AI & EQUALITY Input Comment

OHCHR's Call for input for EMRTD study "Artificial Intelligence, Cultural Rights, and the Right to Development"

1. In your opinion, what, if any, are the potential benefits of Artificial Intelligence (AI) for cultural rights in the context of the right to development?

(Answered together with Question 2. : Can you provide any specific real-life examples where AI has already enhanced the enjoyment of cultural rights when pursuing the right to development?)

We see a key benefit of AI for cultural rights and specifically the right to development in **capturing and sharing local knowledge**. For example, AI systems can be used to capture and analyse local flora and fauna as well as traditional agricultural practices (see documentary *Madagascar: the Little Hands of AI*). In a project across Sonora territories in Mexico, Técnicas Rudas, Mexico and Diversa Studio in Ecuador as part of the Feminist AI Research Network (A+ Alliance) collaborated with the Yaqui community and to build a technical dashboard for water, integrating the community's perspectives on natural resource governance (details here).

A form of local knowledge that has been of special interest are **low-resourced languages**, i.e. to preserve certain languages by training LLMs in community-led projects (Pava et al., 2025). We want to stress that the empowerment of the communities is key: grassroots AI projects can help local communities to claim ownership and power over AI systems (following e.g. the steps outlined in UNESCO,

2023). There are **many successful examples** of such projects, i.e. where underrepresented communities are increasingly building small LLMs to develop more localised and culturally relevant models, harnessing open-source frameworks and pooling infrastructural resources. Prominent cases include Lelapa.ai in South Africa, a project designing LLMs that transcribe, converse, analyse, translate, and speak in a variety of low-resource languages across Africa and the broader Global South such as in Isizulu, Sesotho, IsiXhosa, Northern Sotho, Afrikaans, Swahili, Yoruba, Hausa and Igbo. A further example is Masakhane, an organisation that seeks to enhance NLP Research in African languages as well as other emerging technologies where African languages, African contexts and African identities may not feature strongly. As a last example, we want to highlight the Traductor Rapa Nui project where they go beyond capturing the language and developed AI capabilities to teach Rapa Nui, a low-resourced language on the Easter Islands. For more examples, see e.g. Moshagen et al. (2024), Mozilla Data Collective, Hernandez et al. (2025), CENIA, and LACUNA Fund.

Besides localised projects, there are also **more centralised approaches**: ASEAN governments (e.g. Cambodia, Vietnam, Indonesia) are articulating a "Third Way" on AI - a regional approach to AI as an alternative to the dominant US and Chinese models, emphasizing cooperation, cultural sensitivity, and grounded in community accountability.They are based on bottom-up guardrails written and enforced by the people who are affected by the systems (Harre, 2025).

The development of LLMs in regional languages further allows underrepresented communities to interact with technologies in local colloquia, i.e. **lowers language barriers and thus makes new technologies more accessible**. Such access can contribute to the enjoyment of cultural rights. Increasing accessibility is another key capability of AI e.g. by lowering barriers for people with disabilities. Examples of the former are AI-based accessibility tools e.g. for the visually impaired, such as Seeing.ai or the addition of automatically generated alt texts.

Further, AI can help to **remove barriers posed by time or space**, e.g. via virtual or augmented reality tours of museums or cultural heritage sites -- or sites destroyed by historical events such as the Quantum Dome digital project at the Louvre Abu

Dhabi. For a framework on using AI in the management of cultural heritage, see Shaikhon (2025). Innovative works at the intersection of AI and art can emerge (examples see here, Andrews & Hawcroft, 2025).

3. To what extent, if any, do existing digital divides deprive developing and least developed countries from reaping those benefits? (together with 4. Can you provide any specific real-life examples involving the impacts of such digital divides on the enjoyment of cultural rights when pursuing the right to development?)

We want to highlight the urgent need to address these digital divides, considering that AI is a strategic priority in many countries and organisations (see e.g. the declaration of the African Union, 2025). The digital divide is particularly pronounced in Global South countries, exacerbated by inadequate infrastructure and limited resources. According to The OECD (2018) **almost half of the world's population does not have Internet access and there is a persistent gender gap in terms of access to digital technology**, with over 300 million fewer women compared to men having access to the mobile Internet (Khan, 2023). The prospect for a wider public to participate digitally can also amplify the challenges of digital access and the issues of equitable distribution of technology and resources.

While national AI plans are becoming more common (as well as international strategies for culturally similar regions, see African Union AI Strategy), addressing the digital requires time, resources and strategic planning to address. Towards this, the Africa Declaration on Artificial Intelligence (adopted in Kigali, Rwanda on 4 April 2025 at the Global AI Summit on Africa) provides a roadmap for mobilising governance, investment, training and empowerment, and infrastructure for AI to the African continent, heavily stressing the need to narrow the digital divides across Africa. However, the practical implementation of this declaration is still in progress.

People living in developing and especially least developed countries often have more **limited access to the internet and digital infrastructures** compared to people living in developed countries. Adding to this is the cost of devices capable of running AI applications. Additionally, many of the free training programs online are in English, adding severe **language barriers**. Further, at present most LLMs are optimised for and dominated by the English language, and there is often little commercial incentive to include and optimise languages spoken by smaller groups (Khan et al., 2024). As a consequence, communities speaking less-represented languages cannot access AI tools for cultural documentation, education, or preservation, potentially accelerating language death and cultural loss (Balendra, S. , 2025).

