

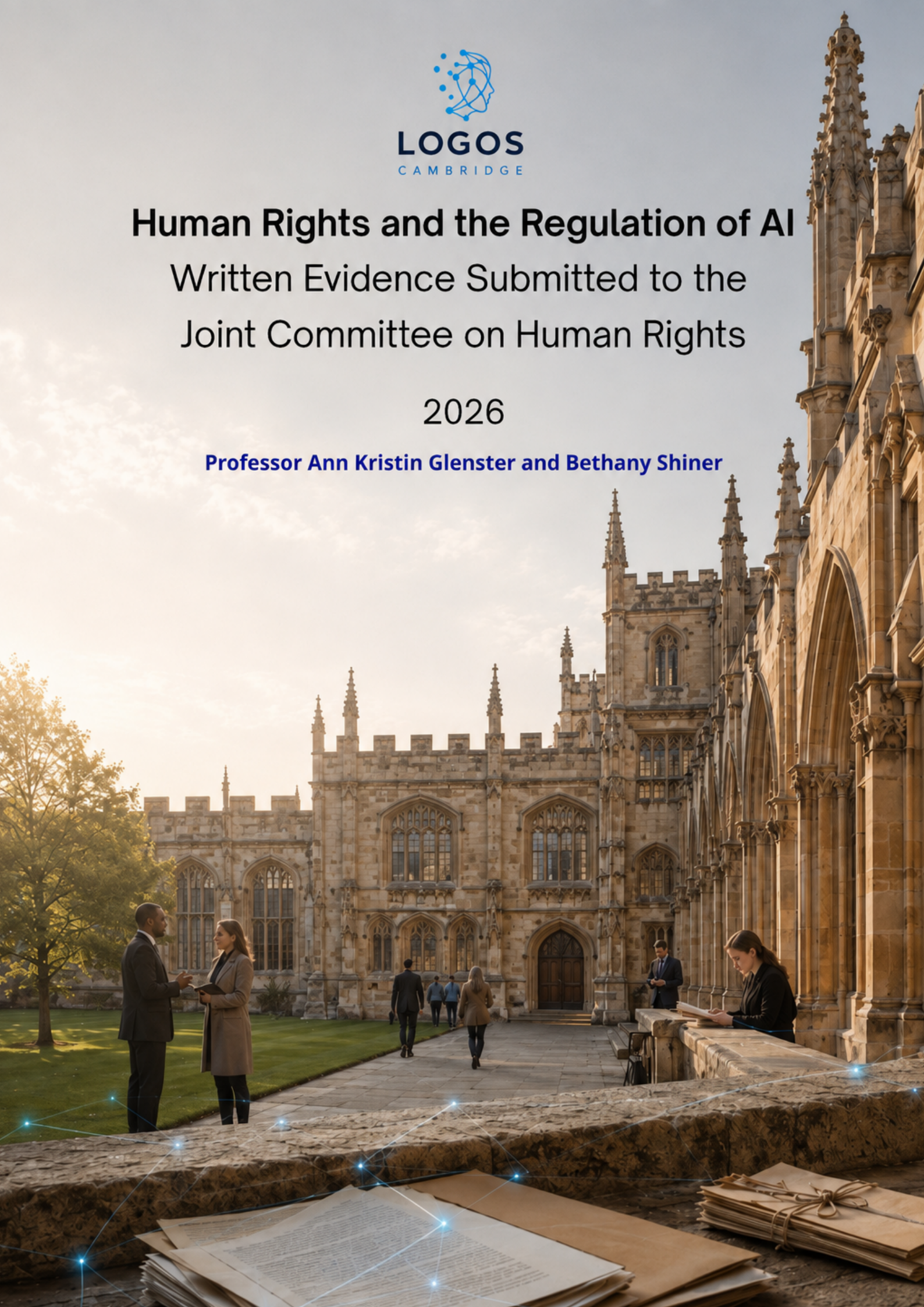


Human Rights and the Regulation of AI

Written Evidence Submitted to the Joint Committee on Human Rights

2026

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AI and Human Rights: Written Evidence to the Joint Committee on Human Rights
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Abstract

This submission to the UK Joint Committee on Human Rights examines the impact of artificial intelligence (AI) on fundamental human rights through the emerging framework of epistemic rights. It argues that AI technologies—particularly generative AI, recommender systems, surveillance infrastructures, and neurotechnologies—pose significant risks to the rights to privacy, freedom of thought, access to information, dignity, and the free development of personality as protected under international human rights law.

