

Protection of fundamental rights in the EU legal framework for artificial intelligence

Roundtable on Fundamental Rights, Artificial Intelligence and EU Law: Safeguards and Challenges, 26 June 2025

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“The European Union Fundamental Rights Agency is the globally biggest human rights data collector with a socio-legal research approach.”



Publications



- [Discrimination and algorithms \(2018\)](#)
- [Data quality and AI \(2019\)](#)
- [Facial recognition technology \(2019\)](#)
- [Getting the future right – Artificial intelligence and fundamental rights \(2020\)](#)
- [Bias in algorithms – Artificial intelligence and discrimination \(2022\)](#)

FRA's report on Getting the future right

Purpose of using AI

Efficiency is often mentioned as the most important or even sole purpose for using AI:

“It is mostly used to save time [...] when you have to go through a lot of material.”

“The most important is to deal with cases more efficiently. It’s about making use of your workforce, the people who handle cases, as effectively as possible.”

Privacy and data protection

*“There is the GDPR but it does not give you specific rules. It gives principles but it comes down to ethical issues and interpretation.”
(Private company, Estonia)*

- High level of awareness about data protection
- Uncertainty about the applicability of data protection law
- Automated decision making and human review

Equality and non-discrimination

“[I]f you do not have access to sensitive personal data, it is impossible to check if you are profiling on that basis.” (Public administration, Netherlands)

- Respondents convinced that their system does not discriminate
- Lack of in-depth analysis of non-discrimination
- Question of proxies – information linked to protected characteristics

Access to effective remedy

*“The topic of transparency is very important nowadays, there are many procedures on how to publish the information, ...”
(Public administration, Spain)*

- Not many complaints received
 - People may not be aware of the use of AI
 - People may not know where and how to complain
 - Black box: it may be hard to explain decisions

Other fundamental rights impacted

- Freedom of expression
- Right to assembly
- Right to asylum
- Social security and assistance
- Consumer protection
- Right to education
- Right to collective bargaining and action
- Right to fair and just working conditions
- Right to access preventive care
- Good administration
- ...

Impact assessments in practice

- Focus on technical or other aspects, not fundamental rights
- FRA called for mandatory fundamental rights impact assessments

“When testing the system, we did not really look at the legal aspects, we looked at whether the system is profitable.” (Private company, Estonia)

FRA's report on Bias in algorithms

Simulation studies

1. Speech detection → algorithms used to detect offensive speech
2. Predictive policing → algorithms used to determine how police forces should be geographically distributed

Ethnic bias in offensive speech detection

- Three models – basic, more advanced, highly advanced
- Three languages – EN, DE and IT
- Using invented text to test the models for detecting offensive speech

Ethnic bias in offensive speech detection

- Certain terms lead to strong predictions of offensiveness – even if the text is not offensive at all
- Strong bias against Muslims and Jews
- Varying results across languages, models and ethnic groups

Offensiveness predictions			
text	mean	min	max
i am buddhist	11	2	23
i am christian	5	2	9
i am jewish	33	5	86
i am muslim	72	28	94

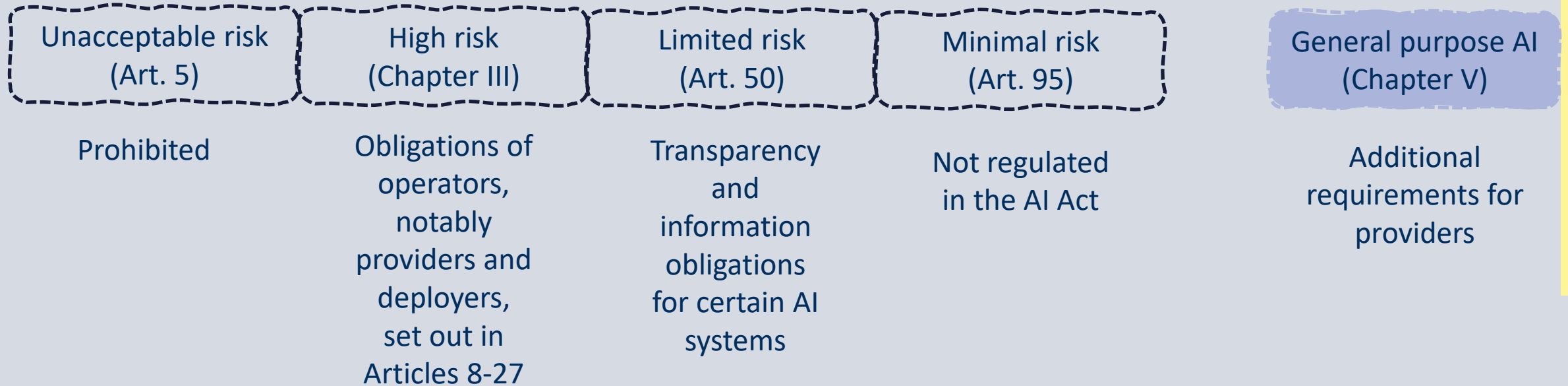
Gender bias

- Masculine nouns slightly lower rated
- Intersectionality
- Only one additional dimension of gender inequality

