gov.uk*. Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/1998/42> (Accessed: March 11, 2023).

look at the UK's current human rights regime, concentrating on its legal framework, enforcement mechanisms, and challenges. We will analyse the present system's strengths and flaws, as well as the possibilities for change and improvement to guarantee the continued protection of human rights in the country.

Legal Framework

Human rights protection is governed by a complex legal system in the UK. The Common Law offers the first layer of rights protection, which is done on the basis of precedent. According to administrative law, all public agencies must behave "rationally" by adhering to the standards of a fair process and having a valid legal justification for every decision they make.¹⁶ Except for the Parliament, all public entities are subject to these requirements. In general, courts lack the authority to examine parliamentary actions.¹⁷ Only decisions that are categorically unreasonable, those that were impacted by an inadequate decision-making process, and those without a legal basis are subject to annulment by the courts.

The provisions of the European Convention on Human Rights (ECHR) give a second layer of rights protection. The Convention was drafted in 1950 under the guidance of the Council of Europe, and the United Kingdom was the first country to ratify it in 1951. It safeguards fundamental civil and political rights such as freedom of expression and the right to a fair trial. The European Court of Human Rights (ECtHR) is the authority responsible for interpreting the text of the Convention and determining whether governments are complying with its provisions. The United Kingdom has accepted to be bound by the Court's jurisdiction, which implies that people can bring matters to the Court after exhausting all domestic remedies.¹⁸

Neither the Parliament nor the UK government are required by national law to respond to a court decision stating that someone's rights have been infringed. Ratification of the ECHR has no

¹⁶ *Council of Civil Service Unions v Minister for the Civil Service*, 1984. 3 All ER 935.

¹⁷ *Bill of Rights*, 1689. Article IX.

¹⁸ (2012) *Human Rights and the UK Constitution - The British Academy*. Available at: <https://www.thebritishacademy.ac.uk/documents/262/Human-rights-and-the-UK-constitution.pdf> (Accessed: 11 March 2023).

impact on the sovereignty of Parliament, and unlike EU legislation, ECtHR decisions do not directly affect domestic law. However, governments must comply with the Court's rulings under Article 46 of the Convention, which is a requirement under international law.¹⁹ States are moreover under intense diplomatic pressure to acknowledge the Court's authority. States are required to demonstrate their dedication to the rule of law and European democratic ideals by upholding the Court's verdicts, which are monitored by the Committee of Ministers of the Council of Europe. As a result, British administrations have frequently amended domestic law swiftly after receiving unfavourable rulings to guarantee compliance with the Convention's obligations.

Not long ago, all British people had to seek remedy from the European Court of Human Rights in Strasbourg. The Human Rights Act 1998 which is the third layer of protection of human rights in UK law was created to make up for two unfair conditions. First, UK individuals had significant procedural issues. Once all local remedies had been exhausted, it took an average of five years and cost £30,000 (34,057.11 Euros) to file a case with the European Court of Human Rights. The British people would be able to defend their rights in British courts without this unnecessary delay and cost if these rights were brought home. Secondly, it was thought that permitting UK courts to implement the Convention would promote a culture of rights in the country.²⁰

Incorporating the European Convention on Human Rights (ECHR) into domestic law, the Human Rights Act 1998 (HRA) gives UK citizens a way to protect their rights in UK courts. With the HRA, which establishes a legal framework for the defence of fundamental rights including freedom of expression, privacy, and the right to a fair trial, human rights in the UK have made great progress.²¹

¹⁹ *Guide on Article 46 of the European Convention on Human Rights* (no date). Available at: https://echr.coe.int/Documents/Guide_Art_46_ENG.pdf (Accessed: March 11, 2023).

²⁰ *Rights Brought Home: The Human Rights Bill - gov.uk* (no date). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/263526/rights.pdf (Accessed: March 11, 2023).

²¹ Francesca Klug, "The Human Rights Act 1998: A UK Bill of Rights?", *Parliamentary Affairs* 54, no. 1 (2001): 59-74.

The HRA has, however, come under fire from certain quarters for perceived limitations. For instance, because the Act exclusively upholds ECHR-based rights, many rights, like economic and social rights, do not have full protection.²² Moreover, the Act only applies to public organisations; hence, its provisions do not apply to private individuals or corporations.²³

Additionally, there is concern that the UK's choice to exit the EU may have an impact on the defence of human rights. Due to the UK's exit from the EU, it is no longer subject to the EU's Charter of Fundamental Rights, which offered extra human rights safeguards beyond those given by the ECHR. The impact of Brexit on human rights in the UK is yet unknown, despite the UK government's commitment to upholding high levels of protection.²⁴

Enforcement Mechanisms

The courts, the Equality and Human Rights Commission (EHRC), and the Parliamentary Ombudsman are just a few of the mechanisms the UK has in place to uphold human rights. In the UK, the courts are the primary means for enforcing human rights, and the HRA has resulted in a fairly substantial body of case law on human rights issues.

The UK's independent EHRC was established to promote and protect human rights. The Commission has the authority to look into allegations of human rights violations, file lawsuits, and provide assistance to people and organisations on human rights-related matters.²⁵

The Parliamentary Ombudsman is an independent body that investigates complaints of public-sector maladministration. While the Ombudsman lacks the authority to enforce human rights, it can offer remedies and provide redress to those who have suffered as a result of maladministration.²⁶

²² Luke Clements and Simon Halliday, "Human Rights in the UK: An Introduction to the Human Rights Act 1998", *European Human Rights Law Review* 5 (2006): 498-507.

²³ Alan Dignam, "The Human Rights Act and Private Law: A New Constitutional Relationship", *International and Comparative Law Quarterly* 52, no. 1 (2003): 27-56.

²⁴ Maria Lee, "Brexit and the UK's Human Rights Regime", *Cambridge Yearbook of European Legal Studies* 21 (2019): 168-179.

²⁵ Equality and Human Rights Commission, "About us", accessed February 26, 2023, <https://www.equalityhumanrights.com/en/about-us>.

²⁶ Parliamentary and Health Service Ombudsman, "What we do", accessed February 26, 2023, <https://www.ombudsman.org.uk/about-us/what-we-do>.

Challenges

Notwithstanding the established legal framework and enforcement mechanisms, there are several challenges to human rights protection in the UK. One of the most critical issues is the increase of populism and anti-human rights attitudes in some parts of British society. The Brexit referendum, in particular, revealed tensions within the UK over topics like immigration and sovereignty, which are frequently presented in terms of human rights.²⁷

The UK government's response to the COVID-19 outbreak has also sparked concerns regarding human rights. While certain restrictions on individual freedom were vital for preventing the virus's spread, there have been allegations that the government utilised the epidemic as an excuse to restrict civil freedoms. For example, the government has received much criticism for enacting the Coronavirus Act 2020, which grants police and other enforcement authorities broad powers to arrest people, restrict mobility, and close businesses.²⁸

Another challenge to human rights protection in the UK is how vulnerable populations such as refugees, asylum seekers, and the homeless are treated. The administration has been criticised for its response to the refugee crisis, particularly the use of detention camps and limits on the right of refugees to work.²⁹ Similarly, the handling of homeless people has been a subject of dispute, with claims of increased criminalisation of rough sleeping and inadequate provision of support services.³⁰

²⁷ Maryam Akram, "The UK's Human Rights Regime after Brexit: Nationalistic Populism versus Universalism", *Human Rights Quarterly* 43, no. 3 (2021): 679-702.

²⁸ Liberty, "Coronavirus Act 2020: What you need to know", accessed February 26, 2023, <https://www.libertyhumanrights.org.uk/what-we-do/coronavirus/coronavirus-act-2020-what-you-need-know/>.

²⁹ Amnesty International UK, "UK: The Refugee Crisis", accessed February 26, 2023, <https://www.amnesty.org.uk/issues/refugee-crisis>.

³⁰ Crisis, "Homelessness in the UK", accessed February 26, 2023, <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/homelessness-in-numbers/homelessness-in-the-uk/>.

Potential Reforms and Future Directions

Notwithstanding the present human rights protection framework in the UK, there are still areas for improvement and prospective reforms that might be undertaken in the future. Today, the HRA only integrates some elements of the European Convention on Human Rights into UK law, leaving other international human rights documents without direct legal effect. Several academics have advocated for the creation of a comprehensive UK Bill of Rights that would include a broader variety of international human rights instruments into UK legislation.³¹

Another possible change would be the creation of a human rights commission with greater authority and resources than the Equality and Human Rights Commission (EHRC). A commission of this type may be empowered to investigate and prosecute human rights crimes, as well as to offer more effective assistance and advocacy for persons whose rights have been infringed.³²

There is also a need to pay more attention to how vulnerable populations, such as refugees, asylum seekers, and the homeless, are treated. The government should reconsider policies and practices that limit these groups' rights and make them more vulnerable to human rights violations. These might include actions like reducing the usage of immigrant detention facilities and increasing access to homeless assistance programs.³³

Going ahead, the UK has a variety of obstacles in preserving and strengthening its human rights regime. Brexit's continued impact, growing populism, and the COVID-19 epidemic all pose substantial threats to improving human rights safeguards in the UK. The government must stay dedicated to preserving human rights and fight off efforts to erode or undermine current

³¹ Francesca Klug, "The Human Rights Act 1998: A UK Bill of Rights?", *Parliamentary Affairs* 54, no. 1 (2001): 59-74.

³² Liora Lazarus, "The Human Rights Commission Debate: Lessons from Abroad", *Public Law* (2006): 651-671.

³³ Amnesty International UK, "UK: The Refugee Crisis", accessed February 26, 2023, <https://www.amnesty.org.uk/issues/refugee-crisis>; Crisis, "Homelessness in the UK", accessed February 26, 2023, <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/homelessness-in-numbers/homelessness-in-the-uk/>.

safeguards. Simultaneously, civil society organisations, academics, and activists must continue to campaign for reforms of the UK's human rights framework and hold the government accountable for its actions.

To summarise, the United Kingdom's current human rights protection framework is a complex and comprehensive system that offers crucial legal safeguards and enforcement procedures for persons whose rights have been infringed. The HRA's legal structure was a significant step forward, but it has limits in terms of scope and coverage. The courts, the EHRC, and the Parliamentary Ombudsman are crucial enforcement mechanisms, but their effectiveness is being called into question, particularly in light of growing populism and government actions during the COVID-19 epidemic. Concerns have also been raised about the treatment of vulnerable populations such as refugees and the homeless. Human rights protection in the UK is clearly a continuous and difficult subject that demands continuous attention and awareness. Nevertheless, there are also reform and enhancement opportunities. One can fight towards a better and more just human rights regime in the UK by continuing to participate in critical analysis, advocacy, and activism.

1.1. Individual Rights Protection Under Current Applicable United Kingdom Law

Individual rights are vital in every modern democratic society, including the United Kingdom. The United Kingdom has a long tradition of defending individual rights, extending back to the 1215 Magna Carta, which established the rule of law and limited the monarchy's power. The existing framework for preserving individual rights in the United Kingdom, however, is principally based on the Human Rights Act 1998 (HRA) and the European Convention on Human Rights (ECHR), which the UK adopted into domestic law through the HRA. This subchapter will look at how well individual rights are safeguarded under present UK legislation, with an emphasis on the HRA and ECHR.

The European Convention on Human Rights

The Council of Europe, which is an independent body from the European Union, drafted the ECHR, an international treaty, in 1950.³⁴ The European Convention on Human Rights (ECHR) outlines a number of fundamental freedoms and rights for people, such as the right to life, the prohibition of torture, the right to a fair trial, the freedom of expression, and the right to free assembly and association.³⁵ The Convention also establishes the European Court of Human Rights (ECtHR), a court in Strasbourg that handles complaints from people against Council of Europe member states that have signed the Convention.

One of the initial signatories of the ECHR, the UK has been a key player in the advancement of human rights law across Europe.³⁶ Prior to the HRA, however, UK citizens could only assert claims under the Convention by submitting their cases to the ECtHR. It could take several years to hear and determine cases due to this process's frequent slowness and expense. The HRA simplified the process for people to use their Convention rights in UK courts by incorporating the Convention into UK law.