5. What are the main risks posed by and drawbacks already identified of Artificial Intelligence, including, amongst others, generative AI, to cultural rights in pursuing the right to development?

By default, English language literature is dominated by the cultural norms of English speaking countries – the dominant language used in LLMs. Therefore, LLMs trained in English cannot be free from cultural bias in their output since these models were trained on English corpora of documents. Consequently, **Western culture, aesthetics, cultural norms, and art forms dominate the AI space**, especially generative AI models (see e.g. Safir et al. 2025b; Safir et al., 2025a and this interactive website illustrating the findings, Park, 2025). For example, when ChatGPT responses are mapped to cultural norms, the model clusters are close to the norms and words used in US, Canada, and Australia and far from Ethiopia, Pakistan, and Kyrgyzstan (Atari et al., 2023). This implies that non-Western cultures are far less represented in AI systems and generative AI, leading to representative harms through the perpetuation of a white default and failing to include diverse cultures for members of non-Western cultures (Safir et al., 2025a and this interactive website illustrating the findings).

We want to highlight a few examples around how prominent text-to-image GAI tools (e.g., DALL-E, Midjourney, Stable Diffusion, Firefly) are **impacting local creative industries** in the Global South today. For example, researchers in Bangladesh have found that these tools **misrepresent** the diversity of citizens in the image production process, restrict the creative explorations of marginal artists, struggle to comprehend linguistic nuances, and fail to produce local forms of art and architecture (Mim et al., 2024). Consequently, non-Western artists may not discover the cultural motifs, symbols, and styles that are inherent to their societies. For many artists from underrepresented groups, **art serves as a vital instrument for conveying viewpoints that are frequently ignored in popular discourse, reclaiming histories, and articulating social issues**, and this can be obstructed by AI's cultural erasure (Safir et al., 2025c). An example of this can be viewed here, a project from *Rest of World* where they combined five prompts ("a person," "a woman," "a house," "a street," and "a plate of food") and combined them with country prompts (US, China, India, Indonesia, Mexico, and Nigeria) to generate images in Midjourney. Because Midjourney–as the majority of the largest generative AI firms—is based in the US and trained on predominantly Western and English data, these cultural norms are embedded. As a result, Midjourney misrepresents other cultures in grossly stereotypical ways: "An Indian person" is almost always an old man with a beard and Indian streets are polluted and littered. A person from the US however was far less homogenised, showing different ages and hair colors – however, always in front of an American flag (see interactive website for more examples). This example shows us that GenAI adopts a colonial / outsider gaze for non-Western cultures, shaped by global and regional power inequities.

To taxonomise resulting misrepresentation, Qadri et al. (2023) provide **three failure scenarios** that capture participant concerns over model correctness and representations, drawing on this demand for cultural recognition:

(1) **inability to identify cultural subjects**: produced imagery is unable to capture the subject matter of a culture;

(2) **sustaining cultural tropes**: generated images contain stereotypes and tropes associated with specific cultures;

(3) **amplifying cultural defaults**: the subject matter of generated images defaults to specific dominant cultures.

As a result of these forms of lack of representation or mis-representation, people from less represented groups might perceive that these tools are not useful for them and / or do not represent them. This might lead to **decreased use, triggering even less representation**. As a result, non-Western approaches and aesthetics might become increasingly invisible in online spaces (Khosrowi et al., 2025). This has the broader consequence of eroding cultural authenticity and merit: the ease of generating AI content—"imitations of imitation"--devalues established cultural heritage and the unique creative processes of master artists, reducing profound artistic expressions to easily mimicked styles. To make AI amenable to other cultures, there is a **need to train language-specific models**. Just like keyboards for every language, a LLM for a specific language would help to remove the cultural bias in AI models. There have been efforts towards this e.g., in India OpenHathi, Tamil-LLAMA, and Krutrim.

Further, we see extreme risks of **exploitative behaviours** when training GenAI models. Such models are predominantly trained on vast datasets of publicly available cultural content (text, art, video), either with an "opt-out" mechanism for data usage (Recent example is Sora 2 by OpenAI) – or none at all. This paradigm is fundamentally unfair: it mandates that millions of rights-holders must individually petition to have their original works excluded, effectively placing the burden of protection on the creator in tenuous legal processes. Such disregard for the value of a lifetime of artistic development that fails to reward original creators can become even more severe if cultural contexts come into play, i.e. if the traditional knowledge of certain communities (e.g. religious symbols and motifs) are appropriated, exploited, and potentially misrepresented / violated without a mandate or the explicit consent of these communities (discussed below). Such appropriation can even go so far as the creation of deepfake content for racist, undemocratic propaganda (example).

Moreover, this AI capability **removed certain income sources** from artists such as logo design (see e.g. Design.com), voice acting (see e.g. Artlist), or DJing (see e.g. Spotify's new AI tool to mix music). This diminishes the economic viability of creative careers and poses a direct challenge to the cultural right of creators to control their own work and benefit from their efforts, undermining the core principle of the right to development within the cultural sector.