The submission highlights how AI-driven data extraction, hyper-personalisation, deceptive design, and biometric and neural data processing undermine individual autonomy, epistemic justice, and democratic participation.

While elements of the UK's existing legal framework already protect aspects of these rights, the report finds current protections fragmented and insufficiently adapted to AI-mediated harms, especially for children and vulnerable groups.

In this submission, we recommend that the UK explicitly recognise epistemic rights within its human rights approach to AI, strengthen regulatory safeguards—particularly for neurotechnologies—and resist utilitarian trade-offs that weaken fundamental rights in the name of innovation or economic growth.

Epistemic Rights and Human Cognitive Agency for the Future

Epistemic rights refer to the universal human rights pertaining to our intellectual capacities, such as the right to freedom of thought, access to information, mental privacy, and freedom of expression, which are under extreme strain in the digital era. Epistemic rights may also refer to new rights, such as the right to daydream, the right to memory, and the right to boredom. Thus, we conceptualise epistemic rights as both having the capacity to be juridical rights, but also to represent a conceptual language for a new dialogue around what it means to be human in the age of AI.

This written evidence submission falls under the LOGOS project Epistemic Rights and Human Cognitive Agency for the Future. At the heart of LOGOS is a concern for human epistemic agency: the capacity to seek out information, assess its reliability, form judgements, and revise beliefs in light of evidence and reason. The free exercise of reason, developed to our individual capacities, has always been dependent upon educational institutions, social systems, transparent information, diverse deliberation, and other tools that enable cognition.

But today's technology is radically different. AI systems increasingly curate what we see, anticipate what we want, and generate content that is impossible to distinguish from human expression. Manipulative design and algorithms ruled by autonomous AI agents shape and micro-target nearly every facet of our information spheres. New technologies promise cognitive enhancement and the potential to re-engineer humanity to resemble machines.

How can we secure and maintain meaningful human cognitive agency and epistemic rights that will enable humans to access and benefit from new domains of knowledge, advancing technologies, and AI co-existence where humans remain in control?

We believe that the answer may in part be an enforceable framework for epistemic rights.

Introduction

This evidence submission argues that the UK should establish better standards and frameworks to protect epistemic human rights in relation to AI. Specifically, the UK should ensure there are regulatory guardrails to protect the fundamental right to privacy, freedom of thought, access to information, and the right to develop one's personality and partake in cultural life.

Evidence Submission

Question 1: How can Artificial Intelligence (AI) affect individual human rights for good or ill, in particular in the areas of: privacy and data usage, discrimination and bias, effective remedies for violations of human rights?

1. There are numerous ways AI may affect human rights. This submission will focus on the implications of AI on epistemic rights. Epistemic rights is an emerging legal concept that encompasses rights connected to the human episteme and cognition, which are anchored in the Universal Declaration of Human Rights (1948) (UDHR).¹
2. Epistemic rights include the right to privacy (Article 8 European Convention on Human Rights (ECHR); Article 12 International Covenant on Civil and Political Rights (ICCPR)); the right to freedom of thought, conscience, and religion (Article 9 ECHR; Article 18 ICCPR); and the right to freedom of expression and access to information (Article 10 ECHR; Article 19 ICCPR). Other associated rights – such as the right to education (Article 2 of Protocol 1; Article 13-14 International Covenant on Economic, Social and Cultural Rights (ICESCR)) and the right to participate in and share in cultural life and scientific advancements (Article 27 ICESCR) – are also important to ensure that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood” (Article 1 UDHR). Thus, epistemic rights are essential to the underlying values of the human rights doctrine of privacy, dignity, and autonomy.²

¹ Ann Kristin Glenster, *Surveillance Capitalism, Deceptive Designs, and Epistemic Rights* (Carr-Ryan Center for Human Rights, Harvard Kennedy School for Government, forthcoming).

