

PROBable Futures Submission in response to the Call for Evidence on 'Human Rights and the Regulation of AI'

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This is a submission in response to the Joint Committee on Human Rights' inquiry on '[Human Rights and the Regulation of Artificial Intelligence](#)' published in July 2025. The submission has been prepared by a team of academic researchers with extensive expertise in the ethical, legal, and technical implications of AI use, directly relating to human rights. Our work is anchored in the UKRI Responsible AI (RAi) UK Keystone Project, "[PROBable Futures](#)," a four-year research initiative focused on evaluating probabilistic AI systems across the criminal justice sector.

Summary of Recommendations

- **A legal framework for AI grounded in human rights is urgently needed:** From an AI in law enforcement perspective, some of the most critical human rights issues include a person's right to a fair trial and right to privacy, underpinned by a duty on public bodies not to discriminate and to ensure equality. A timely example of AI impacting human rights is the Metropolitan Police Force's live facial recognition (LFR) technology, which the [Equality and Human Rights Commission \(EHRC\)](#) believes to be [incompatible](#) with the European Convention on Human Rights' Articles 8 (right to privacy), 10 (freedom of expression), and 11 (freedom of assembly and association). We recommend a legal framework for AI in the UK that adequately addresses these human rights concerns.
- **Independent oversight is a prerequisite for AI systems:** The current AI regulation landscape in the UK is weak, allowing for [innovation and financial priorities](#) to override human rights priorities. While innovation is crucial for a thriving economy, it cannot last without respecting human rights and assessing the impact of AI systems along every step of the AI pipeline. Given this, we recommend a new regulatory regime to cover independent oversight of AI systems in high stakes contexts such as law enforcement. This oversight is crucial to increase public trust in AI and to ensure the safety and effectiveness of the systems.
- **Ongoing monitoring and evaluation of AI systems is critical:** [Evaluating AI is not simple](#), especially probabilistic AI models that tackle a wide range of tasks. Instead, factors such as accuracy, [hallucinations](#) (when a generative AI tool provides false or illogical outputs), bias, and others are often specific to particular domains, which can make testing a general model like a [large language model](#) (LLM) extremely challenging. LLMs are a type of AI tool that can process vast amounts of natural language data and generate responses based on probabilities of what text should come next; these tools are inherently probabilistic and make mistakes in many instances. With that said, we recommend that a comprehensive, ongoing technical evaluation for the operational contexts at hand must be the standard for AI, especially in high-stakes

domains like policing. This is particularly relevant to the deployment of LFR in policing, as this is a technology that incorporates surveillance cameras; however, there is a gap in the monitoring and evaluation for surveillance cameras due to the current absence of a Surveillance Camera Commissioner in post.

Introduction

On August 13th, the [Home Office](#) released a statement saying that 10 new LFR vans are being deployed by seven forces in the UK. The stated aim of these systems is to catch high-harm offenders. However, absent independent and robust evaluation, their long-term effectiveness and proportionality remain unclear. This is an especially odd move given that [public engagement research](#) has found that the public are concerned about the influx and speed of deployed AI systems. We argue that adopting this AI technology, which is a probabilistic system, is especially harmful due to the absence of legal checks on it. The deployments of LFR rely heavily on a [scientific evaluation from 2023](#), which had [significant limitations](#) and highlighted racial biases in the system. There has been no published evaluation of how the use of LFR compares against other less intrusive policing methods or a cost-benefit evaluation.

There is a dearth of AI governance structures in place, such as a statutory framework or continuous and independent technical evaluation of high-risk AI systems. We need independent and robust evaluations of the use of AI, especially within law enforcement, which has severe human rights implications. We need decisive oversight and deliberation over what AI use cases should be legal and justified. Human rights should not be seen as a trade-off; rather, human rights considerations should be a strict priority for any future AI regulation. This submission, focusing on Questions 4, 5, and 6, makes the case for law enforcement that there should be strict prohibitions on the use of AI systems that have not undergone human rights-related evaluations and that independent oversight of these technologies is critical.

1. How Future UK AI Legislation can Enshrine Human Rights (Question 4)

To protect human rights, we need independent committees to review high-stakes AI use cases and to provide guidelines for low to medium risk AI systems. The UK can take inspiration from the [European Union \(EU\)'s AI Act](#) and their risk-based taxonomy of AI. The risk levels under the EU AI Act are directly related to their impacts on people, including their human rights, such as inherent biases that can amplify discrimination against vulnerable groups and ethnic minorities. Although the UK has the Human Rights Act 1998 and the Data Protection Act, the UK does not have specific legislation for AI that enshrines human rights obligations. This means that the scientific and operational factors that are relevant to the lawful and responsible use of AI in high-stakes contexts are open to interpretation. Our project has created a [Responsible AI Checklist for Policing](#) that has highlighted many of the key scientific, operational and legal factors, but use of such a process is not compulsory.

Furthermore, unlike the EU's AI Act, the UK has taken a vertical approach to AI regulation, where they allow for different domain regulators to take the lead. While this approach is important, there should also be a [horizontal regulation strategy](#) in place to address the human rights impacts of AI. We also need more government and industry collaboration with civil

society groups (e.g., [JUSTICE](#)) so that under-represented voices are heard when deciding what AI use cases can be deployed.