However, the impact on artists and cultures goes far beyond financial consequences: The majority of current ethical norms and legal protections for GenAI tools are found in the Western neoliberal sphere. They imply that individual claims should be the basis for compensation rather than recognizing collective contributions to artistic knowledge, that ownership is an individual concern rather than shaped by communities and shared cultural traditions, and that artistic creativity originates from individuals rather than in collectives or social environments. By using "collective agency" as a critical conceptual lens to reconsider artists' community-centric roles in relation to these instruments, some Bangladeshi researchers challenge these assumptions (Safir, 2025d). Based on their nine-month qualitative interventions with several artist groups, they discovered that these artists use their art-making methods to express cultural resonance, co-creation, and a sense of recognition, promoting collective agency among them. Such **collective agency is rarely considered and discussed with regards to creativity and artistry.** Translating this to the AI context, collective bargaining or community centric stewardship of artists' work in training data would have to be considered as well as the impact it might have on communities if this method of expression is commercialised in global AI models.

6. In addition to the above, please set out your views on the following potential AI risks and drawbacks in terms of how they relate to cultural rights:

(i) Algorithmic bias

Algorithmic bias in AI systems generates systematic errors that result in unfair treatment of individuals based on characteristics such as race, gender, or socioeconomic status. Often, such bias reflects existing societal discriminations and manifests in differential treatment that disproportionately disadvantages already marginalized groups such as women, racial minorities, and communities in the Global South (O'Connor & Liu, 2024; Kumar & Choudhury, 2022; Jerlyn et al., 2025; Shrestha & Da , 2022; Balendra, 2025). As such, AI systems are not politically neutral tools but can perpetuate existing structures of inequality in our societies and lead to various forms of discrimination, especially with reference to cultural and linguistic bias (Khosrowi et al., 2025). Indeed, AI systems can be rather active contributors to polarization, radicalism, and political violence, emerging from inequitable racial and political contexts that have influenced their forms of development and use (Awasthi, 2025; Techrxiv, 2025). Importantly, a more representative dataset alone cannot resolve algorithmic biases since (cultural) values are also encoded throughout development and design.

As discussed under question 5, AI systems are based on predominantly English-language training data and Western cultural perspectives, creating **algorithmic monocultures or echo chambers that systematically reinforce and privilege Western cultural frameworks** (Rettberg, 2024). This is at the cost of diverse cultural expressions, linguistic variety, oral traditions, and Indigenous epistemologies, forcing minority cultures to conform to dominant technological paradigms or face digital exclusion (Lakshmi, S. D., 2025; Sangma, N., 2023; Safir et al., 2025a and this interactive website illustrating the findings). Indeed, regional dialects and variations become "errors" that have to be corrected or classified by AI. This creates a cultural trend in the digital space that risks violating human rights by **omitting and diminishing non-Western or fringe groups**, i.e. suppressing alternative cultural perspectives and thus undermining cultural exchange and mutual understanding essential for peaceful coexistence (Safir et al., 2025a and this interactive website illustrating the findings). The concentration of AI development in technologically advanced nations creates **cultural dependency relationships** where developing countries must adopt foreign cultural frameworks embedded in AI technologies,

compromising their cultural sovereignty and self-determination. These systematic violations of cultural rights through AI technologies fundamentally contradict the right to development, which requires that technological progress enhances rather than diminishes cultural diversity, protects cultural heritage, and ensures equitable participation of all cultures in the benefits of scientific advancement.

(ii) Discrimination by automatic moderation and censorship

The technical impossibility of perfectly accurate content moderation becomes particularly problematic for cultural heritage preservation, as determinations of what constitutes appropriate cultural expression remain inherently contextual and culturally specific. **AI systems lack the cultural competence to distinguish between legitimate cultural practices and harmful content** (Gillespie, 2020). Indeed, AI-driven content moderation systems disproportionately censor cultural expressions from the Global South, Indigenous communities, and minority cultures due to Western-centric bias in algorithmic design, effectively silencing diverse cultural voices and restricting cultural participation in digital spaces. The displacement of traditional cultural practitioners, artists, storytellers, and knowledge keepers by AI systems threatens the intergenerational transmission of cultural knowledge and practices, potentially leading to irreversible cultural loss and homogenization (Rettberg, 2024).

(iii) AI-generated disinformation

The right to development entails equitable participation in technological progress and protection against disproportionate adverse effects on vulnerable groups, perpetuating structures of oppression rather than promoting equitable societies. Algorithmic biases constitute a threat to this when recommendation algorithms amplify extremist, misogynistic, and discriminatory content, usually geared towards minority groups and women. Research demonstrates that AI systems perpetuate gender and cultural biases due to historical training data that reflects existing discriminations, leading to the **spreading of harmful misrepresentations and disinformation**. Personalization algorithms, by optimizing to maximize user engagement through emotionally provocative content, create "echo chambers" and

"rabbit holes" that gradually lead users toward increasingly extreme content, thus inadvertently promoting conspiracy theories and extremist content.

