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Human Rights as the Underpinning Legal Constraint in the Use and Deployment of Lethal Autonomous Weapons (LAWS): LAWS Consequences on Core Human Rights, The Urgent Need for Legal Accountability Mechanisms, and the Rationale for a Comprehensive International Regulatory Framework

Maria-Beatrice Berna and Nicolae Voiculescu

Faculty of Law, Titu Maiorescu University, Bucharest, Romania

Abstract

The conceptual foundation of artificial intelligence can be traced to the Three Laws of Robotics, formulated by Isaac Asimov in his 1950 science fiction literature. These principles articulated a vision of intelligent systems designed to serve human advancement and societal progress. All the Three Laws of Robotics build upon upholding the unique essence of human existence; following the *human rights based approach on artificial intelligence*, it is safe to presume that it was conceived as a technological response to complex human existential challenges, offering rapid and efficient solutions to problems that threatened the core of human well-being. This foundational conceptualization continues to sustain contemporary AI applications, which are increasingly governed by algorithmic decision-making and autonomous operational frameworks.

Nevertheless, the absence of robust regulatory instrumental framework in the field of AI—often attributed to prevailing economic imperatives—has facilitated the development and deployment of lethal autonomous weapons systems (LAWS). These AI based systems pose significant risks to the protection of fundamental human rights, both in contexts of armed conflict and in peacetime. Commonly referred to as “killer robots” due to their high degree of operational autonomy, LAWS undermine human rights in two critical dimensions:

- (1) By eroding their substantive legal content—hence depriving them of their juridical peculiarities, and
- (2) By being oblivious to the procedural mechanisms through which accountability for human rights violations committed by AI based systems is pursued.

At the international level, accountability frameworks remain an on-going endeavor as dedicated juridical instruments in the field are very faint and unarticulated. Hence, the international legal framework that aims to regulate LAWS is largely contingent upon the domestic legal systems of individual states. In the absence of a comprehensive international legal instrument specifically addressing the governance of LAWS through the lenses of a human rights based approach, efforts to ensure compliance with human rights norms and to assign responsibility for violations are rendered precarious and inconsistent.

From a substantive perspective, our analysis underscores the imperative of safeguarding the very core of fundamental human rights that are most vulnerable to erosion through the deployment of lethal autonomous weapons systems—namely, **the right to human dignity, the right to life, and the rights/principles of non-discrimination and equality**. These rights constitute the normative core of international human rights law and failure to comply with them has a direct and irreversible impact on human condition and existence.

From a procedural standpoint, our inquiry stresses the critical need for establishing a dedicated legal instrument aimed at protecting fundamental rights in the context of LAWS. Such an instrument would have to recognize the human being as the sole decision-maker in terms of regulating the action of LAWS. In the same vein, a specialized international instrument in the field of LAWS control should establish a specific accountability mechanism, capable of addressing human rights violations perpetrated by autonomous systems.

The ultimate goal of this mechanism would be the identification and prosecution of perpetrators while facilitating adequate reparations for those affected (individuals and communities).

Keywords: Lethal Autonomous Weapons (Laws), Human Rights, Human Being, International Normative Framework, Accountability