In addition, evaluations and standards for AI systems need to be adapted and continually improved with different stakeholders' inputs; these standards can serve as guidelines for current and future AI systems. As highlighted in the [Bridges](#) case, assessments such as data protection impact assessments (DPIAs) should properly assess the risks that the deployment of new technologies can have on the rights and freedoms of individuals. This requirement is particularly relevant to AI systems used in policing, such as facial recognition, which has been evidenced to be [discriminatory towards non-White individuals and women](#).

2. Accountability in the Age of AI (Question 5)

The LFR vans rolled out by police forces combine surveillance cameras with AI systems to identify people of interest (usually those on a watchlist) in real time. There are two components to this AI system: the surveillance camera and the biometric software. However, in the UK, there is currently a [gap in the oversight of surveillance cameras](#) due to [the ambiguities](#) surrounding the future of the Office of the Biometrics and Surveillance Camera Commissioner. Although there is an interim Biometrics Commissioner, the oversight of the proliferating deployments of facial recognition has not been widely discussed in recent times [since](#) the resignation of the previous Biometrics and Surveillance Camera Commissioner in 2024. It is the combination of the roles of the Biometrics and Surveillance Camera Commissioner that has previously provided a [“whole system approach”](#) to the role that extended [“beyond issues of data protection and privacy”](#) to include freedom of expression, the right to protest, and anti-discrimination. These human rights obligations are acknowledged in the Surveillance Camera Code, but with the role of the Surveillance Camera Commissioner vacant, it is questionable whether there is adequate accountability on whether public officials are adhering to the Code. Furthermore, the Surveillance Camera Commissioner has no enforcement or inspection powers, raising questions as to the adequacy of the current regulatory regime for new and powerful AI technologies combining biometrics, surveillance and AI as deployed by the police.

A particular challenge can arise in terms of who is responsible for the human rights implications of AI caused by the inaccuracies associated with the technology, especially if the AI was procured from a third-party; therefore, there needs to be clear procurement rules. The public sector body is ultimately responsible for the AI that they deploy and any human rights implications, but there should be statutory responsibilities on commercial providers (if they want to sell to the public sector) to be transparent about how their software has been developed and how it works, and for this information to be made available both to the public sector body and to individuals who want to challenge decisions made using AI. The importance of this clarity has been evidenced in the Post Office Horizon Scandal, where the burden of proof on whether a system was accurate shifted to the defendants. It is thus important that legislation, especially legislation on AI-generated evidence, also evolve to clarify who bears accountability.

3. How Regulation Can Prepare for the Future of AI and its Consequences (Question 6)

AI is a technology that will continue to evolve, and it covers a vast variety of tools from knowledge-based systems to data-driven machine learning models. As part of the PROBABLE Futures project, we have [mapped](#) some of the AI systems that are currently used throughout the criminal justice system. Some of tools include: AI cameras that identify whether drivers are wearing seatbelts/using their phones while driving; AI-assisted emergency call handling chatbots; AI weapons detection systems; and AI-based geographical crime mapping for patrolling. Thus, a variety of AI systems have been deployed for law enforcement, including LLMs, object recognition, biometric recognition, and risk prediction technologies. Recently, LLMs have received growing attention from within the criminal justice system, even though robust evaluations and benchmarks for them within this domain are lacking.

The human rights concerns associated with these AI technologies also vary; therefore, regulation needs to cater for these advancements. This means that as AI progresses, the regulation must not become stagnant and must be able to evolve alongside AI through regular review and assessments. This is particularly relevant because AI-generated outputs, such as LLM-generated witness statements, [could be used as evidence in courts](#); however, there is currently no clarification on what safeguards should be implemented around this. The [known inaccuracies associated with LLMs](#) could have a real impact on the outcome of a criminal case, which can lead to violations of the rights and freedoms of individuals.

Other industries, like medical devices in the health domain, have regulations and standards for certification and safety purposes. The discussions on the use of AI in [the NHS](#) have also often considered the [cost-benefit analysis](#) of implementing AI systems, including evaluations of risk management, effectiveness and accuracy of these systems. Such analyses are a start to robustly evaluate AI in the healthcare domain but are not foolproof on their own. Similarly, we need regulations, evaluations, and standards for AI in the law enforcement landscape to help ensure their safety as well. This points to the importance of having both vertical (domain-specific) and horizontal (broad-reaching) regulation of AI. We need both forms of AI regulation, and the UK government should amend and review the law when necessary, especially when human rights violations arise.

4. Conclusion

We argue that the UK needs a statutory framework for AI use cases that are trialled and deployed in law enforcement, such as LFR. This framework must be grounded in human rights law and consider the human rights implications associated with the technologies, including rights to a fair trial, privacy, freedom of expression, freedom of assembly and association, and protection from discrimination. For this, we recommend independent oversight of AI technologies in the criminal justice system, which includes collaborations between the government, industry, and civil society groups. The regulatory framework for AI should be robust, and it should be continually reviewed, evaluated, and adapted to keep pace with the rapidity of AI advancements. The framework should also consider who is accountable for the inaccuracies and biases associated with the AI systems and the specific safeguards that are adequate for the unique characteristics that these various systems possess.