The issue of misinformation is enhanced by deepfakes: users assume veracity due to technological sophistication, undermining their capacity for independent thought and questioning. **Deepfakes threaten the integrity of information ecosystem worldwide**, with deepfakes being deployed to fabricate scandals, falsify records of public statements, and manipulate electoral processes in democratic societies (Buffet Brief, 2025; Helmus, 2022; Shoaib et al, 2023) through technologies such as deepfake videos, voice cloning, deepfake images, and generative text; all accessible without appropriate guardrails (Groh, 2020-2025). Deepfakes further reinforce ideological bubbles and increase distrust between social groups (Momeni, 2025) – thus threatening the right to development.

Finally, previous research has shown that in human-AI collaboration where humans are aware that AI systems are making a decision, misinformation or biased decisions made by AI systems influence humans to take the same decision (Wilson, 2025). Thus, AI-generated misinformation requires not only considering how to disclose that something is AI, but also **considering how it may alter human decision making and if human-in-the-loop is enough to prevent harms** caused from AI outputs and decisions.

(v) Appropriation of cultural production or dissemination

Cultural appropriation, mediated by AI technologies, is unfolding on an unprecedented scale. AI **algorithms are systemically extracting, commodifying, and decontextualizing Indigenous symbols, traditional knowledge, oral histories, and sacred cultural elements** (Dougeri, 2024). This process occurs without obtaining consent, providing compensation, or demonstrating adequate cultural understanding, effectively converting living cultural heritage into marketable data products (Dougeri, 2024). Importantly, existing compensation is based on individual contributions which ignores non-Western perspectives that acknowledge and highlight collective contributions to artistic knowledge (Safir et al. 2025b). Creative Commons licenses (CC) no longer adequately addresses the underlying biases and

inequalities present in cultural data ownership or representation. The CC open access model inadvertently is being used for data harvesting by commercial AI entities. There is an ethical dilemma on how to support a common good, yet guard access by indiscriminate scraping / extractive behaviours (Arora, 2024).

The systematic exclusion of Indigenous and minority cultural perspectives from AI development means **these systems cannot adequately serve cultural preservation needs** (Safir et al. 2025b). Consequently, AI often fails to recognize the nature of certain cultural elements, leading to inappropriate commercialization and decontextualization of traditional knowledge, ceremonial practices, and spiritual beliefs. Often, this misrepresents or desecrates minorities practices or violates cultural protocols that govern the appropriate sharing and use of cultural heritage (Dougeri, 2024). This can even go as far as censoring cultural activists and traditional knowledge keepers when sharing legitimate cultural content that AI systems misinterpret as inappropriate (Lim & Alrasheed, 2021; Wojcieszak, 2021).

Additionally, instances emerge in which **cultural traditions are appropriated** by AI such as songs, dances, and other forms of art. This especially includes distorting indigenous knowledge through Western-orientated lenses in data training and development (Dougeri, 2024; Safir et al., 2025a and this interactive website illustrating the findings). Via such appropriation, tech companies from the Global North profit from cultural content of the Global South without reciprocal benefit. Further, since AI reproduces cultural elements stripped of their original meaning, history, or sacred significance, communities experience a loss of control over the narrative. Consequently, communities experience a loss of agency over how their culture is represented and disseminated – and without any acknowledgment of or attribution to source communities (Dougeri, 2024). Related to his risk of cultural appropriation, artists might experience a loss of artistic intent when AI appropriates styles or elements while stripping away the cultural, political, or personal meaning intended by creators.

(vi) Artistic, academic, and scientific freedom and development

The AI space is subject to **censoring and content moderation**. Naturally, both processes are influenced by the cultural norms and values of the creators of AI. For example (discussed above), certain cultural traditions or elements might get censored, as well as certain expressions, body parts, activist mindsets, or ideologies. Artists featuring such elements in their work are at risk of being silenced through automatic screening processes, including unjust cases in which artists were exposing and criticising certain ideologies. This **excludes certain voices and work from being distributed** and thus from informing further works and research.

Besides such deliberate censorship, there is also the harm through **non-deliberate censorshi**p, simply driven by the fact that GenAI is beginning to depict certain realities (example; Safir et al., 2025a and this interactive website illustrating the findings) and thus fails to represent marginalized experiences and struggles to represent artistic traditions. As a reaction to the cultural appropriation through AI discussed above, artists or academics might **self-censor** their work to avoid AI misinterpretation or unwanted content moderation.

A second key concern is **quality erosion through outsourcing tasks to AI**. For example, academics might increasingly use LLMs for reviews, this might trigger lower engagement and less in-depth or tailored feedback. This in turn would lead to weaker scholarship, also impacting training data. Additionally, such generic LLM reviews are likely to criticise unconventional but potentially valuable works since they differ too much from the norm.

(vii) Creative industries

AI impacts creative industries in a way that risks impacting cultural rights. The key issue is that **AI is often used to or intended to replace creative workers**, despite huge protests (e.g. SAG-AFTRA, backlash against Adobe). The fact that AI can produce similar outputs to artists cheaply and quickly (examples are translators, voice actors, or copy editors) might risk devaluating creative labour (McLoughlin, 2025). Indeed, AI content that floods platforms obstructs the discovery of human creators. Further,

creative labour might be replaced by “fixing” AI mistakes, or “editing” what the AI gets wrong instead of genuine creative work (Zhou, 2024). This might make people hesitate to consider creative career paths.