UK courts have been crucial in defending individual rights since the HRA went into effect. The HRA compels UK courts to interpret UK legislation in a way that is consistent with Convention rights, therefore UK courts have had to adapt their approach to legal interpretation to be more human rights-conscious.³⁷ The common law has also had to be developed by UK courts in a way that is consistent with Convention rights, which has prompted a progressive increase of the protection of individual rights in the UK.³⁸

The Human Rights Act 1998

³⁴*European Convention on Human Rights* (1950). Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf (Accessed: March 1, 2023).

³⁵ Ibid.

³⁶ Nigel Rodley, *The Human Rights Committee: Its Role in the Development of the International Covenant on Civil and Political Rights*, in *International Human Rights Monitoring Mechanisms* 43, 44 (Philip Alston ed., 2009).

³⁷ Alice Donald & Philip Leach, *The United Kingdom's Human Rights Act 1998 in Practice: Beyond the Rhetoric* 5 (2000), available at <https://www.justiceinitiative.org/uploads/d54/7b/d547b8cc2a4a4a5790d4c184f9eb7b/hra-in-practice.pdf>

³⁸ Mark Elliott & Robert Thomas, *Public Law 647-48* (3d ed. 2017).

In order to incorporate the ECHR into UK domestic law, the HRA went into effect on October 2, 2000.³⁹ A violation of a person's Convention rights by a public authority may give rise to legal action in UK courts, according to the Act, which mandates that all public bodies conduct in a manner that is compatible with those rights.⁴⁰ The HRA guarantees numerous freedoms and rights, such as the right to life, the prohibition of torture, the right to a fair trial, the freedom of expression, and the freedom of assembly and association.⁴¹

One of the main benefits of the HRA is that it lets people file lawsuits in UK courts rather than having to travel to the Strasbourg-based European Court of Human Rights (ECtHR). As a result, matters involving human rights can be heard more swiftly and effectively. A more human rights-conscious approach has been taken by UK courts as a result of the need that UK courts interpret UK legislation in a way that is compatible with Convention rights.⁴²

Several politicians and commentators have harshly criticised the HRA for being too "soft" on human rights and for giving the judiciary too much power.⁴³ Others counter that the HRA has strengthened the UK's record on human rights and has been successful in defending individual rights.⁴⁴ For instance, the House of Lords determined that the indefinite imprisonment of foreign people without charge or trial violated their right to liberty under Article 5 of the ECHR, which had been integrated into UK law by the HRA, in the case of *A v. Secretary of State for the Home Department*.⁴⁵ The law and practice in the UK addressing the detention of foreign individuals have changed as a result of this judgement.

³⁹ The Human Rights Act 1998 (HRA), c.42, (U.K.), available at <https://www.legislation.gov.uk/ukpga/1998/42/contents>

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Alice Donald & Philip Leach, *The United Kingdom's Human Rights Act 1998 in Practice: Beyond the Rhetoric* 5 (2000), available at <https://www.justiceinitiative.org/uploads/d54/7b/d547b8cc2a4a4a4a5790d4c184f9eb7b/hra-in-practice.pdf>

⁴³ Michael Gove, *The Human Rights Act is Britain's own Bill of Rights*, *The Telegraph* (Oct. 3, 2011), available at <https://www.telegraph.co.uk/comment/8802012/The-Human-Rights-Act-is-Britains-own-Bill-of-Rights.html>

⁴⁴ Amnesty International, *Human Rights Act*, available at <https://www.amnesty.org.uk/human-rights-act>

⁴⁵ *A v Secretary of State for the Home Department* [2005] UKHL 71.

Furthermore, UK courts have had the opportunity to create their own body of case law on the interpretation and application of Convention rights, which has resulted in a more complex and contextualised approach to human rights law in the UK.⁴⁶ For instance, the UK Supreme Court determined that the UK government's expulsion of the Chagossian people from the Chagos Islands violated their right to respect for their private and family lives under Article 8 of the ECHR in the case of *R (on the application of Bancoult) v. Secretary of State for Foreign and Commonwealth Affairs*.⁴⁷ With the case's historical and cultural background taken into consideration, this ruling demonstrated a more contextualised approach to human rights legislation.

To sum up, the HRA and ECHR offer a critical foundation for safeguarding individual rights in the UK. The HRA has made it possible for individuals to bring a claim in UK courts and mandated that UK courts interpret UK law in a way that is consistent with Convention rights. The ECHR created the ECtHR to hear disputes made by people against Council of Europe member states and outlined a number of fundamental human rights and freedoms. Since the HRA went into effect, UK courts have been crucial in defending individual rights and have had the opportunity to establish their own jurisprudence regarding the interpretation and application of Convention rights.

The Human Rights Act Reform

There is a new Bill, A Bill of Rights Bill proposed by the government that would replace the Human Rights Act of 1998 with a new framework for implementing the European Convention on Human Rights. The House of Commons first heard it on June 22, 2022. No date has been set, and the Bill has not yet received its second reading.⁴⁸

⁴⁶ Helen Fenwick and Gavin Phillipson, "The Human Rights Act 1998: Impact, Successes, and New Challenges," *Modern Law Review* 75, no. 4 (2012): 599-625, <https://doi.org/10.1111/j.1468-2230.2012.00886.x>.

⁴⁷ *R (on the application of Bancoult) v Secretary of State for Foreign and Commonwealth Affairs* (No. 2) [2008] UKHL 61.

⁴⁸ (2022) *Human Rights Act Reform - House of Commons Library*. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-9581/> (Accessed: 08 April 2023).

All of the convention rights and their ability to be upheld in domestic courts would be preserved by the Bill of Rights Bill. It would not change the UK's ECHR membership or the responsibility it sets on the government to ensure that everyone in the UK has access to all of the convention's rights. Public Authorities would still need to comply with human rights laws.⁴⁹

Nonetheless, the new bill would modify or eliminate portions of the Human Rights Act and introduce a number of new measures. The Bill would create a new permission stage, requiring claimants to prove that they have (or will) suffer considerable disadvantage as a result of a violation of their rights before bringing their claim to court. It will raise the bar for challenging deportations of foreign nationals based on their right to privacy and family life. It would eliminate the obligation on courts to interpret laws in accordance with convention rights, as well as the obligation on courts to consider how the European Court of Human Rights (ECtHR) interpreted a right. It will limit the interpretation of rights and enable only a literal reading of the text of convention rights.⁵⁰

The new bill will prevent courts from concluding that a public entity owes a positive obligation (which would require the public body to take specific steps to actively safeguard, fulfil, or facilitate a right). It will oblige courts to give substantial weight to the opinions of parliament when balancing rights issues, and it will prohibit human rights cases arising from overseas military operations.⁵¹

In conclusion, the Bill of Rights Bill may reduce the level of protection provided to human rights. It might considerably weaken the power of the courts to enforce fundamental rights and hold the state accountable for human rights violations.

The bill will make it more difficult to access the courts and limit the protection they may provide to someone whose rights have been infringed. It will limit or roll back aspects of rights across the entire spectrum, as well as reduce rights for particular groups of individuals.

⁴⁹ *Human Rights Act Reforms and the Bill of Rights Bill (2022)* The Law Society. Available at: [https://www.lawsociety.org.uk/topics/human-rights/human-rights-act-reforms#:~:text=The%20Bill%20of%20Rights%20Bill%20was%20introduced%20to%20parliament%20in,Rights%20\(ECHR\)%20domestically%20enforceable.](https://www.lawsociety.org.uk/topics/human-rights/human-rights-act-reforms#:~:text=The%20Bill%20of%20Rights%20Bill%20was%20introduced%20to%20parliament%20in,Rights%20(ECHR)%20domestically%20enforceable.) (Accessed: 08 April 2023).

⁵⁰ Ibid

⁵¹ Ibid

As a result, the measures will harm the rule of law, obstruct access to justice, and limit or eliminate rights. They will result in more cases being brought to the ECtHR, harm the UK's international reputation, and, ultimately, create legal uncertainty.

1.2. The Objectives, Structure, and Implementation of the Human Rights Act

With the intention of incorporating the ECHR's provisions into domestic law, the United Kingdom enacted the Human Rights Act (HRA) in 1998. The three main objectives of the act are to make the ECHR a part of UK law, provide people the ability to protect their rights at home, and guarantee that public authorities respect human rights. The objectives, structure, and implementation of the UK Human Rights Act will all be covered in this subchapter.

Objectives

The ECHR's incorporation into UK law is the primary objective of the UK Human Rights Act. As a result, rather than needing people to visit the European Court of Human Rights (ECtHR) in Strasbourg, the rights and freedoms guaranteed by the treaty may be upheld in UK courts. The Convention is good law, and it is right that it should be incorporated into our law, as The Irvine, the Lord Chancellor at the time the legislation was proposed, emphasised.⁵²

Allowing people to assert their rights domestically is another goal of the HRA. People in the UK had little legal options before the HRA for dealing with abuses of their human rights. The HRA established a variety of means for people to uphold their rights, including the capacity to file lawsuits in domestic courts and the foundation of a new organisation, the Equality and Human Rights Commission, to promote and protect human rights.⁵³

Assuring that public authorities uphold human rights is the HRA's third objective. Public agencies must comply with the ECHR, according to Section 6 of the legislation. Hence, while

⁵² Lord Irvine, "The European Convention on Human Rights: Its Significance for British Law and Politics," *Political Quarterly*, Vol. 70, No. 1, 1999, pp. 21-29.

⁵³ Equality and Human Rights Commission, "Human Rights Act," <https://www.equalityhumanrights.com/en/human-rights/human-rights-act> (accessed March 1, 2023).

making decisions, public authorities must take into account and prevent violations of human rights. The HRA also provides for the payment of damages when a person's human rights have been violated by public authorities.⁵⁴

Structure

There are 22 parts and a schedule in the UK Human Rights Act. The objectives of the legislation are laid forth in the first three sections, along with a definition of key terms. Courts and government agencies are required to interpret the law and conduct themselves in a way that is consistent with the ECHR, as stated in Sections 4 and 6, respectively. If someone believes their human rights have been infringed, Section 7 gives them the option to file a lawsuit.

Injunctions, declarations of incompatibility, and financial compensation are only a few of the remedies for human rights abuses outlined in Sections 8 to 12. In order to interpret the ECHR, courts must abide by Section 19's mandate to consider ECtHR rulings. The ECHR's protected rights and freedoms are implemented into UK law according to the schedule to the act.

Implementation

Since its introduction, the UK Human Rights Act has generated a lot of discussion and controversy. The Act, according to some critics, gives the court excessive power, enabling unelected judges to overturn democratically passed laws. Others believe that the law has created a litigation culture where people and interest groups file unfounded lawsuits.

Despite these complaints, the HRA has significantly impacted how human rights are protected in the UK. The legislation has made it possible for people to file claims for human rights abuses in UK courts as opposed to the ECtHR in Strasbourg. As a result, there is now increased emphasis placed on protecting each person's rights and raising awareness on issues related to human rights.

In conclusion, the UK Human Rights Act has significantly influenced how human rights are protected in the UK. The legislation has aided in fostering a culture of respect for human rights by integrating the ECHR into domestic law and by giving people ways to protect their rights.

⁵⁴ UK Human Rights Act 1998, c. 42, s. 6.

The act's implementation is nevertheless challenging, notably in terms of making sure that public authorities are aware of and uphold their responsibilities. Resolving these issues will need a sustained dedication to education and training, as well as improved law enforcement and monitoring systems.

All things considered, the UK Human Rights Act is essential for safeguarding the fundamental liberties and rights of people living in the country and ensuring that public authorities uphold these rights.

2. The United Kingdom's Relationship with the European Convention on Human Rights

Introduction

The fact that the United Kingdom is a party to the European Convention on Human Rights (ECHR) has been contentious in domestic politics, with some arguing that the ECHR undermines parliamentary sovereignty whilst others arguing that withdrawal from the Convention would have significant negative consequences for human rights protections in the UK.

In this chapter, the author will examine the legality of the UK-ECHR structural relationship and argue that the UK's membership in the ECHR is critical for the protection and advancement of human rights in the UK and throughout Europe.

