



SUBMISSION TO CALL FOR CONTRIBUTIONS

Human Rights Council Advisory Committee on Artificial Intelligence and Creativity

SUBMITTED ON: MAY 1, 2025

By WITNESS, the Co-Creation Studio at MIT, and the Archive Producers Alliance

This submission aims to make a contribution to the study on the intersection between artificial intelligence and creativity, to be prepared by the Human Rights Council Advisory Committee. This submission was made in collaboration between [WITNESS](#), [the Co-Creation Studio at MIT](#), and the [Archival Producers Alliance \(APA\)](#) as a joint effort to address the questionnaire of the call for contributions made available by the Special Rapporteur of the United Nations High Commissioner for Human Rights (OHCHR):

We chose these four questions:

1. **What are the main challenges posed by AI to human creativity (understood as encompassing artistic creativity but also all other types of creativity)**
3. **Can AI-generated products be considered “originals”, and if so, what are the consequences? What is artistic integrity in relation to AI use?**
4. **Which measures have been taken to protect human creativity from threats posed by AI? What measure(s) would best achieve this aim?**
5. **Please provide examples of good practices to promote human creativity through AI.**

Questions

1. **What are the main challenges posed by AI to human creativity (understood as encompassing artistic creativity but also all other types of creativity)**

Since 2019, the **Co-Creation Studio at MIT** and **WITNESS** have been collaborating on a research project exploring deepfakes and the politics of synthetic media—examining their impact on satire, freedom of expression, documentary filmmaking, and [creative advocacy for human rights](#). The project has produced [reports](#), hosted [webinars](#), and led global workshops on key issues such as consent, weaponization, labeling, and investigative case studies. In 2024, we launched a [column series](#) in *Documentary Magazine* that delves into three core areas where AI is reshaping documentary: ethics, labor, and creativity. Each column is developed alongside interviews, insights from experts, and collaborative work with specialized working groups.

In 2023, the **Archival Producers Alliance (APA)** was formed in response to mounting concerns over the use of hyper-realistic generative AI imagery in documentaries—introduced in the absence of clear ethical or creative standards. APA viewed this development as a potential existential threat to both the craft of documentary storytelling and the integrity of historical records. In response, APA published an [Open Letter](#) outlining the concerns, which quickly gained industry-wide support. Building on that, APA released a set of [Best Practices Guidelines](#) for the use of GenAI in documentaries, endorsed by over 50 organizations and dozens of filmmakers, along with a step-by-step [Tool Kit](#) to support filmmakers engaging with AI technology. APA guidelines have since been translated into [six languages](#) and are being adopted widely across the US and internationally.

From our work across all of these domains, we have identified these main challenges:

- Lack of Ethical Standards and Protocols:** Creative communities consistently express the need for clear, ethical guidance on how AI should be used—or resisted—in their work. Without clear protocols, there is a real threat of undermining further the trust in media and documentary integrity. In addition, in the [absence of strong industry standards or regulatory frameworks](#), artists, journalists, and advocates must navigate an AI-saturated landscape without adequate safeguards against exploitation, displacement, or misappropriation. The uncertainty limits risk-taking and disproportionately harms those already on the margins.
- Transparency, Labeling, and Context:** There is an urgent need for enforceable standards that ensure AI-generated content is clearly labeled. This includes visible disclaimers, as well as invisible signals to track the provenance and manipulation history of media. To be effective, these signals must be *legible*—meaning they can be seen, read, heard, or understood by a broad range of audiences. [We’ve been advocating for innovative and principled approaches](#) to labeling that not only indicate that AI was used but also convey *how* and *why* it was used, offering meaningful context rather than generic disclaimers.
- Erosion of Archival and Evidentiary Integrity:** AI’s use in altering historical material and journalistic footage raises serious concerns. There are already [examples](#) of major documentary projects polluting archival integrity through synthetic enhancements. Without strict norms, AI risks distorting or replacing critical records—especially human rights, legal, or conflict contexts where authenticity is everything. Through [global consultations](#) since 2018, WITNESS has heard from frontline communities that the misuse of AI actively undermines their credibility, safety, and ability to tell their own stories.