Moreover, AI **disrupts the material interests of artists** more broadly: artists are losing certain sources of income through AI, making their livelihoods less stable. Even when not fully replaced, creative workers face pressure to accept lower rates because of the threat of AI. The fast development of AI also makes their income less predictable and traditional career pathways as well as development trajectories might break down, making the industry less accessible for people with less financial safety-net.

Lastly, **the way that creative industries operate might be impacted**: collectives are harder to build or organise when the workforce is atomized and feels at risk of being replaced. Additionally, the collective nature of art in certain communities might be disincentivised (Safir et al. 2025b). (Creative) power might concentrate around a few large players that are either able to afford expensive AI systems – or even are the creators of such. This risks squeezing out smaller creators and small(er) studios.

(viii) Protection of authors’ moral and material interests and cultural diversity, including linguistic diversity

The use of AI in creative domains poses **significant threats to artists' professional standing and the nature of creative labour** (McLoughlin, 2025).

A first key aspect is **reputational harm and loss of control** over how artistic material and style are used. AI generated stylistic imitations are potentially damaging the artist’s reputation by saturating the market with inferior works. Crucially, these imitations may be used to fuel views or political agendas orthogonal to the author’s own ethics, resulting in an inability to control association (e.g., the Sarah Anderson lawsuit).

The second key aspect is **labour transformation and devaluation**: creative jobs are transforming from originating content to editing or curating AI output (Zhou, 2024). This shift from creation to curation is often associated with a perception of "lower"

creative skill and intellectual input, potentially leading to lower pay and the devaluation of traditionally recognised artistic expertise.

7. Do those risks and drawbacks disproportionately affect any particular category of individuals or groups of people when pursuing their right to development? Please explain below.

The impact of **AI disproportionately affects independent artists, small creative businesses, and artists from marginalized or non-Western cultures**, intensifying existing inequalities. These groups face a "triple exclusion", characterised by limited access to digital infrastructure and the prohibitive costs of AI tools. Simultaneously, their cultural data is extensively extracted to train AI models without reciprocal benefit, and they experience massive under-representation in the resulting datasets (see above). This systemic marginalisation hinders their ability to develop (or train existing) AI solutions tailored to their specific contexts. Furthermore, AI systems often perpetuate systematic invisibility where languages and cultures are absent or distorted, leading to "algorithmic erasure" (see above and Safir et al., 2025a and this interactive website illustrating the findings). When AI cannot process or represent these cultural elements accurately, they are effectively deleted from the digital sphere, resulting in a profound loss of cultural memory for generations increasingly reliant on AI, and ultimately, a severe loss of cultural autonomy.

Exacerbating this, **model collapse and cultural entropy** represent real emerging concerns: diminished creative human input represented in models and overreliance on synthetic content could lead to a decline in originality at scale (Burden et al., 2025). This shift in the balance between human and AI-generated content could directly impact the dynamics of creative production. For example, models increasingly trained on synthetic rather than original human-made works, could increase the risk that future outputs will become homogenised. This feedback loop could inevitably erode human cultural richness, uniqueness, diversity, and innovation.

The issues of cultural homogenisation are compounded by the rapid devaluation of human-made art due to the flood of easily generated, low-cost AI content (Zhou, 2024). This **market saturation** makes it difficult for new and emerging artists, whose professional sustainability depends on income from original creations, to gain visibility and establish fair market pricing for their labour, thereby stunting their professional growth and development opportunities. A fundamental challenge that compounds these risks is the **widespread lack of awareness**: if individuals are unfamiliar with AI, they remain unaware of how AI policymaking, regulation, and systems exposure negatively impact their cultural, linguistic, and developmental contexts. For instance, studies showing that a significant portion of the population (e.g., one in three South Africans) have never heard of AI, and this demonstrates that many remain oblivious to the massive-scale perpetuation of inequality and bias by these technologies (The Conversation, 2024). This low awareness itself constitutes a critical risk, necessitating proactive efforts by policymakers to empower individuals with a true understanding of AI's implications for their cultural identities, linguistic traditions, indigenous knowledge preservation, and cultural observances. Only if people are equipped to understand the impact of AI on their cultures, languages and their right to development, they can make informed decisions on how to meaningfully participate in their own country's or region's AI production and policy-making affairs in order to contribute to and enjoy economic, social, cultural and political flourishing (see also here).

This necessitates the need for every country to have an AI policy that ensures that their regional and cultural diversity is captured and shared with the public to raise the awareness of potential benefits of AI and how it impacts their cultures, languages and future generations. Otherwise there is a risk of homogenization of the world with English culture in the near future.

8. What do you believe might be the long-term effects of AI use on cultural rights and, in that context, the future of the right to development, including cultural self-determination?

The long-term effects of AI on cultural rights and the right to development, including cultural self-determination, present a stark divergence of potential outcomes,

ranging from profound cultural impoverishment to new forms of global cultural expression. We introduce two scenarios below.