² The conceptualisation and work on epistemic rights are based on ongoing scholarly enquiry by Dr Glenster pursuant her work with Professor Mathias Risse at the Carr-Ryan Center for Human Rights at the Harvard Kennedy School and Bethany Shiner's work on the right to freedom of thought at the University of Oxford. See also Mathias Risse, The Fourth Generation of Human Rights: Epistemic Rights in Digital Lifeworlds”, *Moral Philosophy and Politics* 2021: 8(2).

3. AI technologies have the potential to interfere with all the epistemic rights. Advances in neurotechnologies, driven by AI, pose risks to the right to the freedom of thought and the right to privacy.³ For example, neurotechnologies such as brain-computer interfaces and neuroimaging technology generate vast amounts of brain data which can be analysed by AI which will allow the recording, decoding, and moderating of the neural correlates of cognitive processes.⁴ These uses of AI clearly have the potential to infringe Article 18 UDHR on the right to the freedom of thought.
4. The use of AI to shape, mediate and control access to information in the infosphere⁵ – particularly through the widespread and opaque use of deceptive design and hyper-personalisation – limits the right to freedom of expression, access to information, and the development of personality.⁶ Not having access to information – partly because the information is not made available (for example only accessible through paywalls) or because it is difficult to impossible to find due to the noise of misinformation, disinformation, and misdirection – clearly also poses a threat to thought information.. Without information we cannot shape our thoughts freely. Without free thought, we cannot shape our personalities and identities, which are a prerequisite for social participation and civic life.
5. Generative AI presents unprecedented risks to the fundamental values of informational self-determination, dignity, and autonomy. Deepfakes, voice-cloning, and AI-driven intimate image abuse proliferate online, often targeting the right of women and girls to author their own identities and protect their privacy.⁷ These technologies are also used to control women and girls through ancillary harms, such as silencing and coercive control through societal stigma. Generative AI blends invasions of bodily integrity and privacy, violations of confidential relationships, and infringement of intellectual privacy in ways that where unimaginable only a few years ago.⁸

³ AI and freedom of thought evidence.

⁴ Francesco Schiliro, Nour Mustafa, and Amin Behesthti, “Cognitive Privacy: AI-enabled privacy using EEG signals in the Internet of Things,” Proceedings – 2020 IEEE 6th International Conference on Dependability in Sensor, Cloud and Big Data Systems and Applications, DependSys 2020.

⁵ Luciano Floridi, *The Fourth Revolution: How the Infosphere is Reshaping Human Reality* (Oxford University Press 2014).

⁶ Ann Kristin Glenster, *Surveillance Capitalism, Deceptive Designs, and Epistemic Rights*, Carr-Ryan Center for Human Rights (forthcoming 2025); Ann Kristin Glenster, ‘Dark Commercial Patterns’: Deceptive design erodes trust in the online digital ecosystem, Minderoo Centre for Technology and Democracy (July 2023).

⁷ Ann Kristin Glenster, *Tackling Intimate AI-enabled Intimate Image Abuse* (workshop report), Minderoo Centre for Technology and Democracy (June 2022).

⁸ For definitions and conceptualisations of privacy see: Ferdinand David Schoeman, *Privacy and Social Freedom* (Cambridge University Press 1992); Anupam Chander, Lauren Gelman, and Margaret Jane Radin (eds.), *Securing Privacy in the Internet Age* (Stanford Law Books 2008); Garret Keizer, *Privacy* (Picador 2012); Amitai Etzioni, *The Limits of Privacy* (1999); Adam D. Moore, *Privacy Rights: Moral and Legal Foundations* (2010); Helen Nissenbaum, *Privacy in Context: Technology, Policy and the Integrity of Social Life* (Stanford Law Books 2010); David Vincent, *Privacy: A short History* (Polity 2016); Marc Rotenberg, Julia Horwitz and Jeramie Scott, *Privacy in the Modern Age: The Search for Solutions* (The New Press 2015); Ari Ezra Waldman, *Privacy as Trust: Information Privacy for an Information Age* (Cambridge University Press 2018); Daniel J. Solove, *Understanding Privacy* (Harvard University Press 2008); Neil Richards, *Intellectual Privacy* (Oxford University Press 2015); Abraham L. Newman, *Protectors of Privacy: Regulating Personal Data in the Global Economy* (Cornell University Press 2008).