The European Convention on Human Rights (ECHR) was founded in 1950 with the aim of protecting human rights and fundamental freedoms throughout Europe. The Convention establishes a number of human rights and freedoms, including the right to life, freedom from torture, a fair trial, and freedom of expression. The Convention also establishes a procedure for individuals to seek remedy for human rights abuses by bringing claims before the European Court of Human Rights (ECtHR). From its establishment, the ECHR has played a vital role in shaping UK law and policy, as well as providing important protections for UK citizens against government abuses of human rights.⁵⁵

The Human Rights Act of 1998 formalised the UK's relationship with the ECHR.⁵⁶ The HRA incorporates into UK law the ECHR's protected rights and freedoms and creates the ECtHR as a court of last resort for individuals seeking to safeguard their human rights. The HRA has had a substantial influence on UK law and policy with courts and government agencies obliged to

⁵⁵ Mowbray, Alastair, *The Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights*, Springer (2015).

⁵⁶ Human Rights Act 1998, UK legislation available at <https://www.legislation.gov.uk/ukpga/1998/42/contents>.

interpret and apply UK law in conformity with the Convention rights and the case law of the European Court of Human Rights. The HRA has also provided important protections for people in the UK against human rights violations committed by governmental institutions.

Notwithstanding these advantages, some critics argue that the fact that the UK is a party to the ECHR threatens parliamentary sovereignty and gives the ECtHR too much authority. Critics argue that the European Court of Human Rights (ECtHR) has overreached its authority in some cases, such as *A. and others v United Kingdom* where the ECtHR ruled that the UK's blanket restriction on prisoners' voting rights violated the Convention.⁵⁷ Several politicians have also claimed that the ECtHR's judgements have interfered with UK immigration policy and national security measures.

In conclusion, while these concerns are understandable, it is important to acknowledge the advantages of the UK's ECHR membership as well as the need for maintaining the trustworthy nature of the UK-ECHR structural relationship. The HRA offers vital protections against possible abuses of power by public bodies in the UK and guarantees that UK legislation is interpreted in accordance with the Convention. The decisions of the ECtHR are not binding on the UK, but they are very influential and have played a significant influence in developing UK law and policy.

Additionally, the United Kingdom's membership in the ECHR is critical for the promotion and protection of human rights throughout Europe. The Council of Europe, which oversees the ECHR, is dedicated to strengthening democracy, human rights, and the rule of law across Europe. The UK's participation in the ECHR is a critical component of this commitment, and withdrawal from or change to the ECHR might weaken the Council of Europe's credibility and mission.

Any modifications to the institutional connection between the UK and the ECHR should be carefully examined so that they do not compromise the core principles of the Convention or impair human rights protection. Furthermore, any revisions to the ECHR would require unanimous agreement from all member states, which might be difficult given the vast variety of

⁵⁷ *A. and others v United Kingdom*, European Court of Human Rights, Application No. 3455/05 (2009).

opinions and interests represented within the Council of Europe. Furthermore, any amendments to the ECHR would have to be implemented within each member state's domestic legal framework, which might add to the complexities and challenges.

The United Kingdom's membership in the ECHR has significant repercussions for the country's international reputation and influence. The United Kingdom has long been a leader in promoting human rights and the rule of law across the world, and its membership in the ECHR is an important part of that role. Withdrawing from the ECHR might erode the UK's reputation on human rights concerns, as well as its capacity to influence human rights laws and practices in other countries.

2.1 Artificial Intelligence Surveillance Techniques Used by the United Kingdom Government to Support Specific Policy Goals.

Introduction

The UKUSA Agreement, which was later expanded to "Five Eyes," is where the concept of global surveillance first emerged. Members of that intelligence community other than the UK include the United States, Canada, Australia, and New Zealand. Every country gathers information on a specific region of the world and then reports to the others..⁵⁸ After compiling all of their reports, they act as a collective. Several studies have shown that Australia is in charge of the data for South and East Asia, New Zealand is in charge of the data for the South Pacific and Southeast Asia, the UK is in charge of the data for Europe and Western Russia, and the US is in charge of the data for the Caribbean, China, Russia, the Middle East, and Africa.⁵⁹

State surveillance by definition is not illegal. The governments' use of monitoring, which is not done to restrict personal freedoms, is justified. Government officials can monitor prospective or serious threats with the use of AI surveillance technologies and take appropriate action. The

⁵⁸ Pandey, A. (n.d.). *An Introduction to Mass Surveillance and International Law*.

⁵⁹ Cox, J. (2012). *Canada and The Five Eyes Intelligence Community*. Canadian Defence & Foreign Affairs Institute and Canadian International Council.

methods used by the government to undertake surveillance have, however, undergone a significant change over time in tandem with technological advancements. Since closed-circuit television (CCTV) was originally deployed in the UK about a century ago, all cameras, systems, and technology have advanced and experienced unimaginable progress.

Mass surveillance was initially utilised by states that aim at complete control over their citizens, such as totalitarian and authoritarian regimes. Nevertheless, liberal democracies are currently the main users of such technologies.

The UK had the world's best cybersecurity system in 2019, according to The Global Cybersecurity Index.⁶⁰ The nation demonstrated remarkable devotion and perseverance throughout the year of 2018 to top the list. It takes up the second spot, losing the top spot to the USA.⁶¹

London has the highest level of monitoring in Europe. According to a Comparitech survey, the city has an estimated 627,707 cameras monitoring 9,176,530 people. This equates to 68.4 cameras per 1,000 persons. It is the highest-ranking western capital in the top ten list of most-surveilled cities.⁶²

In recent years the United Kingdom (UK) government has increasingly deployed artificial intelligence (AI) surveillance techniques to serve certain policy aims.⁶³ These techniques have been utilised in a variety of fields, including police, border control, and national security, to gather, analyse, and interpret vast volumes of data in order to identify, prevent, and respond to criminal activities and threats.⁶⁴ While these techniques offer benefits such as greater

⁶⁰ Itu.int. (2019). *Global Cybersecurity Index (GCI) 2018*. [online] Available at:

https://www.itu.int/dms_pub/itu-d/opb/str/D-STR-GCI.01-2018-PDF-E.pdf [Accessed 28 Mar.. 2023].

⁶¹ Sahu, V. (2023) *Global cybersecurity index [GCI] by ITU*, *Scaler Topics*. Available at: <https://www.scaler.com/topics/global-cybersecurity-index/> (Accessed: March 13, 2023).

⁶² Sawe, B.E. (2020) *Europe's 10 Most Surveilled Cities*, *WorldAtlas*. Available at: [https://www.worldatlas.com/articles/europe-s-10-most-surveilled-cities.html#:~:text=London%20has%20the%20highest%20level,68.4%20cameras%20per%201%2C000%20people](https://www.worldatlas.com/articles/europe-s-10-most-surveilled-cities.html#:~:text=London%20has%20the%20highest%20level,68.4%20cameras%20per%201%2C000%20people.). (Accessed: 03 March 2023).

⁶³ Institute for Government. (2019). *Artificial Intelligence and the Future of Government*. <https://www.instituteforgovernment.org.uk/sites/default/files/publications/AI-and-the-future-of-government.pdf>

⁶⁴ *Algorithms in Decision-Making* (2018) *House of Commons Science and Technology Committee*. Available at:

decision-making efficiency and accuracy, they also pose major threats to privacy, civil liberties, and human rights.⁶⁵ In this subchapter the author will look at the AI surveillance techniques utilised by the UK government, their benefits and risks, and the implications for privacy and human rights protection.

Facial Recognition Technology

One of the most contentious AI surveillance tools employed by the UK government is facial recognition technology (FRT).⁶⁶ The Met Police and South Wales Police utilise facial recognition, which entails capturing people in public places and then matching them to the Police National Database, which contains millions of images of suspects.

In order to identify people of interest, FRT employs machine learning algorithms to evaluate and compare facial pictures from CCTV footage, social media, and other sources against a database of recognized faces.⁶⁷

FRT has, however, come under heavy fire from civil liberties groups and human rights advocates who claim that it endangers the right to privacy and the freedom of speech.⁶⁸ It has been established that FRT is less reliable in identifying members of particular racial and gender groups, which may lead to discriminatory outcomes and wrongful arrests.⁶⁹ FRT can be used to

<https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/351/351.pdf> (Accessed: 03 March 2023).

⁶⁵ Privacy International. (2019). Rights, Camera, Action: A guide to CCTV and the Protection of Privacy in the UK. <https://privacyinternational.org/sites/default/files/2019-10/Rights-Camera-Action.pdf>

⁶⁶ Liberty. (n.d.). Facial Recognition Technology. <https://www.libertyhumanrights.org.uk/what-we-do/digital-rights-and-freedoms/facial-recognition-technology/>

⁶⁷ Home Office. (2019). Biometrics Strategy. <https://www.gov.uk/government/publications/biometrics-strategy>

⁶⁸ Open Rights Group. (2019). Facial Recognition Technology: Fundamental Rights Concerns. <https://www.openrightsgroup.org/wp-content/uploads/2019/05/Open-Rights-Group-Report-Facial-Recognition-Technology.pdf>

⁶⁹ Garvie, C. (2018). Garbage In, Garbage Out: Face Recognition on Flawed Data. <https://www.georgetownlawtechreview.org/garbage-in-garbage-out-face-recognition-on-flawed-data/>

monitor and track individuals' movements and activities without their consent, which might create a chilling effect on their exercise of fundamental rights.⁷⁰

Predictive Policing

Predictive policing is another AI surveillance tool utilised by the UK government. It often utilises analytical tools to data already held by police agencies in order to identify individuals or places at increased risk of criminal activity, the specifics of which are then utilised to allocate resources.⁷¹

It employs machine learning algorithms to examine previous crime data and identify patterns and trends that may be used to anticipate future criminal behaviours.⁷² Some UK police agencies have employed predictive policing to allocate resources, prioritise investigations, and prevent crime.⁷³ However, this surveillance method has been criticised for reinforcing existing biases and discrimination in the criminal justice system, since it is based on previous data, which may reflect and perpetuate systemic inequalities and prejudices.⁷⁴ Predictive policing may potentially lead to preemptive arrests and monitoring of people who have not done anything wrong, which violates their right to due process and the presumption of innocence.⁷⁵

Biometric Technologies

⁷⁰ European Parliament. (2019). Fundamental rights implications of facial recognition technology in the field of law enforcement. [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/634414/EPRS_STU\(2019\)634414_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/634414/EPRS_STU(2019)634414_EN.pdf)

⁷¹ Ingham, L. (2020) *UK police adopting facial recognition, predictive policing without public consultation*, *Verdict*. Available at: <https://www.verdict.co.uk/uk-police-facial-recognition-predictive-policing/> (Accessed: 19 March 2023).

⁷² The Alan Turing Institute. (n.d.). Predictive Policing. <https://www.turing.ac.uk/research/research-projects/predictive-policing>

⁷³ Greater Manchester Police. (2019). Predictive policing AI pilot proves to be a success in the fight against crime. <https://www.gmp.police.uk/news/greater-manchester/news/news/2019/october/predictive-policing-ai-pilot-proves-to-be-a-success-in-the-fight-against-crime/>

⁷⁴ Miller, T., Howe, P., & Rajah, N. (2017). Human Rights and Artificial Intelligence: An Urgently Needed Agenda. <https://www.hrw.org/news/2017/09/13/human-rights-and-artificial-intelligence-urgently-needed-agenda>

⁷⁵ UNESCO. (2019). The Opportunities and Risks of Digital Technologies for Human Rights. <https://unesdoc.unesco.org/ark:/48223/pf0000367324>

To enhance border control and immigration enforcement, the UK government has also invested in biometric technology such as fingerprint, DNA, face and voice recognition.⁷⁶ The government's Biometrics Strategy, which was released in 2018, intends to provide a framework for the ethical and effective use of biometric technology in law enforcement and national security.⁷⁷ Yet, because biometric data is regarded highly sensitive and personal, the use of biometric technologies raises substantial privacy and data protection concerns.⁷⁸

Despite the fact that the General Data Protection Regulation and the Data Protection Act of 2018 establish legal frameworks for the collecting, processing, and storage of biometric data, their efficacy in policing the UK government's use of biometric technology is still up for question. Furthermore, the Biometrics Commissioner's Annual Report 2018 drew attention to issues with the lack of openness and accountability in the government's use of biometric technology and urged the creation of clearer norms and oversight mechanisms.⁷⁹

Surveillance Cameras

In order to control the use of surveillance cameras in public locations, the UK government has created a National Surveillance Camera Strategy for England and Wales.⁸⁰ The policy intends to guarantee that the rights of individuals are respected and that the use of surveillance cameras is necessary, proportionate, and transparent.⁸¹ In order to increase the efficiency of surveillance

⁷⁶ Amnesty International.(2019) *The Surveillance Industry and Human Rights*. Available at: <https://www.ohchr.org/Documents/Issues/Opinion/Surveillance/AMNESTY%20INTERNATIONAL.pdf> (Accessed: 07 March 2023).

