

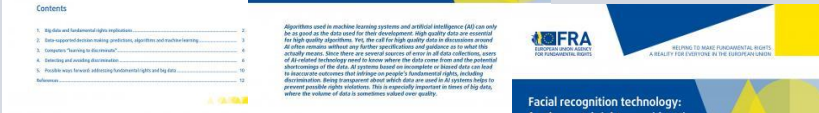
# Assessing high-risk artificial intelligence: Fundamental rights risks

Dr. Nienke van der Have

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



# FRA Publications on AI



2018

2019

2019



2020



2022



2025

# FRA research on Assessing high-risk AI

**Aim:** Provide empirical analysis and guidance about assessments of high-risk AI in relation to fundamental rights

**Timeline:** Fieldwork in 2024, publication on 4 December 2025

**Methodology:** Desk research and fieldwork (interviews and focus groups)

# Use case areas

Asylum

Education

Employment

Law  
enforcement

Public benefits

# Views on the AI Act

- Interviews coincided with the AI Act's adoption: uncertainty
- Opportunity to create a level playing field between providers, prevent adverse impacts on fundamental rights and enhance trust

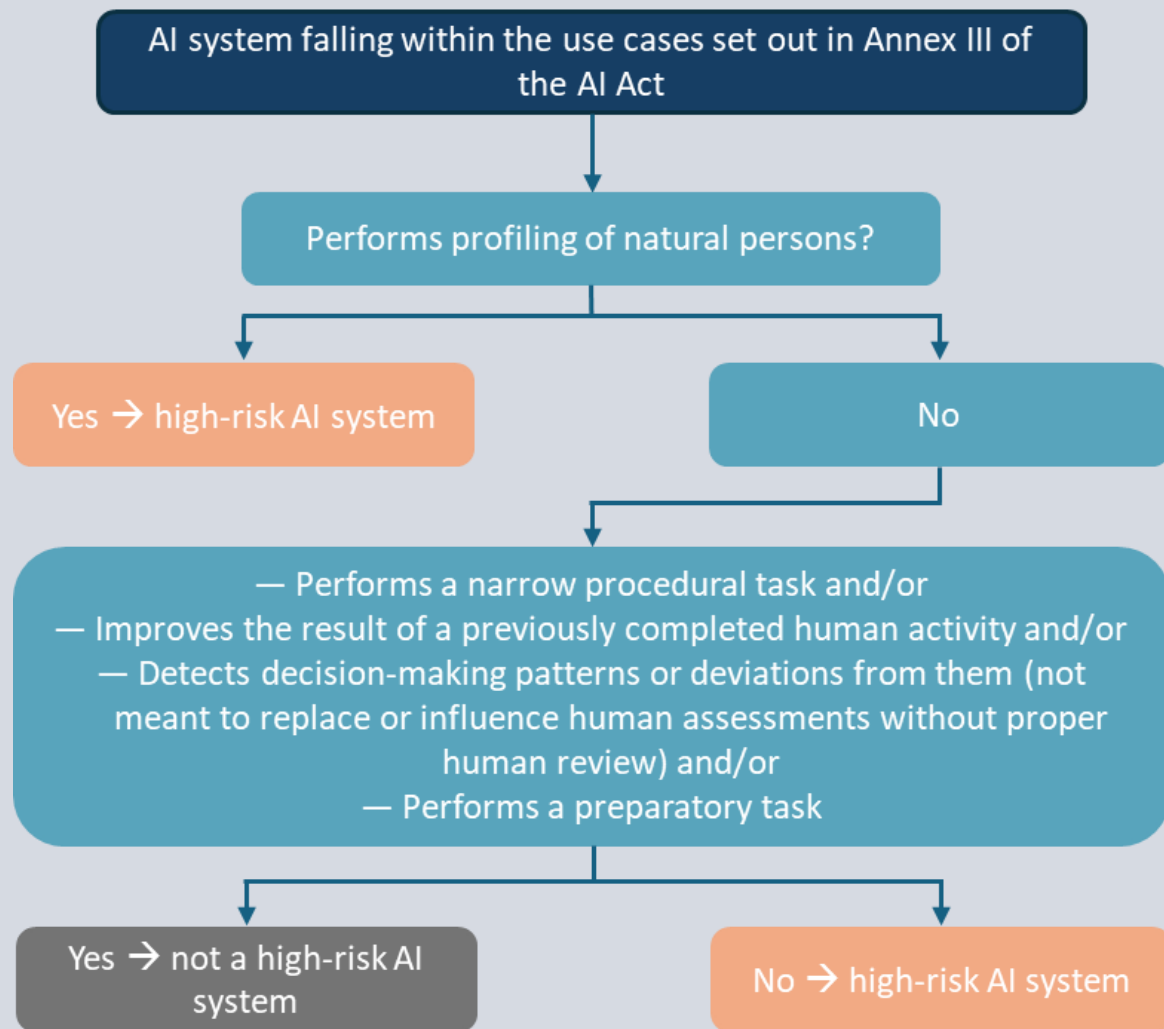
*“The AI Act provides an opportunity, for everybody who builds these systems, to pull their socks up and do it properly. I think that’s a good thing.”  
(Provider of an AI system in the area of education)*

# Definition of an 'AI system'

- Leaves room for interpretation and potential exclusion of less complex systems
- **What does FRA say?** Need for a broad interpretation of the definition, as simpler systems can also adversely impact fundamental rights

# High-risk classification

- Legal uncertainty and differing classifications in practice
- Some filter interpretation concerns



# High-risk classification

- Some respondents emphasised the inherent high-risk nature of systems used in certain areas
- **What does FRA say?** Need for (1) a clear and narrow understanding of the filter and (2) monitoring and amendment of the conditions if necessary

# Impact assessments in practice

- Assessments did not systematically take fundamental rights risks into account
- Awareness about potential fundamental rights risks to some extent increased compared to FRA's 2020 work, but still limited
- **What does FRA say?** Need for tailored guidance with examples

# Impact assessments in practice

- Fragmented approach to mitigation that does not systematically address/fully cover potential fundamental rights risks
- Need for clear guidance (templates/questionnaires; training and skills development; bias detection guidance)
- **What does FRA say?** Need for an evidence-base for assessing and mitigating fundamental rights risks

# Building blocks for an effective assessment

Description  
of the  
system and  
its purpose

How does the system  
work? How and when will  
it be used?

Identification of  
likely affected  
persons and  
groups

Who could be impacted?  
How?

Assessment,  
prevention  
and  
mitigation

Which fundamental rights  
could be impacted? How  
can this be  
prevented/mitigated?

Final  
assessment

Necessity and  
proportionality

*Involve interdisciplinary teams and do stakeholder consultations; build on previous assessments*

# Oversight

- Findings show limited awareness about the fundamental rights impact of AI development and use as well as limits of self-assessments
- **What does FRA say?** Need for effective oversight by independent bodies that are sufficiently resourced and possess the necessary fundamental rights expertise

# Thank you!

FRA – EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Schwarzenbergplatz 11 – 1040 Vienna – Austria

T +43 158030-0 – F +43 158030-699

 [facebook.com/fundamentalrights](https://facebook.com/fundamentalrights)

 [twitter.com/EURightsAgency](https://twitter.com/EURightsAgency)

 [linkedin.com/company/eu-fundamental-rights-agency](https://linkedin.com/company/eu-fundamental-rights-agency)

[fra.europa.eu](https://fra.europa.eu)