6. AI-driven surveillance capitalism,⁹ whereby interconnected sensory data-harvesting devices are combined with AI systems optimised to draw on phenomenal big data to make inferences and generate synthetic data, means that all online and ambient data interactions are used for profiling and monetisation.¹⁰ Thus, conceptually turning individuals into commodities also raises questions about the legal guarantees for fundamental Kantian human rights values whereby each person has the right to dignity and informational self-authorship and informational self-determination.¹¹
7. The combined effect is stark as it undermines individuals' access to what philosopher Miranda Fricker terms 'epistemic justice'.¹² First, it takes away the ability of an individual to exercise autonomy and dignity over their identity to ensure that they are socially credible persons whose thoughts and expression should be afforded the protection guaranteed by the ECHR and ICCPR. Second, the assault on epistemic rights undermines the individuals' ability to form thought and concepts contravening the positive duty associated with the right to freedom of thought.
8. The adoption of AI in recommender systems, personalised assessments, and the increasing use of AI-driven emotional- and facial recognition software threatens the right to education and access to information.¹³ Consequences may include social harms that threaten social cohesion, effective public health management, and limits to educational attainment, with an undesirable knock-on effect of undermining individuals' capacity to partake in democratic processes and their trust in public institutions and the rule of law. Epistemic rights uphold the democratic values that underpin the UK's constitution.
9. Generative AI also risks undermining communities' cultural right that is indispensable for dignity and development of personality (Article 27 UDHR; Article 15 ICESCR). Unregulated Generative AI systems may lead to the 'recolonisation' and 're-invisibilisation' of communities, groups, and nations and contravene the UN Declaration of the Rights of Indigenous Peoples (2007). Specifically, large language models (LLMs) may be trained on biased and inaccurate data, where a lack of transparency regarding data provenance, data labelling and weights, may lead to certain groups practically disappearing from the model's output or groups being misrepresented or culturally misappropriated. As Third Reich and Holocaust expert, Professor Lorna Waddington at the University of Leeds, warns from her experience

⁹ Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (Profile Books 2019).

¹⁰ Sandra Wachter and Brent Mittelstadt, "A Right to Reasonable Inferences: Re-Thinking Data Protection Law in the Age of Big Data and AI," *Columbia Business L. Rev.* 2019(2).

¹¹ Ann Kristin Glenster, *The Commodification of Personal Data: Individuals' Control Through the European Union's General Data Protection Regulation* (PhD thesis, University of Cambridge 2021).

¹² Miranda Fricker, *Epistemic Injustice: Power & the Ethics of Knowing* (Oxford University Press 2007).

¹³ e.g., Mairéad Pratschke, *Generative AI and Education: Digital Pedagogies, Teaching Innovation and Learning Design* (Springer 2024); Steven Brill, *The Death of Truth: How social media and the Internet gave snake oil salesmen and demagogues the weapons to destroy trust and polarize the world – and what we can do about it* (Alfred A. Knopf 2024).

using LLMs in academia, there is evidence that LLMs are inadvertently rewriting history.¹⁴

Question 2: To what extent does the UK's existing legal framework provide sufficient protections for human rights in relation to AI?

10. The UK has numerous legal human rights obligations which are affected by AI in its various uses by state institutions, corporations and in the general population. The UK has adopted the Council of Europe's European Convention of Human Rights (ECHR) through the Human Rights Act 1998 and is signatory to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, and Social Rights (ICESCR).
11. The development and adoption of AI have specific implications for Article 7 on human dignity and individual autonomy; Article 10 on equality and non-discrimination; and Article 11 on privacy and data protection under the Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (FCAIHR), to which the UK is a signatory.
12. The UK also has established caselaw which protects several of the epistemic rights, while not naming these under this specific rubric. These may include the protection of common law values including freedom of thought.¹⁵ There are also statutory protections that may apply to certain deployments of AI including the ban on subliminal messaging,¹⁶ alongside the crimes of deception, fraud and negligence.
13. Still, technological companies, including those developing AI, are loosely regulated and the discussion around AI rarely refers to human rights, including the clearly highly relevant right to freedom of thought.¹⁷
14. In the UK, there are already concerns about the addictive and controlling force of online gambling, smartphones, and social media especially.¹⁸ Children are largely unprotected during their formative years of cognitive and psychological development from exposure to harmful content and addictive devices.¹⁹ Due consideration has yet to be given to children around the availability of devices that alter perceptions of reality, like virtual or augmented reality, nor to the harm they may cause in general. It is reasonable to assume that the use of AI in these contexts introduces significant risk

¹⁴ Lorna Waddington, presentations at Cambridge Generative AI and Education Conference 2024 (Cambridge, UK, September 2024) and UNESCO Learning Week (Paris, France, September 2025).