Pessimistic Scenario: Cultural Homogenization and Control

When concentrating on the risks, we can imagine an irreversible loss of cultural diversity driven by AI. This scenario predicts a convergence toward dominant "Occidental" aesthetics, norms, and values codified within AI models, resulting in cultural homogenization and an impoverishment of humanity's collective cultural wealth (Rettberg, 2024). Key risks include the systematic entrenchment of Western hegemony as AI-driven hiring, firing, and monitoring systems impose these decision-making regimes globally. Furthermore, the mass production of low-quality "AI slop" not only saturates the internet (Zhou, 2024) but also consumes the mental space required for creative thought and cultural participation. This is compounded by the economic precarity of cultural workers due to job displacement without an adequate safety net, reducing the time and leisure necessary for individuals to build and participate in their own cultures. The outcome is a world where a few major technology companies control the production, diffusion, and preservation of global culture, leading to a continuous, exploitative extraction of cultural data from the Global South without any return of value. Cultural communities will become unable to control the representation of their own history and identity, and the mass production of "AI-in-the-style-of" specific cultural forms will perpetually dilute the authenticity and significance of original art, fundamentally undermining the right to cultural self-determination.

Optimistic Scenario: Democratized Creation and Enhanced Preservation

A more optimistic trajectory would be that AI could become a powerful tool for cultural rights and the right to development. In this view, AI technologies could be deployed to significantly enhance the preservation and revitalization of endangered languages and cultural practices, offering new methods for documentation and education. By lowering the technical barriers to complex creative processes, AI could democratize artistic production for marginalized communities, providing new platforms for global visibility and expression. The right to development could be

strengthened if AI tools are localized, culturally sensitive, and developed with and by communities from the Global South and other minoritised groups, creating new economic opportunities that directly benefit the creators of traditional knowledge. Cultural self-determination would be enhanced as communities gain access to bespoke AI tools that allow them to control their narratives, curate their digital heritage, and even simulate ancient craft techniques, ensuring that the authenticity and significance of their art are maintained and attributed correctly. This positive scenario hinges on equal access to AI development and the enjoyment of resulting benefits: only if groups can equally shape and scrutinise AI systems, can we reflect and showcase the cultural richness of humanity, transforming AI from a tool of exploitation into one of cultural empowerment and sustainable development. If no strong, strategic actions towards this are taken, we expect this positive scenario to be extremely unlikely.

Beyond these scenarios on cultural rights, we want to highlight the risks emerging from **environmental harms** of AI and their close interrelation with indigenous and cultural rights and intangible cultural heritage (Redvers et al., 2022): the environmental crisis can impact Indigenous and community cultural rights and broader livelihoods; from data centres diverting and extracting water and energy resources to extractive mineral mining practices. These are very tangible threats to cultural rights.

9. How can cultural rights be protected in the era of rapid AI development? You may, for example, consider prevention and mitigation.

Protecting cultural rights amidst rapid AI development requires a focus on **preventing extractive practices and on community empowerment**. It is essential to develop robust data sovereignty and intellectual property protections for cultural heritage. This includes developing mechanisms—potentially extending beyond existing UNESCO channels—for patenting certain cultural forms or artistic styles directly to their originating communities and **giving them control** over how they are used. Crucially, communities must gain **full data sovereignty** over cultural AI

designs, exemplified by initiatives like the data stewardship projects in Canada led by organizations like MILA and Indigenous communities (details). This ensures that traditional knowledge and cultural data are not exploited but are instead managed and utilized according to the communities' own protocols and for their direct benefit (Safir et al. 2025b for an example on how to put this into practice). Furthermore, implementing clear and accessible opt-out mechanisms for artists and creators is a necessary mitigation step, similar to data privacy controls, to allow easy refusal of data sharing for AI training. Consideration should also be given to shifting to an opt-in mechanism as the default for using cultural data in commercial AI models, especially in combination with traceability for attribution. This can serve as a basis for licensing mechanisms as and when required.

A second critical pillar of protection lies in **rebuilding trust** and empowering cultural communities that have historically suffered from colonial and capitalist exploitation, which has eroded confidence and cultural ownership. Given this history of violence and resource extraction, a sensitive approach is required to provide communities with the confidence and self-esteem to recognize that their culture, aesthetic, and art are valuable and relevant. This empowerment is vital for counteracting the downward spiral where lack of online representation leads to less cultural sharing (Safir et al. 2025b). Practical steps include funding local art projects, education, and ensuring that cultural institutions (e.g. museums, theaters) feature diverse programs, as e.g. the advocacy of groups like the Guerilla Girls (website) aim at. By increasing the visibility of diverse cultural aesthetics and promoting self-advocacy, communities are more likely to share and actively push their cultural backgrounds into online spaces, thus diversifying the datasets and outputs of future AI systems. Ultimately, aligning the incentives of AI companies with these cultural preservation goals—by demonstrating the market and ethical value of genuine diversity and attribution—will be essential to move beyond extractive practices and towards a model of shared prosperity and respect.