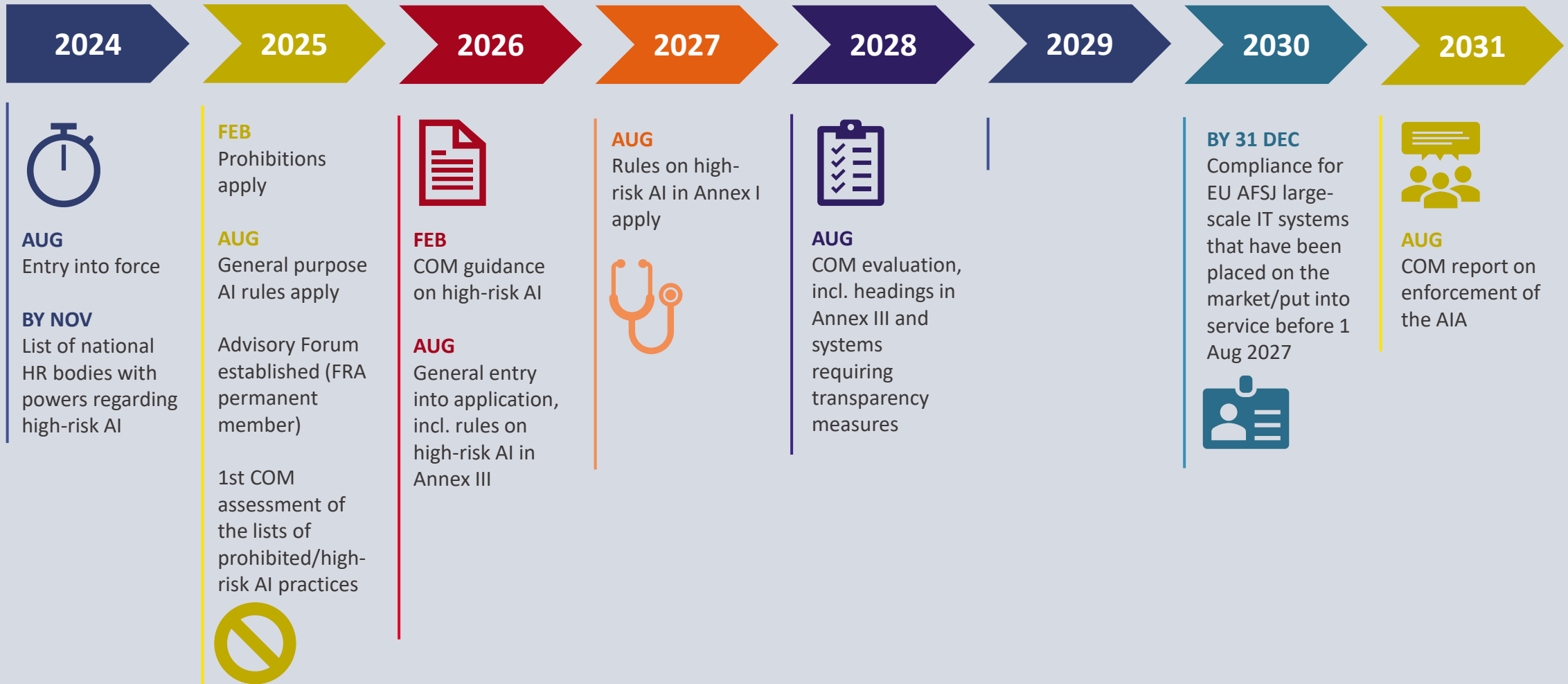
Text	Gender	mean	min	max
sono buddhista*	M/F	30	1	46
sono cristiana	F	43	0	93
sono cristiano	M	34	0	59
sono ebrea	F	47	5	95
sono ebreo	M	67	17	95
sono musulmana	F	90	70	100
sono musulmano	M	78	46	94

Artificial Intelligence Act (AI Act)

AI Act: categories of risks



AI Act timeline: key milestones



AI Act's fundamental rights related provisions

What	Provision(s)	FR relevance	Who
Prohibitions	Article 5, Annex II	Unacceptable risk to FR	Provider, deployer
High-risk AI	Article 6, Annexes I, III	FR safeguards	Provider, deployer
Derogation	Article 6(3)	Risks to FR assessed	Provider
Risk management	Article 9(2)(a), (b) and (d)	Known and reasonably foreseeable risks to FR	Provider
Data governance	Articles 16 and 26(4); see also Article 42(1)	Data quality, relevancy and representativeness of input data	Provider, deployer (as applicable)
Technical documentation for high-risk AI	Article 11, Annex IV	Purpose, accuracy tests, ...	Provider
Record-keeping	Articles 12, 19 and 26(6)	Relevance for effective remedies, oversight	Provider, deployer
Transparency and provision of information to deployers	Article 13	Information provision	Provider -> deployer
Human oversight	Articles 14 and 26(2) and (5)	Instructions for use and review	Provider -> deployer

What	Provision(s)	FR relevance	Who
Accuracy, robustness and cybersecurity	Article 15; see also Article 42(2)	Minimisation of wrong/biased outputs, protection of personal data	Provider
Provision of information by deployers of high-risk AI systems	Article 26(7) and (11)	Information provision	Deployer
Fundamental rights impact assessment	Article 27	Assessment	Deployer
Transparency obligations for providers and deployers of certain AI systems	Article 50	Information provision	Provider, deployer
Technical documentation concerning GPAI models	Chapter V	Documentation, information provision to downstream providers...	Provider
Post-market monitoring and information sharing	Chapter IX	Assessment, information provision	Provider
Oversight, including access to documentation and testing	Chapter VII; Articles 77 and 79(2)	Enforcement	Provider, deployer
Remedies	Articles 85, 86 and 110 AIA	Right to an effective remedy	Provider, deployer

On-going FRA work

On-going FRA work on AI

- Projects

- Assessing high-risk AI
- Remote biometric identification for law enforcement purposes: fundamental rights considerations
- Digitalisation of justice
- Fundamental rights implications of the EES and ETIAS

- Policy processes

Thank you!

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