- Archives are the custodians of our collective history, and the source of the documentary evidence we need to understand our past. In 2024, the Archival Producers Alliance convened a roundtable of audiovisual archivists to discuss the impact of AI on public trust in archives. Participants described encountering synthetic material misrepresented as authentic, and even experienced archivists reported difficulty distinguishing real from fake. Others spoke of receiving inquiries from the public questioning the authenticity of historic materials long held in trusted collections.
- Generative AI - with all its power and promise - now has the power not only to *create* false histories but to sow doubt in *real* ones. For decades, documentary evidence has helped ground our shared understanding of pivotal events. But we are fast approaching a future where even that visual evidence may be rendered meaningless.
- **Consent and Human Dignity:** AI enables the creation of synthetic media that uses people's likeness, voice, or data without their knowledge or consent—with the potential to harm, [abuse](#), or exploit. Informed, revocable consent must be foundational, especially in sensitive contexts. Exceptions, such as political satire, should be evaluated based on power dynamics, the identity of subjects, and the intent behind the content. Regulatory frameworks can draw from long-standing [ethical practices](#) about [informed consent](#), especially in vulnerable or protected populations.
- **The Disappearing Human Role:** Filmmakers working with historical material have long faced challenges: missing footage, absent voices, old photographs that don't fit modern formats. These constraints have demanded imaginative, ethical decisions grounded in the truth of the moment. But today, AI tools are increasingly able to “fill in the gaps” automatically—generating what the machine *imagines* might have happened. This bypasses the filmmaker's role in interpreting history and risks replacing thoughtful storytelling with synthetic speculation. It flattens the creative process, removing the human judgment and engagement that make documentary films powerful.
- **Exploitation and Displacement of Creative Labor:** AI tools are frequently built by scraping the work of creators without consent or compensation. This results in:
 - The monetization of human work without acknowledgment or compensation.
 - The registration of AI-generated outputs—derived from human creativity—as “original” intellectual property.

- A growing divide between those who produce cultural value and those who profit from it as AI systems automate roles traditionally held by human creatives—writers, designers, illustrators, musicians—there is a growing precarity in the creative workforce and a shift in power toward tech corporations.
- As AI tools increasingly automate creative roles, entry-level positions are often the first to be impacted—reshaping creative opportunities and career pathways in ways we are only beginning to understand.
- **The Flood of “[AI Slop](#)” and Context Shift:** We’re seeing a deluge of low-effort, AI-generated video content—sometimes with hundreds of millions of views—that overwhelms human-made work. This glut threatens to drown out original voices and expressions. It blurs lines between authentic and synthetic content, making it harder to trace creative provenance and eroding public trust in the originality and meaning of creative output. In addition, once any piece of media, even labeled and watermarked, is distributed across politicized and closed social media groups, its creators lose control of how it is framed, interpreted, and shared. As we found in a joint [research study](#) between WITNESS and the Co-Creation Studio at MIT, when satire mixes with deepfakes it often creates confusion when context shifts and changes across platforms.
- **Bias, Cultural Erasure and the Homogenization of Creativity:** AI systems are typically trained on massive datasets dominated by Western, English-language, and male-centric content. As a result, they not only reproduce but often amplify existing cultural hierarchies—leading to the marginalization, misrepresentation, or erasure of voices outside the dominant paradigm. At the same time, because these models are built to generate outputs based on patterns and statistical averages, they tend to favor what is most common, commercially viable, or “safe.” This results in creative outputs that are derivative rather than disruptive, promoting sameness over specificity, and predictability over experimentation. Together, these dynamics lead:
 - Cultural flattening: Non-Western, Indigenous, and historically excluded aesthetics are sidelined, tokenized, or entirely omitted.
 - Loss of creative diversity: Unique styles, languages, and storytelling traditions struggle to compete with homogenized, algorithm-friendly content.
 - Reinforcement of systemic bias: Creators from marginalized communities find their work not only underrepresented in training data, but also displaced by systems that commodify their aesthetics without credit, context, or compensation.