⁷⁷ European Parliament. (2021). Civil Liberties Committee calls for EU-wide ban on biometric mass surveillance.

<https://www.europarl.europa.eu/news/en/press-room/20210304IPR99105/civil-liberties-committee-calls-for-eu-wide-ban-on-biometric-mass-surveillance>

⁷⁸ Liberty. (2021). UK surveillance powers unlawful for 17 years, court rules. <https://www.libertyhumanrights.org.uk/press-release/uk-surveillance-powers-unlawful-17-years-court-rules/>

⁷⁹ The Guardian. (2021). UK's mass surveillance violated human rights, European court rules. <https://www.theguardian.com/uk-news/2021/may/25/uks-mass-surveillance-violated-human-rights-european-court-rules>

⁸⁰ Information Commissioner's Office. (2018). Guide to the General Data Protection Regulation (GDPR). <https://ico.org.uk/media/for-organisations/guide-to-the-general-data-protection-regulation-gdpr-1-0.pdf>

⁸¹ UK Government. (2019). National Surveillance Camera Strategy for England and Wales. <https://www.gov.uk/government/publications/national-surveillance-camera-strategy-for-england-and-wales>

cameras in identifying and preventing crime, the policy also encourages the use of AI technologies, such as object recognition and behaviour analysis.⁸² The use of surveillance cameras, however, raises concerns regarding privacy since people might not be aware that they are being monitored or they can feel threatened or harassed by the systematic monitoring.⁸³ Moreover, the use of AI in surveillance cameras might increase the risks to civil liberties and privacy since it can enable more advanced and invasive kinds of monitoring, such face recognition and behavioural profiling.⁸⁴

In conclusion, using AI surveillance methods to promote certain policy objectives by the UK government raises serious concerns regarding privacy, civil liberties, and human rights. While these methods have advantages like improved decision-making efficiency and precision, they also run the danger of causing prejudice, wrongful arrests, and violations of fundamental rights.

The UK government should make sure that the use of AI surveillance techniques is constrained by proper legal and moral frameworks, including transparency, accountability, and oversight mechanisms to reduce these dangers. In order to guarantee that the advantages and hazards of AI surveillance techniques are fairly balanced and that individual human rights are protected, the government should also participate in meaningful consultations with civil society and other stakeholders.

⁸² UK Government. (2018). Surveillance Camera Code of Practice. <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

⁸³ Privacy International. (2021). Surveillance Cameras. <https://privacyinternational.org/topic/surveillance-cameras>

⁸⁴ Liberty. (n.d.). Artificial Intelligence. <https://www.libertyhumanrights.org.uk/what-we-do/digital-rights-and-freedoms/artificial-intelligence/>

UK AI-related Human Rights Issues and the COVID-19 Pandemic

Many countries have turned to artificial intelligence (AI) technologies to help tackle the COVID-19 pandemic. Artificial intelligence (AI) may be classified into three categories: computer vision, machine learning, and natural language processing. Due to these capacities, computers are required to implement, analyse, and make decisions based on large amounts of data.⁸⁵

Artificial intelligence can quickly resolve rare symptoms and other red flags, alerting healthcare management and patients.⁸⁶⁸⁷ It provides a more rapid response to make a decision, resulting in a reduced cost.

AI can create an intelligent framework for self-control and foresee how this epidemic will spread. AI could analyse the value of the pandemic's spread, identifying clusters and tracing contact for patients, and regulating them. Using social networking, publicly available data, and media networks, this technology may detect and anticipate the presence of the virus, as well as its potential transmission and distribution. It might also forecast the number of positive cases and accidents in a certain area. AI would help in identifying the most affected regions, communities, and nations, enabling for effective preventive measures to be implemented.

Nevertheless, along with all the benefits the AI can give to any society and to the whole world, the use of it still has posed significant challenges for governments throughout the world. The use of such technologies in the context of the pandemic has caused a wave on how it would affect UK human rights, notably with regard to privacy, data protection, and non-discrimination.

Privacy is one of the major challenges related to human rights that is brought up by the use of AI in the context of the epidemic. For many AI systems to work properly, especially in the context of contact tracing applications and digital surveillance, personal data must be collected and

⁸⁵ M.M. Abdulzahra, Novel anti-collision algorithm in RFID tag identification process, *Software Engineering Methods in Intelligent Algorithms*, pp 152-169, 2019.

⁸⁶ H.S. Maghdid, K.Z. Ghafoor, A.S. Sadiq, K. Curran, K. Rabie, A novel AI-enabled framework to diagnose coronavirus COVID 19 using smartphone embedded sensors: design study. 2020. p. 1-5.

⁸⁷ C.J. Wang, T. New, F. Sun, et al., Response to COVID-19 in Taiwan big data analytics, new technology, and proactive testing, 2020, p. 1-2,

processed. Yet, the usage of personal data is a matter of concern in the area of privacy protection and the possibility of data collection by governments and huge commercial enterprises. In order to address these concerns, the UK Information Commissioner's Office produced guidelines on data protection in the context of the pandemic, highlighting the necessity of accountability and transparency in the use of personal data.⁸⁸

Discrimination is also another important human rights concern brought up by the UK's use of AI in the context of the pandemic. There is mounting evidence that prejudice embedded into algorithms might result in less favourable treatment of persons with protected characteristics like race and gender.⁸⁹

The application of AI in this instance raises further concerns about whether such systems adhere to the laws governing human rights. The right to respect for private life and the right against discrimination are protected by the Human Rights Act of 1998, which integrates the European Convention on Human Rights⁹⁰ into domestic law. Therefore, the use of AI needs to be ethical in order to adhere to the requirements of the ECHR and the HRA. In addition, the Equality Act of 2010, which forbids discrimination based on protected characteristics including race and gender, also requires that the usage of AI systems must be non-discriminatory.⁹¹

The area of study known as "algorithm fairness" aims to identify and address systemic biases. Machine learning and ethics have merged into it. Researching the reasons behind bias in

⁸⁸ Information Commissioner's Office, "Data Protection and Coronavirus: Guidance for Organisations," accessed March 16, 2023, <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/data-protection-and-coronaviruses/>.

⁸⁹ *Equality Watchdog Takes Action to Address Discrimination in Use of Artificial Intelligence* (2022) *Equality watchdog takes action to address discrimination in use of artificial intelligence | Equality and Human Rights Commission.* Available at: <https://www.equalityhumanrights.com/en/our-work/news/equality-watchdog-takes-action-address-discrimination-use-artificial-intelligence> (Accessed: 02 April 2023).

⁹⁰ *European Convention on Human Rights - European Court of Human Rights.* Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf (Accessed: 16 March 2023).

⁹¹ *Equality Act 2010* (2010) *Legislation.gov.uk.* Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents> (Accessed: 10 March 2023).

algorithms and data, as well as formulating and using fairness measurements, are particular tasks covered by this field.⁹² The concepts of algorithmic fairness must be carefully taken into account while using AI in such sensitive topics that are health and global pandemic.

The use of such a concept is crucial in the setting of the epidemic to guarantee that AI systems are efficient and do not worsen already-existing inequalities. The UK government has developed ethical guidelines for the application of AI in the public sector, highlighting the significance of accountability, transparency, and fairness.⁹³ There are concerns that these standards have not, especially in respect to contact tracing apps and digital surveillance, been effectively enforced in the context of the pandemic.

In conclusion, the UK's use of AI in times of COVID-19 pandemic has caused serious concerns. The country's devotion to protecting human rights, notably with regards to data protection, privacy, as well as non-discrimination were under fire. To ensure that the use of AI complies with human rights laws and moral standards, the lawful and ethical implications of these concerns need to be very carefully considered and addressed. This requires accountability and transparency in the use of private information, and the use of non-discriminatory algorithms, risk assessment models and algorithm fairness.

The UK government should do all in its power to guarantee that the use of AI in all contexts, whether in daily life or during a pandemic, complies with human rights legislation. This entails seriously considering ethical principles like accountability, transparency, and respect for individual rights, as well as the basics of algorithmic fairness.

⁹² O'Sullivan, C. (2022) *What is Algorithm Fairness?*, *Medium*. Available at: <https://towardsdatascience.com/what-is-algorithm-fairness-3182e161c9f#:~:text=Algorithm%20fairness%20is%20the%20field,and%20applying%20measurements%20of%20fairness> (Accessed: 10 March 2023).

⁹³ *Understanding Artificial Intelligence Ethics and safety GOV.UK*. Available at: <https://www.gov.uk/guidance/understanding-artificial-intelligence-ethics-and-safety> (Accessed: 10 March 2023).

2.2 UK Artificial Intelligence-Based Monitoring and Predictive Policing: Advantages and Disadvantages:

Introduction

Law enforcement is only one of the numerous fields and industries where artificial intelligence (AI) is quickly progressing and making an impact. AI-based monitoring and predictive policing are being used in the UK to increase public safety and reduce crime. AI-based policing systems identify suspects, forecast and prevent crime, and effectively allocate resources by using data analysis and machine learning algorithms. Although applying AI to policing offers certain benefits, there are some disadvantages as well. The benefits and drawbacks of AI-based monitoring and proactive policing in the UK will be discussed in this sub-chapter.

Advantages of AI-based Monitoring and Predictive Policing

1. Improved Efficiency and Accuracy

AI-based policing systems are made to swiftly and accurately handle enormous volumes of data, allowing law enforcement to spot trends and foresee crimes before they happen. The use of AI in police results in more accurate and trustworthy outcomes while requiring less time and resources for data analysis. Police are able to respond to emergencies more swiftly and utilise resources more wisely thanks to the increased accuracy and efficiency.⁹⁴

2. Enhanced Public Safety

Predictive policing and AI-based surveillance can improve public safety by assisting in crime reduction and prevention. Law enforcement can proactively allocate resources to stop crime from happening by using predictive policing technology to detect high-risk places and people. AI-based policing can increase public safety by decreasing crime, boosting public faith in the police and strengthening relationships between the police and the community.⁹⁵

⁹⁴ Aharony, A. R., Yuchtman-Yaar, A. S., & Nachmias, A. (2018). Artificial intelligence and policing: the opportunities and challenges. *Policing: A Journal of Policy and Practice*, 12(1), 20-29.

⁹⁵ Ibid

3. Reduced Bias

The goal of AI-based policing systems is to examine data impartially and without prejudice. Due consideration is given to all data, independent of the participants' race, gender, or other characteristics, lowering the risk of human error. AI-based solutions can increase the accuracy and impartiality of law enforcement by removing human bias from the policing process.⁹⁶

4. Enhanced Resource Allocation

Using AI-based monitoring and predictive policing, law enforcement agencies may better spend their resources. Police can allocate their resources more strategically by directing them to high-risk regions and periods by researching crime patterns and anticipating where and when crimes are likely to occur. As a result, crime is decreased and public safety is improved while law enforcement is allowed to make the most of their resources.⁹⁷

Disadvantages of AI-based Monitoring and Predictive Policing

1. Potential for Discrimination and Bias

There is growing fear that AI-based surveillance and predictive policing would perpetuate discriminatory practices and exacerbate current biases in the criminal justice system. Although AI has the ability to lessen bias in policing, there is also a chance that these systems could reinforce current biases or even introduce new ones. One of the biggest challenges with AI-based surveillance and predictive policing is that it is mainly focused on historical data, which may be biased towards specific communities. For example, if police officers have historically targeted specific areas or ethnic groups for surveillance, predictive policing systems' algorithms may learn to correlate such groups with criminal behaviour, even if they are innocent. This is referred

⁹⁶ Ibid

⁹⁷ Ibid

to as the "feedback loop" problem, in which biased data inputs result in biased outputs.⁹⁸ As a result, communities who have historically faced discriminatory policing practices may be unfairly targeted for increased scrutiny.