¹⁵ Bethany Shiner, 'The Right to Freedom of Thought in the United Kingdom' in O'Callaghan and Shiner (eds) *The Cambridge Handbook of the Right to Freedom of Thought* (CUP, 2025).

¹⁶ Communications Act 2003, s. 319(2)(l).

¹⁷ Bethany Shiner, 'The Right to Freedom of Thought in the United Kingdom' in O'Callaghan and Shiner (eds) *The Cambridge Handbook of the Right to Freedom of Thought* (CUP, 2025).

¹⁸ See the campaign group The Online Safety Act Network <https://www.onlinesafetyact.net/>.

¹⁹ See for example the work of the Digital Futures for Children Centre at the London School of Economics (LSE) <https://www.digital-futures-for-children.net/home>.

of harms to individuals’ – and especially children and young people’s – epistemic rights. More research and regulation are urgently needed, including greater enforcement of the Online Safety Act.

Question 4: What would be needed in any future UK legislation to protect human rights? To what extent should the same human rights apply to private actors as public bodies when they use AI? To what extent might different kinds of AI technology require different regulatory approaches?

15. The UK should adopt guidance on how its domestic and international legal human rights obligations should be interpreted in relation to the dangers AI poses to epistemic rights as outlined above. There is not necessarily need for a new dedicated legal human rights instrument, but rather an updating of how the law applies to these new technologies.
16. However, there is an urgent need for the consideration of how the UK can ensure that neurotechnologies are regulated as medical devices and not left to be classified as mere wellness devices.²⁰ AI applications alongside neural interfaces present troubling possibilities when used in the data-commodification model. The integration of AI with human neurology – including consciousness, thought patterns, and memory – blurs the boundaries between artificial and human intelligence. Such blurring undermines human rights to authenticity, sense of personhood and identity, perceived and real autonomy and agency, as well as the social and intellectual benefits from the compounding of knowledge and learning.
17. Furthermore, the copying or modification of consciousness patterns should be prohibited. The grant of patents involving neural data must be carefully monitored. Authentic human ideas and intelligence must not be patented by AI companies who may amass insights from customers using neuro-devices. It is therefore our view that human consciousness should never be permitted to be commodified as a matter of human rights law.
18. There is also a question of what should not be done. In terms of legislative protections, AI should not be afforded human rights protections (as has been proposed in the US) which would be a huge economic and monopolising advantage to corporations and highly detrimental to individuals and societies.²¹ Introducing elements similar to corporate personhood for AI could be exploited, leading to societal harms and granting big tech companies unchecked protections.

²⁰ Medical Devices Regulations 2002 (MDR 2002).

²¹ ‘It is the intent of the Legislature to recognize that computation is a form of personal expression, and as such takes on the protections and responsibilities of free speech. Furthermore, artificial intelligence (AI) inference models, training data, algorithms, and supporting parameters are recognized as an extension of human thought and creativity, subject to the same protections and responsibilities of free speech. The development and refinement of AI systems must be free from excessive regulation, allowing for innovation and improvement through distributed continuous iteration and experimentation.’ From <https://legiscan.com/ID/text/S1067/2025>

19. Finally, when considering the scope and application of human rights law in relation to the use of AI, the UK should resist the temptation of weakening human rights protection as a result of a speculative artificial and limited utilitarian cost-benefit exercise. Human rights cannot be measured against policy objectives, such as growth, efficiency, and productivity. Hollowing out human rights through such an approach would lead to a sense of disillusionment and lack of agency and ultimately undermine dignity and autonomy for each individual human being. In short, the hype of AI should not be allowed to be used to dismantle the foundational scaffolding of human rights that the UK's unique constitutional and common law foundations are built on. Instead, furthering epistemic rights as human rights in the age of AI would further this history of safeguarding the rights of all individuals in the UK. This is the path we recommend the UK take.



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