The following are further suggestions for supporting and upholding equitable creative economies & pluralistic ecosystems for cultural rights sectors, addressing

algorithmic homogenization and platform dominance and risk of creative monocultures by:

1. Promoting **algorithmic pluralism** and embedding discoverability of local, regional and national content.
2. Enforcing diversity in AI systems to counter homogenization and amplify underrepresented and Indigenous voices by **supporting sustainable digital public infrastructures and public computational resources** (with green energy alternatives), open-source options and regional network partnerships and South-South networks to reduce dependencies.
3. Ensuring AI **augments, not replaces, creative labour** through reskilling initiatives and ethical and legal IP and copyright frameworks.
4. Uphold creators' rights against systemic AI infringement through **legal innovation and technical guardrails**, such as enforceable licensing frameworks, and benefit sharing models, e.g. data commons, data foundations, data cooperatives and data trusts.
5. **Integrate cultural rights into regional and national AI strategies** through community-driven AI consultation and governance.

10. Do you think regulating AI would be an effective way to protect cultural rights when pursuing the right to development?

Yes, regulating AI is an effective and necessary way to protect cultural rights while simultaneously pursuing the right to development. Government actors have already taken steps to protect cultural rights, such as the state of Tennessee's "ELVIS Act" which protects the likeness of artists and performers from the exploitation of their likeness and sound in deepfakes. **Regulation provides the necessary framework to address the fundamental imbalance created by generative AI**, which often draws from the uncompensated work of countless artists and creators. Legislative action must safeguard authors' rights and intellectual property by, for example, mandating an opt-in mechanism for the inclusion of creative works in AI training datasets.

Furthermore, **regulation is essential for achieving specific cultural preservation goals**, such as the explicit protection of indigenous knowledge and traditional

cultural expressions, and supporting language preservation. This can be achieved through enforceable cultural diversity requirements that mandate AI datasets and algorithms include diverse cultural representations, thus mitigating the current Western bias.

Crucially, AI regulation must contain **measurable actions and clear stakeholders**. For example, Guldimann et al., find that while the EU AI Act contains important guiding principles, these principles are not measurable; thus, they map guidelines onto measurable technical evaluations (Guldimann et al, 2025). While it is not necessary for AI regulation to put forth direct evaluations as evaluations change over time alongside technology, it is **necessary that the regulations identify who are the actors that must comply and how**. This allows for the evaluation of compliance to a specific regulation, creating a feedback loop between governments, researchers, and many other stakeholders to continuously improve regulations by working together to determine if relevant actors are complying how they should and, if not, how to improve the regulation to offer more protection.

Beyond mere protection, AI regulation is a **powerful lever for advancing the right to development**. Regulatory frameworks can be designed to directly foster developmental opportunities, address technological inequalities, and support a more equal access to shaping the AI systems that impact one's life and livelihoods. This includes mandatory requirements for AI companies to engage in fundamental technology transfers, ensuring that developing nations can access and benefit from AI technologies, rather than being mere consumers or data sources. Furthermore, regulation can mandate corporate investment in digital literacy and AI skills training within developing countries. Crucially, effective regulation should support regional hiring and AI development, encouraging the creation of local AI ecosystems that reflect local cultural values and foster research into decentralized development models, thus ensuring AI is built by more than just a few global players.

11. If so, what kinds of AI uses or tools should be regulated, how, and by whom?

With regard to effectively protecting cultural rights and the right to development, AI regulation should have a **key focus on GenAI and the supply chain** of tools surrounding it. In particular, this concerns the Intellectual Property of input data and the resulting IP of outputs. GenAI is the most immediate threat to cultural rights because its mass production of "dead content" (AI-generated text, images, and video) rapidly saturates the internet with “AI slop”, undermining its function as a vital source for cultural expression and participation that flourished in the early 2000s. This deluge of low-cost content drowns out human creators.

However, regulation must extend beyond the core GenAI models to encompass the entire supply chain and surrounding tools. This includes text classifiers (for hate speech, toxicity, etc.) that filter content and effectively shape the final cultural environment that users experience, thus contributing to algorithmic unfairness. Since GenAI relies on the surrounding infrastructure to reach people, the providers in the supply chain (like internet service providers or platforms that host AI-generated content) should also be considered a regulatory target. Since GenAI outputs vary based on the language prompted in, it is essential to refrain from imposing a single positionality in imposed guardrails. Instead, multiple standpoints and worldviews should reflect cultural differences.

A **regulatory framework should be multi-layered**, combining international treaties with diverse domestic regulations to reflect and protect different cultural positionalities. Key mechanisms for implementation include:

- **Transparency Requirements:** Mandating AI companies to disclose the training data sources used in their models.
- **Licensing and Compensation Schemes:** Establishing standardized licensing frameworks that require GenAI developers to negotiate licenses with rights holders or collective management organisations and implementing royalty systems or other compensation schemes to ensure creators are fairly remunerated.

- **Algorithmic Impact Assessments:** Requiring comprehensive evaluation and communication of AI systems' effects on cultural rights *before*, *during*, and *after* deployment. These assessments are crucial for identifying and mitigating biases that lead to cultural erasure or misrepresentation. For example, these could be supported by impact assessment cards that include non-technical experts such as creatives (Bogucka et al., 2025).
- **Regional Blocs or Country-specific Frameworks Limiting International AI Implementation:** It might be valuable for specific countries or culturally similar regions to create tailored frameworks that guide and limit the deployment of international AI systems without local tailoring to preserve their cultural and linguistic diversity. While we do not recommend extreme measures (such as China's current ban or rigid control of Western Social Media), we recommend that countries develop an informed strategy to protect local culture and values from AI homogenisation and appropriation.
- **Public Procurement:** Utilising public procurement as a regulatory tool by conditioning government contracts on adherence to ethical and cultural diversity standards.