Another example is that if a system is structured to prioritise high-crime areas, it could eventually end up unfairly focusing on low-income regions, which are frequently exposed to higher levels of policing and surveillance than more affluent ones. This can lead to a self-fulfilling prophecy in which the system detects more crimes in certain areas merely because it is looking for them more intensely.⁹⁹ Furthermore, the adoption of AI-based systems may worsen current disparities in access to justice, since those who do not have access to legal services or do not speak English well may be disproportionately impacted.¹⁰⁰

2. Invasion of Privacy

Systems for AI-based law enforcement rely on gathering and processing enormous volumes of data, including personal data about individuals. Individual privacy may be violated by this data collection, raising issues with civil liberties and governmental surveillance. Sensitive personal information may also be revealed if AI systems are breached or otherwise compromised, putting people at risk of identity theft and other crimes.¹⁰¹

3. Lack of Transparency

The public may find it problematic to understand how AI-based policing systems operate or how choices are made because they are complicated and hard to comprehend. Particularly if people

⁹⁸ Sambasivan, N., Villaroman, D., & Wu, Y. (2021). Predictive policing and facial recognition technology: Exploring their impact on marginalised communities. *Journal of Criminal Justice and Law Review*, 5(1), 15-29.

⁹⁹ Crawford, K. (2019) *The Trouble With Bias by Kate Crawford, Revolutions*. Available at: <https://blog.revolutionanalytics.com/2017/12/the-trouble-with-bias-by-kate-crawford.html> (Accessed: March 21, 2023).

¹⁰⁰ Angwin, J. *et al.* (2016) *Machine bias, ProPublica*. Available at: <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing> (Accessed: March 21, 2023).

¹⁰¹ Vayena, L., Dignum, E., & Elger, M. (2018). Artificial intelligence and big data in public health. *International Journal of Information Management*, 39, 1-3.

believe they have been unfairly singled out by the police, this lack of openness can raise questions about accountability and fairness.¹⁰²

4. Unintended Consequences

Systems of AI-based law enforcement are intended to anticipate and stop crime, but they may potentially have unexpected effects. Predictive policing, for instance, may result in greater police presence in particular neighbourhoods, which may make some residents feel harassed or overpoliced. It may become harder for police to properly prevent and investigate crimes if there is a breakdown in community trust as a result of this. By utilising inaccurate data or algorithms, AI-based policing systems run the risk of reinforcing already-existing injustices like racial profiling.¹⁰³

Overall, predictive policing and AI-based monitoring have the potential to revolutionise law enforcement in the UK by improving efficiency, resource allocation, and public safety. There are, however, a few potential disadvantages that must be taken into consideration. The benefits and drawbacks of AI-based police systems must be carefully weighed by policymakers and law enforcement organisations, and proper precautions must be taken to reduce dangers. AI-based policing can improve public safety and reduce crime in the UK by solving issues with bias and discrimination, privacy, transparency, and unintended consequences.

¹⁰² Ibid

¹⁰³ Amaral-Garcia, A. L., & Brouwer, A. M. M. (2019). AI-based predictive policing in Europe: social and legal implications. *Computer Law & Security Review*, 35(5), 105366.

3. Artificial Intelligence Surveillance and European Convention on Human Rights Compliance With the United Kingdom Human Rights Act

Artificial intelligence (AI) is becoming a more prevalent use in surveillance systems, particularly those utilised by the United Kingdom (UK). However, the use of AI in surveillance raises serious concerns about the UK's compliance with the European Convention on Human Rights (ECHR). The author will address the use of AI in surveillance and its compliance with the ECHR, as well as the consequences for the UK Human Rights Act, in this final chapter.

Since the UK Constitution is not codified in a single document, as is widely known, its guiding principles have developed over time as a result of numerous laws, regulations, political conventions, and societal consensus. They govern interactions between state institutions or between the state and an individual.¹⁰⁴ Additionally, the Human Rights Act of 1998 is the main instrument used to safeguard human rights in the United Kingdom.

The amount of data amassed through AI surveillance about every single person is so vast that it eventually gets pretty unsettling to even consider it. For instance, the government keeps tabs on a person's precise location, gender, wardrobe and even food choices, as well as the contacts of the people they are engaging with. Even the video games kids play frequently have access to their contact lists, personal information, and some even ask for permission to use the microphone so they can listen in on what is happening in the player's immediate environment while they are playing.

Concerns about artificial intelligence surveillance date back to 1949, when George Orwell mentioned "Big Brother" in his book "1984". In the book, the author illustrates how difficult it is to live in such circumstances, particularly after WWII, by describing a totalitarian society where everyone is constantly monitored. The concern we have here is whether or not AI surveillance will ultimately make people live in constant fear or if society will resemble Winston Smith, the

¹⁰⁴ Parliament.uk. 2015. *THE UK CONSTITUTION. A Summary, With Options For Reform*. [online] Available at:

<<https://www.parliament.uk/documents/commons-committees/political-and-constitutional-reform/The-UK-Constitution.pdf>> [Accessed 10 April 2023].

protagonist of George Orwell's novel "1984", who was once caught having his own thoughts but eventually became normalised and came to love the "Big Brother"¹⁰⁵

The government having too much knowledge about people is currently what society is most concerned about. So when does this kind of data collecting constitute a violation of someone's human rights? Understanding precisely what constitutes a breach of a person's rights is a subject of intense debate. This is especially true in situations where the right to privacy or the freedom of expression are concerned, because on one side of the scale are the individual's rights and on the other side are the larger public interests as they relate to national security.

The ECHR is a convention outlining fundamental human rights and freedoms that has been ratified by 46 European nations, including the UK. The following ECHR Articles will serve as the foundation upon which the study findings will be based. Each of them addresses a particular aspect of a person's human rights that the AI Surveillance system may potentially infringe against: Article 6 of the ECHR - Right to a Fair Trial, Article 8 of the ECHR - The Right to Respect for Family and Private Life, Article 10 of the ECHR - Freedom of Expression, Article 14 of the ECHR - Protection from Discrimination.¹⁰⁶

Everyone has a right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law when it comes to the determination of their civil rights and obligations or any criminal charges against them. This right is stated in Article 6 of the ECHR. This article is concerned with the domestic process for objecting against secret surveillance methods.¹⁰⁷

Article 8 safeguards an individual's right to respect for their home, family, private life, and correspondence (such as letters, phone calls, and emails). No public authority may interfere with an individual's exercise of this right unless doing so is legal, necessary for a democratic society,

¹⁰⁵ Dean, M. and Orwell, G. (1949). *1984*.

¹⁰⁶ *The Human Rights Act* (no date) *The Human Rights Act | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights/human-rights-act> (Accessed: April 11, 2023).

¹⁰⁷ *Article 6: Right to a fair trial* (no date) *Article 6: Right to a fair trial | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights-act/article-6-right-fair-trial> (Accessed: April 11, 2023).

and serves the interests of national security, public safety, the nation's economic well-being, with the purpose of the prevention of disorder or crime, the protection of one's own health or morals, or the protection of the rights and freedoms of others.¹⁰⁸

The freedom to have one's own ideas and to express them openly without interference from the government is protected under Article 10 of the ECHR. This includes the freedom to publicly express one's opinions through speaking out in public or through the publication of articles, books, or leaflets as well as through broadcasting on television or radio.

The right to receive information from others, such as through participating in an event or reading a magazine, is likewise protected by the law.¹⁰⁹

All of the rights and freedoms outlined in the Act must be safeguarded and exercised without prejudice, as required by Article 14 of the ECHR, which is titled "Protection Against Discrimination." When you are treated less favourably than another person in a comparable circumstance, and this treatment cannot be explained objectively or rationally, you are being discriminated against. According to the Article, it is unlawful to discriminate against someone based on their gender, race, colour, language, religion, political and other beliefs, national or social origin, association with a national minority, property, birth, or any other status.¹¹⁰

¹⁰⁸ *Article 8: Respect for your private and Family Life* (no date) *Article 8: Respect for your private and family life | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights-act/article-8-respect-your-private-and-family-life> (Accessed: April 11, 2023).

¹⁰⁹ *Article 10: Freedom of Expression* (no date) *Article 10: Freedom of expression | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights-act/article-10-freedom-expression> (Accessed: April 11, 2023).

¹¹⁰ *Article 14: Protection From Discrimination* (no date) *Article 14: Protection from discrimination | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights-act/article-14-protection-discrimination> (Accessed: April 11, 2023).

AI Surveillance-Related Judgements:

An applicant who was suffering from depression filed the first case, *Peck v. The United Kingdom*, with the court on January 28, 2003. The lawsuit said that media outlets had released video taken by a street CCTV camera of the claimant strolling by himself while carrying a kitchen knife. Thus, the claimant's pictures were extensively disseminated after being published. The Claimant had attempted suicide by slashing his wrists, however this was not evident on the video. In light of this, he complained that there was no domestic remedy that would be effective and could assist him.

The municipal council was found to have violated Article 8 of the Convention (the right to respect for one's private life) by releasing the material, according to the Court. Additionally, because the Claimant lacked an effective remedy for breach of trust, Article 13 (the right to an effective remedy) was broken simultaneously with Article 8.¹¹¹

In the case of *Perry v. The United Kingdom* on July 17, 2003, the claim was made by the claimant, who had been detained after committing a number of robberies but had since been freed in order to attend the identification parade. The law enforcement officials were given authorisation to secretly record him after he skipped multiple identification parades. According to the claimant, he was recorded by the police, and the video was later used against him in the legal proceedings. Pursuant to the court's ruling, Article 8 of the Convention had been breached. As a result, the police's plot deviated from the usual or anticipated application of this sort of camera. Since the Claimant was not initially told of his rights or cautioned about being recorded, there has been an unlawful intrusion into his right to respect for his private life.¹¹²

A French resident living in the UK was given a 30-month prison term in *Perrin v. The United Kingdom* on October 18, 2005, for running a US-based online business containing pornographic content and posting indecent articles. The Court deemed the application inadmissible and denied the claim made under Article 10 of the Convention (freedom of speech). Therefore, the criminal

¹¹¹ *Peck v. The United Kingdom* [2003] (The European Court of Human Rights).

¹¹² *Perry v. the United Kingdom* [2003] (Strasbourg).

conviction was required, and the punishment was appropriate, to safeguard the morality and rights of those who are living in a democratic society.¹¹³

In *Copland v. the United Kingdom*, 3 April 2007, the applicant, who was working at an institution of higher education, brought the lawsuit. The deputy principal ordered that her use of the phone, e-mail, and internet be monitored. The UK Government stated that investigation was done to determine whether or not the Claimant had used college resources excessively for private reasons. According to the Court, it violated Article 8 of the Convention. Without her agreement, the claimant's right to respect for her private life and correspondence had been violated by the collection and retention of personal data associated with her use of the telephone, email, and the internet.¹¹⁴

On May 20, 2013, Edward Snowden released thousands of National Security Agency papers regarding programs involving surveillance and intelligence sharing between the USA and the UK in the case of *Big Brother Watch and Others v. The United Kingdom*. Three UK-based human rights organisations, Big Brother Watch, English PEN, and Open Rights Group, filed the lawsuit. They claimed that the mass surveillance program implemented by the UK under RIPA 2000¹¹⁵ breached Article 8 of the European Convention on Human Rights (ECHR), which guarantees the right to respect for one's correspondence and private life.

The UK's intelligence services, particularly the Government Communications Headquarters (GCHQ), collected communications data as part of the mass surveillance program. Without any specific suspicion or warrant, this data was gathered in bulk containing details on phone calls, emails, and internet activity. Following storage in databases, the data was evaluated by sophisticated algorithms.

¹¹³ *Perrin v. The United Kingdom* [2005] (The European Court of Human Rights).

¹¹⁴ *Copland v. The United Kingdom* [2007] (Strasbourg).

¹¹⁵ Lewes District and Eastbourne Borough Councils (no date) *Lewes and Eastbourne Councils, Regulation of Investigatory Powers Act - Lewes and Eastbourne Councils*. Available at: <https://www.lewes-eastbourne.gov.uk/access-to-information/regulation-of-investigatory-powers-act/> (Accessed: April 11, 2023).

The applicants complained about three distinct surveillance regimes: bulk communication interception in accordance with section 8(4) of the Regulation of Investigatory Information Powers Act (RIPA); intelligence sharing and receipt with foreign governments; and the acquisition of communications data from the service providers in accordance with Chapter II of RIPA.