Moreover, creativity thrives not in perfection but in *mistakes*—those moments of serendipity that lead to new forms, perspectives, and discoveries. When AI “solves” creative problems too efficiently, we risk losing the joy and growth that come from wrestling with a blank page, an imperfect take, or an unanticipated outcome.

3. Can AI generated products be considered “originals”, and if so, what are the consequences? What is artistic integrity in relation to AI use?

In this question we are focusing on the second part of the question. The Co-Creation Studio’s 2022 book [Collective Wisdom](#), which explores collaborative and emergent media-making, notes that “the category of the author has multiple functions: attribution, authority, credibility, and responsibility.” In the age of AI, artistic integrity must build upon these functions with renewed urgency. It must be rooted in a transparent, intentional, and ethically grounded creative practice—one that honors the lineage of human expression while critically engaging with the possibilities and limits of automation. Artistic integrity today requires active discernment: where to adopt, resist, or shape the use of AI, and how to do so with clarity of purpose, respect for others, and a commitment to truth.

We see integrity taking shape across four interrelated axes:

- **Integrity to truth:** Artists and creators have a responsibility to avoid generating synthetic representations when original, truthful content already exists—especially in documentary or evidentiary contexts. Fabrication for convenience or aesthetics, without clear disclosure, undermines the integrity of the work and historical archives and contributes to broader distrust in audiovisual media.
- **Integrity to subjects:** Consent must be foundational. Using a person’s likeness, voice, or data—particularly in intimate, vulnerable, or politicized contexts—without clear, informed, and revocable consent violates not only legal norms but the relational ethics that underlie creative practice. Integrity means honoring the agency, dignity, and safety of those represented. That said, exceptions—such as political satire—should be evaluated based on power dynamics, the identity of subjects, and the intent behind the content. In these cases, the purpose may be to subvert authority, critique public figures, or expose systemic injustice, which aligns with long-standing traditions of creative dissent.
- **Integrity to audiences:** Transparency around the use of AI—how it was used, why it was used, and what parts of a work are synthetic—is essential. Audiences deserve to engage with creative work from a place of informed understanding. Without this, creators risk misleading viewers and eroding trust in the media.

- **Integrity to the creative community:** AI tools are often trained on the uncompensated labor of artists, writers, musicians, and cultural workers. Upholding artistic integrity means recognizing and respecting the contributions of others—through proper attribution, fair compensation, and the defense of copyrights. Without these, AI becomes a vehicle for extractive appropriation, undermining the ecosystems of trust, credit, and reciprocity that creative communities rely on.

Ultimately, artistic integrity in relation to AI is not about rejecting the technology outright, but about using it in a way that deepens rather than dilutes the creative process. It is about being accountable—to one’s subjects, to one’s audiences, to one’s community and to the truth.

4. Which measures have been taken to protect human creativity from threats posed by AI? What measure(s) would best achieve this aim?

A range of regulatory, technical, and community-led efforts is emerging globally to protect human creativity from the exploitative or harmful use of AI. These initiatives aim to safeguard creative labor, ensure transparency, uphold ethical standards, and preserve freedom of expression. While these measures mark important progress, there is still work to be done. Significant gaps remain—particularly around global adoption and the impact of shifting political landscapes. Below are key measures already in motion, along with areas where stronger or more coordinated action is still needed:

- **Copyright Protections in Policy Frameworks:** One of the most significant recent steps has been the inclusion of [copyright-related provisions in the EU AI Act](#), particularly for foundation models. These provisions require providers to document whether and how copyrighted materials were used during training. This is a meaningful win for artists and creators who have long called for transparency and accountability around training data. As detailed by [WITNESS](#) and other advocates, although this measure helps lay the groundwork for more enforceable rights over creative works in the AI era, there are still critical and unsolved concerns around implementation and global adoption.
- **Transparency and Labeling Standards.** Several industry and multi-stakeholder efforts aim to establish clear protocols for labeling AI-generated media:
 - **Archival Producers Alliance (APA)** has released [“Best Practices for the Use of GenAI in Documentaries”](#), a set of guidelines developed *by and for* the archival and documentary community. These field-driven standards are essential to ensuring that AI serves as a creative tool rather than a threat—designed through the lens of those with deep knowledge of what must be protected in documentary storytelling.

- **Partnership on AI's Synthetic Media Framework** promotes [best practices](#) for transparency, disclosure, and ethical use of synthetic media in storytelling and journalism.
- **Content Authenticity Initiative (CAI)**, co-founded by Adobe and others, is building [open-source tools and standards for content provenance](#), helping creators and audiences verify whether media has been altered or AI-generated. WITNESS has been co-leading the [Risks and Harm Assessment Taskforce](#) of the initiative in order to ensure that such technical solutions are being developed with a human rights framework.
- **Spain** has taken a leadership role in legislating accountability, becoming one of the first EU nations to [pass a bill imposing fines](#) on companies that fail to properly label AI-generated content—an important step toward countering deepfake proliferation.
- **Artist-Driven Tools and Opt-Out Mechanisms:** Independent artists and technologists are also building tools to protect creative labor, the most notable one is [spawning.ai](#), co-founded by artist Holly Herndon, enables creators to opt their work out of being used in AI training datasets. It also powers “[Have I Been Trained?](#)”, a tool that helps artists search for their work in datasets like LAION.
- **Safeguarding Freedom of Expression:** In parallel to protective measures, it's critical that efforts to regulate AI do not inadvertently stifle freedom of expression. [The Co-Creation Studio at MIT and WITNESS](#) has consistently advocated for the protection of satire and creative projects, and political commentary, particularly as automated content moderation systems are increasingly used to detect and remove AI-generated content from social media platforms.

To fully protect human creativity in the age of AI, we need a holistic and coordinated approach that combines policy, tools, ethics, and community power and includes:

- **Legally enforceable transparency requirements** for training data and generative outputs.
- **Consent-first frameworks** for data use and likeness rights, particularly for vulnerable groups.
- **Universal standards for labeling synthetic media**, co-developed with creators, journalists, and civil society.
- **Ethical compensation models** for creative labor used in AI training.
- **Market and funding incentives** for the use of authentic, human-made media—particularly when genuine archival records and evidence exist—is critical to preserving historical integrity. The APA is anticipating that as documentary production budgets continue to shrink, the cost-efficiency of synthetic imagery threatens to displace true archival materials. Without targeted funding support and industry incentives, filmmakers committed to historical accuracy may be

discouraged by market pressures, leading to a future where convenience overrides truth and the visual record of history is increasingly fabricated.

- **Strong protections for freedom of expression**, especially for satire, dissent, and underrepresented voices.
- **Public education and literacy efforts** to help people understand what AI-generated content is—and isn't.

5. Please provide examples of good practices to promote human creativity through AI.

Promoting human creativity through AI means not just using the tools, but using them with intentionality, ethics, and imagination. Good practices center on creative agency, contextual transparency, cultural specificity, and emotional resonance. Below are several examples across sectors that embody these principles:

- **Ethical Storytelling and Human Rights Advocacy:** [WITNESS](#) has explored generative AI in human rights work by supporting communities experimenting with identity protection, visual reconstructions, and testimonial storytelling—especially where real visuals are too dangerous to share. These methods are deployed with care around consent, context, and audience perception. For example, Using AI to reconstruct events and evidence or visualize audio testimonies where original videos and images are missing in ways that maintain the subject's dignity and emotional truth.
- **Creative Uses of AI for Identity Protection:** In the documentary [“Welcome to Chechnya”](#) (2020), deepfake-style face replacement was used to protect the identity of LGBTQ+ individuals fleeing persecution in Russia. Instead of blurring or anonymizing faces, the filmmakers mapped volunteer faces over those of interviewees, preserving emotional nuance while ensuring safety. This is a powerful example of AI used in the service of human rights, not spectacle.
- **Questioning and Subverting AI Itself:** [“Another Body”](#) is a hybrid documentary exploring deepfake abuse and non-consensual intimate imagery. It uses deepfakes techniques to protect the protagonist while drawing attention to the emotional and legal gray zones surrounding AI-facilitated harm. The film critiques AI not just through narrative, but by subverting its tools.
- **Creative Labeling as Expression:** The [Alt Text as Poetry](#) project reimagines alt text—a traditionally functional tool for accessibility—as a poetic, interpretive form. This approach transforms how we label and describe AI-generated or human-authored media, suggesting that transparency can also be a space for creativity, not just compliance.
- **AI as Meta-Commentary in Popular Culture:** In Kendrick Lamar's “The Heart Part 5” (2022), deepfake technology is woven directly into the performance, transforming Lamar's face into figures like O.J. Simpson and Kobe Bryant. Each

shift is aligned with lyrics and choreography that gesture to legacy, violence, and media spectacle. The hand motion swiping across his face makes the manipulation visible, transforming deepfakes into an intentional commentary on representation and perception.

- **Resurrecting Archives While Acknowledging Fiction:** The Netflix series “The Andy Warhol Diaries” uses AI voice synthesis to recreate Warhol’s voice reading from his journals. The creators received consent from the Warhol estate and were transparent about the use of AI, inviting viewers to reflect on Warhol’s own desire to become a robot, authorship, performance, and archival truth. It presents a stylized reinterpretation rather than passing off the AI voice as real, prompting questions about intimacy, persona, and digital afterlives.

Across these examples, several key principles emerge:

- **Consent and accountability:** Subjects and communities are informed participants, not passive data points.
- **Contextual transparency:** The use of AI is either disclosed or built into the form itself.
- **Creative authorship:** AI is used as a medium, not a shortcut—supporting rather than replacing human intent.
- **Purpose-driven experimentation:** Whether to protect, provoke, or play, each use is grounded in intentionality.
- **Accessibility and equity:** Tools and outputs are shaped with attention to audience inclusion.

About the contributors

WITNESS is a global human rights organization with over 30 years of experience that helps people use video and emerging technology to expose abuse and drive change. Active across five regions, we work with communities most at risk, lived and professional experience to identify gaps, co-develop solutions, and hold the powerful accountable. Our [Technology Threats and Opportunities \(TTO\) program](#) connects grassroots insights with global systems, engaging with emerging tech—like audiovisual AI—to ensure it upholds, rather than harms, human rights.

Founded in 2016, [the Co-Creation Studio](#) is an initiative at MIT Open Documentary Lab. The studio researches and incubates collective creation (alternatives to a singular authorial vision), through a constellation of media methods. For us, co-creation can occur within communities, across disciplines and with non-human systems such as Artificial Intelligence. We work within the context of the MIT Open Documentary Lab, which brings storytellers, technologists, and



scholars together to explore new documentary forms with a particular focus on collaborative and immersive storytelling. A center for documentary research, the lab offers courses, workshops, a fellows program, public lectures, and conferences; it incubates experimental projects; and it develops resources and critical discourse.

The [Archival Producers Alliance](#) was founded in 2023 as a way for independent archival producers to come together, create community and develop best practices around their unique role within the film industry. Our group represents around 500 archival producers - and counting - from across the US and internationally. As individuals, our work has appeared on cable, public and network television, streaming platforms, as well as in theaters and festivals around the world.