The implementation by one major regulatory bloc (like the EU or UK) can create a "domino effect" on global standards, as companies adapt to the strictest rules, which should be leveraged to drive widespread adoption of cultural rights protections. This approach supports the right to development by creating a fairer global creative economy.

Further, to protect cultural rights of indigenous communities it is **crucial to protect cultural heritage sites and the environment** through mandatory and externally set standards (Redvers, 2022). Additionally, cultural rights principles could stress the burden of algorithmic costs on the environment and incentivise environmental stewardship models. Decolonial framework models rooted in the indigenous systems of care might be helpful to ensure that indigenous rights are protected, e.g. via South-South partner networks, cooperative ownership, and benefit sharing (Silva et al., 2022; Stihler, 2023).

12. Is self-regulation of technology companies that develop AI sufficient to protect cultural rights? If not, why not?

No, self-regulation by technology companies is **fundamentally insufficient** to protect cultural rights. This failure stems from the current market reality where power is heavily concentrated among a few companies controlling essential resources (data centers, GPUs): this structure makes market entry difficult and reduces external pressure to prioritize cultural preservation over profit. Historically, relying solely on industry to police itself has failed when corporate interests conflict with public good. Especially in the AI space, responsible AI efforts and industry activities are often in conflict (Kallina et al., 2025).

To be effective, **strong, sensible external regulation is necessary**, complemented by positive steps like creating multi-stakeholder governance bodies that include artists and minority representatives or supporting digital commons approaches to create protected, non-scrapable repositories of cultural works. Here, we suggest that alternative governance models are considered: new conceptions of multi-stakeholder partnerships are possible in the deployment of collective data stewardship mechanisms. For example, the People-first PPP model coined by UNECE in 2015 (details) was oriented to be consistent with the SDGs so that public-private-partnerships would be fit for purpose and focused on delivering value for affected groups. This orientation underlines e.g. a critical requirement for partners to demonstrate AI's societal benefits in order to fully optimize shared outcomes with cultural rights holders.

13. Do you envisage any disadvantages to the protection of cultural rights and the right to development if binding AI regulations were in place?

We see risks around the **extent or lack of coverage** of binding AI regulations. For example, there may be shortfalls in policy and legal, geographical boundary, technical, and/or multi-stakeholder approaches. The intersectionality of cultural rights may be constrained or not adequately covered by binding AI regulation and

may need to be supported by other legal frameworks or instruments. To address this, we strongly recommend community-driven AI governance during the design and implementation of binding AI regulations.

Further, we predict that arguments around new productivity and innovation opportunities might be mentioned, i.e. that delaying AI development through stringent regulations or demands might be a net bad for creatives and artists. We do not agree. To actually harness productivity and innovation opportunities with creative industries **would require working *with* the communities instead of *dropping technology onto* the communities** that they never asked for – as it is currently the case.

17. What are the potential barriers to developing and implementing a binding global treaty on AI regulation and human rights?

The development and implementation of a binding global treaty on AI regulation and human rights faces **significant, interconnected barriers rooted in global power imbalances and the nature of intangible cultural heritage**. The foremost challenge is the **inclusivity gap**, where AI development and governance discussions are heavily concentrated in the Global North. This concentration risks perpetuating digital colonialism, turning a global treaty into a tool that reinforces the dominance of a few tech giants and wealthy nations, thereby exacerbating digital sovereignty and economic inequalities instead of driving equitable development.

Compounding this is the immense **difficulty in protecting intangible cultural heritage** and Indigenous knowledge within a binding international framework, as current international intellectual property laws are inadequate and do not clearly cover the collective, evolving, and often unwritten nature of these cultural assets. Agreeing on standardized mechanisms to prevent the unauthorized copying and use of this heritage via data scraping and generative replication remains a contentious issue, reflecting a deep lack of consensus on how to legally safeguard cultural autonomy on a global scale.

18. What do you think about the potential benefits of Guiding Principles on AI regulation and cultural rights, akin to those on Business and Human Rights? Would such an instrument be useful, especially in the absence of domestic regulation?

Yes, a set of Guiding Principles on AI Regulation and Cultural Rights would be **highly useful and beneficial**, particularly in the absence of robust domestic regulation. Such principles could establish a **foundational global framework that sets a universal agenda for ethical AI development and deployment,** which nations could then adapt carefully to their specific cultural contexts and legal systems. This instrument would articulate expected standards of conduct, particularly for technology companies, regarding cultural preservation, indigenous knowledge protection, and equitable access. However, the effectiveness of these principles is contingent upon them not being viewed as an end goal. Instead, **they must serve as a catalyst and blueprint for the development of concrete domestic regulation**. For the principles to have actual and lasting impact, global agreements and domestic regulation must work in tandem, ensuring that the setting of international standards is followed by committed, context-sensitive implementation at the national and local levels. In fact, we believe that domestic regulation is most effective: while principles are good in theory, we require laws and enforcement mechanisms to ensure that they are effective in improving the ground reality.

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