The capacity to listen in on what someone says or writes is known as interception. The Investigatory Powers Act distinguishes between two forms of interception: targeted and bulk. When the focus of the inquiry is known, the term targeted is employed. When the target is unknown, bulk is employed. Bulk interception refers to the collection of massive amounts of internet traffic from all around the world. Because bulk is employed to find rather than investigate, it is a type of pre-crime investigation.¹¹⁶

Article 8 of the ECHR - The Right to Respect for Family and Private Life - *Bulk communication interception in accordance with section 8(4) of the Regulation of Investigatory Information Powers Act (RIPA)*: Communications that are bulk-intercepted in accordance with Section 8(4): The court outlined the following six conditions to be imposed to prevent power abuses in its case-law on the interception of communications in criminal investigations: 1) the types of offences that may warrant an interception order; 2) a description of the groups of people who may have their communications intercepted; 3) a time limit for the interception; 4) the process to be followed for examining, using, and storing the data obtained; 5) the precautions to be taken when communicating the data to other parties; and 6) the circumstances under which intercepted data may or must be erased or destroyed.¹¹⁷

Without a doubt, bulk interception is an effective means of preventing and reducing the present threat level of terrorism and other crimes. However, it is untargeted, and the criterion of "subsequent notification" presupposes a clearly specified target, which is hard to achieve by bulk

¹¹⁶ *Interception* (2016) *Bigbrotherwatch.org.uk*. Available at: <https://www.bigbrotherwatch.org.uk/wp-content/uploads/2016/03/Interception.pdf> (Accessed: April 11, 2023).

¹¹⁷ *Regulation of investigatory powers act 2000* (no date) *Legislation.gov.uk*. Queen's Printer of Acts of Parliament. Available at: <https://www.legislation.gov.uk/ukpga/2000/23/section/8/enacted> (Accessed: April 11, 2023).

interception. There were two major concerns: first, insufficient control over the selection of internet channels for interception, as well as the filtering, search, and selection of intercepted messages for verification, and second, the safeguards governing the selection of "related communication data" for verification. Given these deficiencies, in 2018, the lower chamber of the European Court of Human Rights ruled that neither the "quality of law" standard nor the interference required in a democratic society were fulfilled. As a result, the Court, by a majority of five to two, determined that there was a breach of Article 8 ECHR.

The Intelligence Sharing Regime With Foreign Governments: Domestic legislation required to specify the conditions under which foreign nations might seek to intercept data from foreign intelligence services and prevent abuses of power. Even though the circumstances under which such a request may be made may not be the same as the circumstances under which the state may intercept itself, they should still be sufficiently restricted to prevent the state from using this power to violate any domestic laws or their obligations under the Convention, to the extent that is humanly possible.

In this instance, the court expressed satisfaction with domestic legislation regarding asking for information from foreign intelligence services and said that the applicable domestic law and code were sufficiently clear, accessible, and sought lawful objectives. The Court did not find any evidence of flaws in the regime or its implementation. As a result, the Court determined that Article 8 was not violated.

The Regime of Chapter II RIPA: This system lets some government organisations obtain communications data from Communication Service Providers (hereafter referred to as "CSP"). Under domestic law, any framework that permitted authorities to access data maintained by CSPs had to restrict access to the "serious crime" purpose and have that access reviewed in advance by a court or independent administrative authority.¹¹⁸

This could not be in accordance with the law in the sense of Article 8 of the Convention because the regime of Chapter II permits access to stored data for the purpose of combating crime (rather

¹¹⁸ *Regulation of investigatory powers act 2000, Chapter II Legislation.gov.uk*. Queen's Printer of Acts of Parliament. Available at: <https://www.legislation.gov.uk/ukpga/2000/23/part/I/chapter/II/enacted> (Accessed: April 12, 2023).

than a "serious crime") and because access is not subject to prior review by a court or an independent administrative body unless it is requested to identify the source of the journalist.¹¹⁹

Article 10 of the ECHR - Freedom of Expression:¹²⁰ The petitioners in the second of the two combined instances, a journalist and a news organisation, claimed that the regimes of both section 8(4) and chapter II had interfered with their ability to publish confidential journalistic material.

Section 8(4) regime: Under the regime of section 8(4),¹²¹ surveillance measures were not taken with the intention of keeping tabs on journalists or revealing their sources. In general, if the journalist's messages were intercepted, authorities would only learn the Information while examining messages. Such messages being intercepted is not enough to constitute a severe restriction on the right to free speech.

The intervention will, however, be more significant if these messages get chosen for consideration, and it will only be justified by the main requirement in the public interest if it is accompanied by adequate safeguards for both the conditions under which they can be intentionally selected for consideration and for the protection of confidentiality if they were chosen, either intentionally or unintentionally, for verification.

The absence of restrictions on the special services' abilities to find sensitive journalistic or other materials, as well as the requirement that analysts pay close attention to whether a piece of material has been used or might be involved before selecting it for examination, were of particular concern. Consequently, it would appear that analysts have unrestricted access to explore and research both the content and associated communication data of these intercepted messages.

Given the potential deterrent effect that any alleged interference with the confidentiality of their communications and, specifically, their sources, could have on press freedom and the lack of any published agreements restricting the ability of intelligence services to search and examine such

¹¹⁹ Echr.coe.int. 2018. *Case-Law Of The European Court Of Human Rights*. [online] Available at: <https://echr.coe.int/Documents/CLIN_2018_09_221_ENG.pdf> [Accessed 11 April 2023].

¹²⁰ Supra

¹²¹ Supra

materials, unless when it was justified by the primary claim in the public interest, the Court determined that there had been a violation of Article 10 of the Convention.¹²²

Chapter II regime: - After reviewing the applicants' complaint under Article 8, the Court found that the Chapter II regime is unlawful because it allows access to stored data for the purpose of preventing crime (rather than a "serious crime") and because, aside from instances where access was requested to identify a journalist's source, it is not subject to preliminary review by a court or an independent administrative body.

The court acknowledged that when data is required in order to identify the journalist's source, the framework of Chapter II offers enhanced protection. These restrictions, however, only apply when the application's goal is to identify the source; as a result, they were not always used when requesting journalist data or when an inadvertent violation of privacy was a possibility. Furthermore, there were no specific restrictions limiting access to the purpose of preventing a "serious crime" in circumstances involving access to journalistic communication data. As a result, the regime cannot be "in accordance with the law" for the purposes of the complaint under Article 10, according to the Court.

Conclusively, the Chamber rejected complaints made under Article 6 (right to a fair trial) and Article 14 (prohibition of discrimination) of the Convention.¹²³

On May 25th, 2021, the Grand Chamber of the European Court of Human Rights (ECtHR) gave its final judgement in the case of *Big Brother Watch and Others v. the United Kingdom* upholding a 2018 ruling by the court's lower Chamber.

The Court:

1. *Held*, unanimously, that there had been a violation of Article 8 of the Convention in respect of the section 8(4) regime;
2. *Held*, unanimously, that there had been a violation of Article 8 of the Convention in respect of the Chapter II regime;

¹²² *Supra*

¹²³ *Big Brother Watch and Others v. the United Kingdom* [2018] (Strasbourg).

3. *Held*, by twelve votes to five, that there had been no violation of Article 8 of the Convention in respect of the receipt of intelligence from foreign intelligence services;
4. *Held*, unanimously, that, in so far as it was raised by the applicants in the second of the joined cases, there had been a violation of Article 10 of the Convention in respect of the section 8(4) regime and the Chapter II regime.
5. *Held*, by twelve votes to five, that there had been no violation of Article 10 of the Convention in respect of the receipt of intelligence from foreign intelligence services;
6. *Held*, unanimously, that the respondent State is to pay the applicants, within three months.
7. *Dismissed*, unanimously, the remainder of the applicants' claim for just satisfaction."¹²⁴

The Big Brother Watch case had profound implications for privacy rights and state surveillance across Europe. The judgement established fundamental principles concerning the limitations of government-funded surveillance and the significance of safeguards against misapplication. This ruling also affected the UK's legal framework that regulates surveillance. The Investigatory Powers Act 2016, which provides for more detailed and transparent laws governing monitoring, was passed by the UK government in reaction to this judgement.

The goal of RIPA 2000 and the IPA 2016 is to strike a compromise between protecting people's privacy and allowing law enforcement to acquire evidence for effective enforcement action. RIPA establishes a legal framework for the authorisation of some forms of covert intelligence gathering, in accordance with the Human Rights Act of 1998 and the European Convention on Human Rights. Likewise, the IPA establishes a legal framework for the authorised interception and exploitation of communications data.¹²⁵

¹²⁴ ECHR (2021) *European Court of Human Rights; CASE OF BIG BROTHER WATCH AND OTHERS v. THE UNITED KINGDOM*, HUDOC. Available at: [https://hudoc.echr.coe.int/fre#{"itemid":\["001-210077"\]}](https://hudoc.echr.coe.int/fre#{) (Accessed: 08 April 2023).

¹²⁵ *CORPORATE POLICY AND PROCEDURE ON THE REGULATION OF INVESTIGATORY POWERS ACT 2000 AND THE INVESTIGATOR POWERS ACT 2016* (2020). Available at: https://www.nwleics.gov.uk/files/documents/ripa_policy/Appendix%205%20RIPA%20and%20IPA%20Policy%202021.pdf (Accessed: April 11, 2023).

The Big Brother Watch case was a turning point in legal history, establishing significant concepts about the limitations of governmental monitoring and the importance of privacy rights. The judgement emphasised the significance of strong protections against abuse, as well as judicial monitoring to ensure that these measures are maintained. The case has had a profound influence on European privacy rights and state monitoring, and it will continue to affect the legal framework controlling surveillance in the coming years.

After researching and analysing all of these cases, it became clear that whether or not the use of Artificial Intelligence (AI) surveillance in the UK is legitimate and effective is dependent on a number of factors, including the specific context in which such surveillance is used, the safeguards in place to protect individual rights, and the extent to which such surveillance is subject to appropriate oversight and accountability mechanisms.

While AI monitoring may increase public safety and security, it must be used responsibly, ethically, and in a manner that complies with all legal and moral obligations regarding human rights. In conclusion, the legality and efficiency of AI surveillance in the UK ultimately rely on how closely it complies with international human rights norms, upholds the privacy and civil liberties of each individual, and is subject to the necessary oversight and accountability mechanisms.

Conclusion and Recommendations

Based on the study conducted for this thesis, it is evident that not everything is as clear as day. Oftentimes, we realise that even similar research topics that appear to be too descriptive or too easy to analyse and judge, in real life are not as definitive or as straightforward as they appear. At the beginning of the research, it appeared that the answer would be one - AI is evil, its use violates and limits our rights and freedoms that we were given at birth. However, as the research progressed, it became more difficult to give a definite assessment because there are not only disadvantages but also a great number of advantages to implementing Artificial Intelligence-based Security systems.

The United Kingdom has a very complex human rights protection system. The Human Rights Acts and the ECHR are the main sources that provide an important framework that protects the rights and freedoms of individuals living in the country. The Human Rights Act has made it much easier and cheaper for people to bring their cases to courts and to seek justice. The Act makes sure that the courts interpret domestic law in accordance with the Convention rights.

Overall, the UK Human Rights Act is critical for maintaining the basic liberties and legal rights of people living in the country and ensuring that public authorities uphold these rights.

In addition to maintaining the credibility of the UK-ECHR structural relationship, it is vital to acknowledge the benefits of the UK's ECHR membership. The HRA provides vital safeguards against potential abuses of power by UK government organisations and ensures that UK legislation is interpreted in conformity with the Convention. The ECtHR's judgements are not binding on the UK, but they are immensely important and have played an important role in the development of UK law and policy.

In addition to the benefits of the use of AI Security there are absolutely negative aspects as well. There is growing fear that AI-based security as well as predictive policing would perpetuate discriminatory practices as well as worsen existing biases in the criminal justice system. Sensitive personal information might additionally be revealed if AI systems are breached or compromised, putting people at risk of identity burglary and various other criminal offences.

The public may find it hard to comprehend how AI-based policing systems run or how choices are made. Specifically if people think they have been unfairly singled out by the police, this lack of openness can question accountability and fairness. AI policing, for instance, might result in higher police visibility in particular areas, which might make some residents feel harassed or overpoliced.

Using AI Surveillance methods by the UK government raises major concerns relating to privacy, constitutional freedoms, and also human rights. While these approaches have advantages like enhanced and effective decision-making and precision, they also run the threat of creating prejudice, wrongful arrests, and also violations of fundamental rights with the COVID-19 pandemic only adding fuel to the fire.

To reduce the threat of bias as well as discrimination, AI systems have to be trained on unbiased information, as well as their algorithms should be constantly tested for fairness. The information collection as well as handling must be transparent and based on oversight and law. Policymakers have to guarantee that the decision-making processes of AI systems are clear and explainable. This includes supplying clear descriptions of how AI systems function, exactly how decisions are made, and also just how information is accumulated and evaluated.

Taking into account all of the cases brought to court and all of the legal aspects examined in this paper, it is clear that governments will not hesitate to use AI-surveillance or any other tool for their own benefit; therefore, it is our responsibility as a society to be woke citizens and not allow that to limit or deny our rights and needs. Due to the fact that Artificial Intelligence has only been around for a short period of time, mankind is still learning about its long-term advantages and drawbacks. Not long ago, AI-surveillance was linked solely with totalitarian regimes and oppression whereas now even countries with the strongest democratic traditions utilise it to defend themselves from terrorist attacks or to have more effective governance and as tools to save money.

Based on the research done for this thesis, it is undeniable that the Human Rights Act of 1998 keeps the government and its actions in check and enables citizens to fight for their rights and to achieve justice by taking their cases to court, even though there are a number of AI

Surveillance-related violations taking place in the UK. This is due to the fact that the HRA makes the UK responsible and requires it to comply with the European Convention on Human Rights along with rulings from the European Court of Human Rights.

However, implementing the new Bill of Rights Bill might lower the level of protection provided to human rights. It may considerably weaken the power of the courts to impose fundamental rights as well as hold the state accountable for human rights offences.

The new Bill will make it more difficult to access the courts. It will affect some aspects of human rights as well as minimise them for particular groups of people.

Consequently, the new measures will only harm the rule of law, obstruct access to justice, and limit or completely eliminate rights. They will certainly result in even more cases being brought to the ECtHR, hurt the UK's international reputation, and, ultimately, create legal uncertainty.

Even though the United Kingdom's membership in the ECHR won't be challenged, the new bill will most definitely distance the country and draw a line between the conventional rights and the country's obligations.

Given that it has a long history of being a global leader in promoting human rights and the rule of law, the United Kingdom's membership in the ECHR is essential to fulfilling this responsibility. The UK's image on issues relating to human rights, as well as its capacity to influence human rights laws and practices in other countries, might be damaged by withdrawing from the ECHR, even in the slightest way.

From a diplomatic standpoint, excessive AI monitoring might affect how the world perceives the United Kingdom as a democratic country, but it will have no meaningful impact on the country's ties with the rest of the world. Because world power is constantly shifting and authoritarian regimes are getting more powerful, the UK might need to switch from an ally to another, but this will have little impact on the country's economic or political power in international relations.

Furthermore, despite all of the criticism directed at the UK government for the aforementioned violations or certain AI Surveillance policies, the country continues to be a member of the ECHR.

and incorporates Conventional rights into its legal system. Even the fact that the new proposed Bill has not yet reached its second reading tells a lot about the country's willingness to remain in the existing form of governance and do what is best for the country and its safety.

The legality and effectiveness of AI Surveillance systems in the UK inevitably rely on how closely it adheres to international human rights norms, supports the privacy as well as civil liberties of each person, and goes through the required oversight and accountability mechanisms. While AI monitoring might enhance public safety and security, it should be used wisely, ethically, and also in a manner that abides by all legal as well as ethical commitments relating to human rights. The current state of human rights law in the UK is both compatible with constitutional principles as well as strikes a good balance between respecting the British tradition of parliamentary democracy and safeguarding individual rights.

Although the United Kingdom Human Rights Act 1998's compliance with the ECHR in regards to the AI Surveillance system cannot always be considered entirely satisfactory, it also cannot be viewed as a total failure because the system, as a whole, functions reasonably and the number of benefits it provides the country with is enormous.

At the end of the day it all comes down to one thing - education. As Franklin D. Roosevelt said, Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education.”¹²⁶ Therefore, if we are a conscious society that educates itself on truly important matters and does not allow their governments to deny or challenge their fundamental human rights, governments will be more cautious and act more responsibly.

¹²⁶ Roosevelt, Franklin D. (1941). *“Public Papers of the Presidents of the United States: F.D. Roosevelt, 1938, Volume 7”*, p.538,

Bibliography

Primary Sources

1. *A. and others v United Kingdom*, European Court of Human Rights, Application No. 3455/05 (2009).
2. *Article 10: Freedom of Expression* (no date) *Article 10: Freedom of expression | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights-act/article-10-freedom-expression> (Accessed: April 11, 2023).
3. *Article 14: Protection From Discrimination* (no date) *Article 14: Protection from discrimination | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights-act/article-14-protection-discrimination> (Accessed: April 11, 2023).
4. *Article 6: Right to a fair trial* (no date) *Article 6: Right to a fair trial | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights-act/article-6-right-fair-trial> (Accessed: April 11, 2023).
5. *Article 8: Respect for your private and Family Life* (no date) *Article 8: Respect for your private and family life | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights-act/article-8-respect-your-private-and-family-life> (Accessed: April 11, 2023).
6. *A v Secretary of State for the Home Department* [2005] UKHL 71.
7. *Big Brother Watch and Others v. the United Kingdom* [2018] (Strasbourg).
8. *Bill of Rights*, 1689. Article IX
9. *Bill of Rights 1689*. Available at: <https://www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentaryauthority/revolution/collections1/collections-glorious-revolution/billofrights/> (Accessed: March 2, 2023).
10. *Copland v. The United Kingdom* [2007] (Strasbourg).
11. *Council of Civil Service Unions v Minister for the Civil Service*, 1984. 3 All ER 935.

12. Echr.coe.int. 2018. *Case-Law Of The European Court Of Human Rights*. [online] Available at: <https://echr.coe.int/Documents/CLIN_2018_09_221_ENG.pdf> [Accessed 11 April 2023].
13. ECHR (2021) *European Court of Human Rights; CASE OF BIG BROTHER WATCH AND OTHERS v. THE UNITED KINGDOM*, HUDOC. Available at: [https://hudoc.echr.coe.int/fre#{"itemid":\["001-210077"\]}](https://hudoc.echr.coe.int/fre#{) (Accessed: 08 April 2023).
14. *Equality Act 2010* (2010) *Legislation.gov.uk*. Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents> (Accessed: 10 March 2023).
15. *European Convention on Human Rights* (1950). Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf (Accessed: March 1, 2023).
16. *Human Rights Act 1998*, *Legislation.gov.uk*. Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/1998/42> (Accessed: March 11, 2023).
17. *Peck v. The United Kingdom* [2003] (The European Court of Human Rights).
18. *Perrin v. the United Kingdom* [2005] (The European Court of Human Rights)
19. *Perry v. the United Kingdom* [2003] (Strasbourg).
20. *R (on the application of Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No. 2)* [2008] UKHL 61.
21. *Regulation of investigatory powers act 2000, Chapter II* *Legislation.gov.uk*. Queen's Printer of Acts of Parliament. Available at: <https://www.legislation.gov.uk/ukpga/2000/23/part/I/chapter/II/enacted> (Accessed: April 12, 2023).

Secondary Sources

1. (2022) *Human Rights Act Reform - House of Commons Library*. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-9581/> (Accessed: 08 April 2023).
2. Aharony, A. R., Yuchtman-Yaar, A. S., & Nachmias, A. (2018). Artificial intelligence and policing: the opportunities and challenges. *Policing: A Journal of Policy and Practice*, 12(1), 20-29.
3. Alan Dignam, "The Human Rights Act and Private Law: A New Constitutional Relationship", *International and Comparative Law Quarterly* 52, no. 1 (2003): 27-56.
4. *Algorithms in Decision-Making* (2018) *House of Commons Science and Technology Committee*. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/351/351.pdf> (Accessed: 03 March 2023).
5. Alice Donald & Philip Leach, *The United Kingdom's Human Rights Act 1998 in Practice: Beyond the Rhetoric* 5 (2000), available at <https://www.justiceinitiative.org/uploads/d54/7b/d547b8cc2a4a4a4a5790d4c184f9eb7b/h-ra-in-practice.pdf>
6. Amaral-Garcia, A. L., & Brouwer, A. M. M. (2019). AI-based predictive policing in Europe: social and legal implications. *Computer Law & Security Review*, 35(5), 105366.
7. Amnesty International, *Human Rights Act*, available at <https://www.amnesty.org.uk/human-rights-act>
8. Amnesty International.(2019) *The Surveillance Industry and Human Rights*. Available at: <https://www.ohchr.org/Documents/Issues/Opinion/Surveillance/AMNESTY%20INTERNATIONAL.pdf> (Accessed: 07 March 2023).
9. Amnesty International UK, "UK: The Refugee Crisis", accessed February 26, 2023, <https://www.amnesty.org.uk/issues/refugee-crisis>; Crisis, "Homelessness in the UK", accessed February 26, 2023, <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/homelessness-in-numbers/homelessness-in-the-uk/>.

10. *Refugees, Migrants and Asylum* (2023) Amnesty International UK. Available at: <https://www.amnesty.org.uk/truth-about-refugees> (Accessed: 11 March 2023).
11. Angwin, J. *et al.* (2016) *Machine bias, ProPublica*. Available at: <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing> (Accessed: March 21, 2023).
12. C.J. Wang, T. New, F. Sun, et al., Response to COVID-19 in Taiwan big data analytics, new technology, and proactive testing, 2020, p. 1-2,
13. *CORPORATE POLICY AND PROCEDURE ON THE REGULATION OF INVESTIGATORY POWERS ACT 2000 AND THE INVESTIGATOR POWERS ACT 2016* (2020). Available at: https://www.nwleics.gov.uk/files/documents/ripa_policy/Appendix%205%20RIPA%20and%20IPA%20Policy%202021.pdf (Accessed: April 11, 2023).
14. Cox, J. (2012). Canada and The Five Eyes Intelligence Community. Canadian Defence & Foreign Affairs Institute and Canadian International Council.
15. Craig, P., 1997. *Formal and Substantive Concepts of the Rule of Law*. Public Law 467.
16. Crawford, K. (2019) *The Trouble With Bias by Kate Crawford, Revolutions*. Available at: <https://blog.revolutionanalytics.com/2017/12/the-trouble-with-bias-by-kate-crawford.html> (Accessed: March 21, 2023).
17. Crisis, "Homelessness in the UK", accessed February 26, 2023, <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/homelessness-in-numbers/homelessness-in-the-uk/>.
18. Dean, M. and Orwell, G. (1949). *1984*.
19. Dicey, A., 1915. *Introduction to the Study of the Law of the Constitution*, 8th edn, pp. 30-34; McIlwain, C., 1940. *Constitutionalism Ancient and Modern*. Ithaca, NY: Cornell University Press, pp. 20-21.
20. Dicey, A., 1915. *Introduction To The Study Of The Law Of The Constitution*. 8th ed. London: Macmillan Education, pp.3-4.
21. Equality and Human Rights Commission, "About us", accessed February 26, 2023, <https://www.equalityhumanrights.com/en/about-us>.

22. Equality and Human Rights Commission, "Human Rights Act," <https://www.equalityhumanrights.com/en/human-rights/human-rights-act> (accessed March 1, 2023).
23. *Equality Watchdog Takes Action to Address Discrimination in Use of Artificial Intelligence* (2022) *Equality watchdog takes action to address discrimination in use of artificial intelligence | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/our-work/news/equality-watchdog-takes-action-address-discrimination-use-artificial-intelligence> (Accessed: 02 April 2023).
24. *European Convention on Human Rights - European Court of Human Rights*. Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf (Accessed: 16 March 2023).
25. European Parliament. (2019). Fundamental rights implications of facial recognition technology in the field of law enforcement. [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/634414/EPRS_STU\(2019\)634414_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/634414/EPRS_STU(2019)634414_EN.pdf)
26. European Parliament. (2021). Civil Liberties Committee calls for EU-wide ban on biometric mass surveillance. <https://www.europarl.europa.eu/news/en/press-room/20210304IPR99105/civil-liberties-committee-calls-for-eu-wide-ban-on-biometric-mass-surveillance>
27. Francesca Klug, "The Human Rights Act 1998: A UK Bill of Rights?", *Parliamentary Affairs* 54, no. 1 (2001): 59-74.
28. Francesca Klug, "The Human Rights Act 1998: A UK Bill of Rights?", *Parliamentary Affairs* 54, no. 1 (2001): 59-74.
29. Garvie, C. (2018). Garbage In, Garbage Out: Face Recognition on Flawed Data. <https://www.georgetownlawtechreview.org/garbage-in-garbage-out-face-recognition-on-flawed-data/>
30. Greater Manchester Police. (2019). Predictive policing AI pilot proves to be a success in the fight against crime. <https://www.gmp.police.uk/news/greater-manchester/news/news/2019/october/predictive-policing-ai-pilot-proves-to-be-a-success-in-the-fight-against-crime/>
31. Griffith, J.A.G., 1979. *The Political Constitution*. 42 *Modern L. Rev.* 1.

32. *Guide on Article 46 of the European Convention on Human Rights* (no date). Available at: https://echr.coe.int/Documents/Guide_Art_46_ENG.pdf (Accessed: March 11, 2023).
33. H.S. Maghdid, K.Z. Ghafoor, A.S. Sadiq, K. Curran, K. Rabie, A novel AI-enabled framework to diagnose coronavirus COVID 19 using smartphone embedded sensors: design study. 2020. p. 1-5.
34. Habermas, J., 2001. *Constitutional Democracy: A Paradoxical Union of Contradictory Principles?* 29 *Pol. Theory* 766–769.
35. Helen Fenwick and Gavin Phillipson, “The Human Rights Act 1998: Impact, Successes, and New Challenges,” *Modern Law Review* 75, no. 4 (2012): 599-625, <https://doi.org/10.1111/j.1468-2230.2012.00886.x>.
36. Home Office. (2019). *Biometrics Strategy*. <https://www.gov.uk/government/publications/biometrics-strategy>
37. Human Rights Act 1998, UK legislation available at <https://www.legislation.gov.uk/ukpga/1998/42/contents>.
38. *Human Rights Act Reforms and the Bill of Rights Bill (2022)* *The Law Society*. Available at: [https://www.lawsociety.org.uk/topics/human-rights/human-rights-act-reforms#:~:text=The%20Bill%20of%20Rights%20Bill%20was%20introduced%20to%20parliament%20in,Rights%20\(ECHR\)%20domestically%20enforceable](https://www.lawsociety.org.uk/topics/human-rights/human-rights-act-reforms#:~:text=The%20Bill%20of%20Rights%20Bill%20was%20introduced%20to%20parliament%20in,Rights%20(ECHR)%20domestically%20enforceable.). (Accessed: 08 April 2023).
39. (2012) *Human Rights and the UK Constitution - The British Academy*. Available at: <https://www.thebritishacademy.ac.uk/documents/262/Human-rights-and-the-UK-constitution.pdf> (Accessed: 11 March 2023).
40. Information Commissioner's Office, "Data Protection and Coronavirus: Guidance for Organisations," accessed March 16, 2023, <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/data-protection-and-coronavirus/>.
41. Information Commissioner's Office. (2018). *Guide to the General Data Protection Regulation (GDPR)*. <https://ico.org.uk/media/for-organisations/guide-to-the-general-data-protection-regulation-gdpr-1-0.pdf>

42. Ingham, L. (2020) *UK police adopting facial recognition, predictive policing without public consultation*, *Verdict*. Available at: <https://www.verdict.co.uk/uk-police-facial-recognition-predictive-policing/> (Accessed: 19 March 2023).
43. Institute for Government. (2019). *Artificial Intelligence and the Future of Government*. <https://www.instituteforgovernment.org.uk/sites/default/files/publications/AI-and-the-future-of-government.pdf>
44. *Interception* (2016) *Bigbrotherwatch.org.uk*. Available at: <https://www.bigbrotherwatch.org.uk/wp-content/uploads/2016/03/Interception.pdf> (Accessed: April 11, 2023).
45. Itu.int. (2019). *Global Cybersecurity Index (GCI) 2018*. [online] Available at: https://www.itu.int/dms_pub/itu-d/opb/str/D-STR-GCI.01-2018-PDF-E.pdf [Accessed 28 Mar. 2023].
46. Lewes District and Eastbourne Borough Councils (no date) *Lewes and Eastbournecouncils, Regulation of Investigatory Powers Act - Lewes and Eastbourne Councils*. Available at: <https://www.lewes-eastbourne.gov.uk/access-to-information/regulation-of-investigatory-powers-act/> (Accessed: April 11, 2023).
47. Liberty, "Coronavirus Act 2020: What you need to know", accessed February 26, 2023, <https://www.libertyhumanrights.org.uk/what-we-do/coronavirus/coronavirus-act-2020-what-you-need-know/>.
48. Liberty. (2021). *UK surveillance powers unlawful for 17 years, court rules*. <https://www.libertyhumanrights.org.uk/press-release/uk-surveillance-powers-unlawful-17-years-court-rules/>
49. Liberty. (n.d). *Artificial Intelligence*. <https://www.libertyhumanrights.org.uk/what-we-do/digital-rights-and-freedoms/artificial-intelligence/>
50. Liberty. (n.d). *Facial Recognition Technology*. <https://www.libertyhumanrights.org.uk/what-we-do/digital-rights-and-freedoms/facial-recognition-technology/>

51. Liora Lazarus, "The Human Rights Commission Debate: Lessons from Abroad", *Public Law* (2006): 651-671.
52. Lord Irvine, "The European Convention on Human Rights: Its Significance for British Law and Politics," *Political Quarterly*, Vol. 70, No. 1, 1999, pp. 21-29.
53. Luke Clements and Simon Halliday, "Human Rights in the UK: An Introduction to the Human Rights Act 1998", *European Human Rights Law Review* 5 (2006): 498-507.
54. M.M. Abdulzahra, Novel anti-collision algorithm in RFID tag identification process, *Software Engineering Methods in Intelligent Algorithms*, pp 152-169, 2019.
55. *Magna carta - UK parliament*. Available at: <https://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/overview/magnacarta/> (Accessed: March 11, 2023).
56. Maria Lee, "Brexit and the UK's Human Rights Regime", *Cambridge Yearbook of European Legal Studies* 21 (2019): 168-179.
57. Mark Elliott & Robert Thomas, *Public Law* 647-48 (3d ed. 2017).
58. Maryam Akram, "The UK's Human Rights Regime after Brexit: Nationalistic Populism versus Universalism", *Human Rights Quarterly* 43, no. 3 (2021): 679-702.
59. Michael Gove, The Human Rights Act is Britain's own Bill of Rights, *The Telegraph* (Oct. 3, 2011), available at <https://www.telegraph.co.uk/comment/8802012/The-Human-Rights-Act-is-Britains-own-Bill-of-Rights.html>
60. Miller, T., Howe, P., & Rajah, N. (2017). Human Rights and Artificial Intelligence: An Urgently Needed Agenda. <https://www.hrw.org/news/2017/09/13/human-rights-and-artificial-intelligence-urgently-needed-agenda>
61. *Mother Teresa quote A*. Available at: <https://www.azquotes.com/quote/1124147?ref=human-rights-day> (Accessed: 03 April 2023).
62. Mowbray, Alastair, *The Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights*, Springer (2015).

63. Nigel Rodley, *The Human Rights Committee: Its Role in the Development of the International Covenant on Civil and Political Rights*, in *International Human Rights Monitoring Mechanisms* 43, 44 (Philip Alston ed., 2009).
64. Open Rights Group. (2019). *Facial Recognition Technology: Fundamental Rights Concerns*.
<https://www.openrightsgroup.org/wp-content/uploads/2019/05/Open-Rights-Group-Report-Facial-Recognition-Technology.pdf>
65. O’Sullivan, C. (2022) *What is Algorithm Fairness?*, *Medium*. Available at: <https://towardsdatascience.com/what-is-algorithm-fairness-3182e161cf9f#:~:text=Algorithm%20fairness%20is%20the%20field,and%20applying%20measurements%20of%20fairness> (Accessed: 10 March 2023).
66. Pandey, A. (n.d.). *An Introduction to Mass Surveillance and International Law*.
67. Parliament.uk. 2015. *THE UK CONSTITUTION. A Summary, With Options For Reform*. [online] Available at: <https://www.parliament.uk/documents/commons-committees/political-and-constitutional-reform/The-UK-Constitution.pdf> [Accessed 10 April 2023].
68. Parliament.uk. 2015. *THE UK CONSTITUTION. A Summary, With Options For Reform*. [online] Available at: <https://www.parliament.uk/documents/commons-committees/political-and-constitutional-reform/The-UK-Constitution.pdf> [Accessed 10 April 2023].
69. Parliamentary and Health Service Ombudsman, "What we do", accessed February 26, 2023, <https://www.ombudsman.org.uk/about-us/what-we-do>.
70. Privacy International. (2019). *Rights, Camera, Action: A guide to CCTV and the Protection of Privacy in the UK*. <https://privacyinternational.org/sites/default/files/2019-10/Rights-Camera-Action.pdf>
71. Privacy International. (2021). *Surveillance Cameras*. <https://privacyinternational.org/topic/surveillance-cameras>
72. *Regulation of investigatory powers act 2000 Legislation.gov.uk*. Queen's Printer of Acts of Parliament. Available at: <https://www.legislation.gov.uk/ukpga/2000/23/section/8/enacted> (Accessed: April 11, 2023).

73. *Rights Brought Home: The Human Rights Bill* - gov.uk (no date). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/263526/rights.pdf (Accessed: March 11, 2023).
74. Roosevelt, Franklin D. (1941). "Public Papers of the Presidents of the United States: F.D. Roosevelt, 1938, Volume 7", p.538,
75. Sahu, V. (2023) *Global cybersecurity index [GCI] by ITU*, Scaler Topics. Scaler Topics. Available at: <https://www.scaler.com/topics/global-cybersecurity-index/> (Accessed: March 13, 2023).
76. Sambasivan, N., Villaroman, D., & Wu, Y. (2021). Predictive policing and facial recognition technology: Exploring their impact on marginalised communities. *Journal of Criminal Justice and Law Review*, 5(1), 15-29.
77. Sawe, B.E. (2020) *Europe's 10 Most Surveilled Cities*, *WorldAtlas*. Available at: <https://www.worldatlas.com/articles/europe-s-10-most-surveilled-cities.html#:~:text=London%20has%20the%20highest%20level,68.4%20cameras%20per%201%2C000%20people>. (Accessed: 03 March 2023).
78. The Alan Turing Institute. (n.d.). Predictive Policing. <https://www.turing.ac.uk/research/research-projects/predictive-policing>
79. The Guardian. (2021). UK's mass surveillance violated human rights, European court rules. <https://www.theguardian.com/uk-news/2021/may/25/uks-mass-surveillance-violated-human-rights-european-court-rules>
80. *The Human Rights Act 1998 The Human Rights Act | Equality and Human Rights Commission*. Available at: <https://www.equalityhumanrights.com/en/human-rights/human-rights-act> (Accessed: April 11, 2023).
81. The Human Rights Act 1998 (HRA), c.42, (U.K.), available at <https://www.legislation.gov.uk/ukpga/1998/42/contents>
82. UK Government. (2018). Surveillance Camera Code of Practice. <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

83. UK Government. (2019). National Surveillance Camera Strategy for England and Wales. <https://www.gov.uk/government/publications/national-surveillance-camera-strategy-for-england-and-wales>
84. UK Human Rights Act 1998, c. 42, s. 6.
85. *Understanding Artificial Intelligence Ethics and safety GOV.UK*. Available at: <https://www.gov.uk/guidance/understanding-artificial-intelligence-ethics-and-safety> (Accessed: 10 March 2023).
86. UNESCO. (2019). The Opportunities and Risks of Digital Technologies for Human Rights. <https://unesdoc.unesco.org/ark:/48223/pf0000367324>
87. *United Kingdom Government (2013) Commonwealth of Nations*. Available at: https://www.commonwealthofnations.org/sectors-united_kingdom/government/ (Accessed: March 11, 2023).
88. *United Kingdom Government (2013) Commonwealth of Nations*. Available at: https://www.commonwealthofnations.org/sectors-united_kingdom/government/ (Accessed: March 11, 2023).
89. Vayena, L., Dignum, E., & Elger, M. (2018). Artificial intelligence and big data in public health. *International Journal of Information Management*, 39, 1-3.