

DRAFT

EASA-European Academy of Sciences and Arts
8 May 2026

Artificial intelligence, Ethics and Human Rights **(and Impact of the Court of Justice of the EU (CJEU))**

Prof. Verica Trstenjak

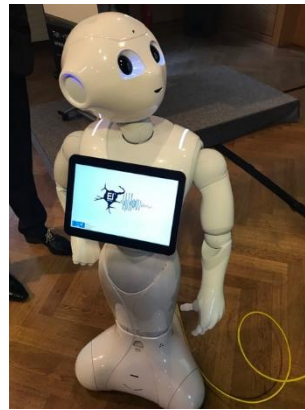
Vienna(Austria)/Ljubljana (Slovenia)

Former advocate general of the European Court of Justice, Luxemburg

Member of ABOR, ECB (European Central Bank)

What is the most important factor for AI and the future?

Technology? The law? Fundamental rights? Ethics?



AI and you:

(Wake up, weather, traffic predictions, tickets booking ect)



AccuWeather Vienna, Vienna -8°C

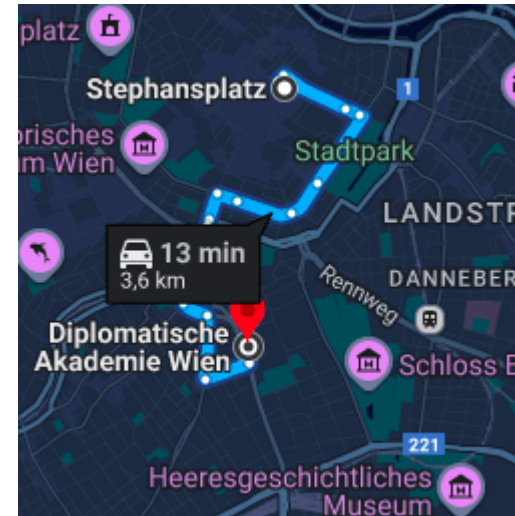
TODAY'S WEATHER

☀️ Chilly with some sun, then increa
🌙 Tonight: Partly cloudy Lo: -5°

CURRENT WEATHER

🌙 **-8°** C
RealFeel® -14°

Mostly clear
MORE DETAILS >



I. Introduction

AI, Fundamental Rights, and Ethics

- If AI makes decisions about you, who will protect your fundamental rights?
- Does your mobile phone know you better than your friends?
(Privacy?)
- Would you trust an AI algorithm to make decisions about your loans, insurance, job applications, medicaments, etc.?



Outline

I. Introduction

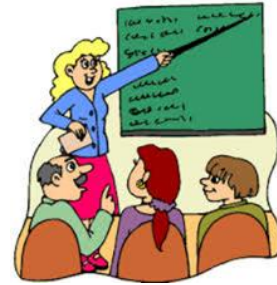
II. AI and New Challenges

III. AI, Law, and Fundamental Rights

IV. The European Court of Justice, AI, and Fundamental Rights

V. AI and Robots as Judges?

VI. Conclusio



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II. AI and new problems



Robot and citizenship

The screenshot shows the top portion of a news article on The Washington Post website. At the top, the newspaper's logo and tagline "Democracy Dies in Darkness" are visible. Below the logo, a blue navigation bar contains the word "Sub" in a white circle. A yellow banner below the navigation bar states "This article was published more than 5 years ago". Underneath, a horizontal menu lists various categories: Tech, Help Desk, Future of Transportation, Innovations, Internet Culture, Space, Tech Policy, and Video Gaming. The main heading "INNOVATIONS" is followed by the article title "Saudi Arabia, which denies women equal rights, makes a robot a citizen" in a large, bold, black serif font. Below the title is a circular profile picture of the author, Cleve R. Wootson Jr., and the text "By Cleve R. Wootson Jr." and "October 29, 2017 at 1:27 p.m. EDT". At the bottom of the article preview, there are two images: on the left, a woman's face (Sophia) in front of a blue backdrop with logos for "ITU", "XPRIZE", and "AI for GOOD GLOBAL SUMMIT Geneva, Switzerland 2017"; on the right, a blue and white graphic with the text "SHORT, SMART, STRAIGHT".

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Robot and Adoption

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Sophia the robot wants a baby and says family is 'really important'

25 November 2017

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Robots, Children, Adoption (chatgtp 2025)

ChatGPT ▾

↑ Gemeinsam nutzen

Can a robot adopt a child



No, a robot cannot adopt a child. Adoption involves legal, ethical, and emotional considerations that require the involvement of human beings or entities representing them. Here are some key reasons why robots cannot adopt children:

1. **Legal Limitations:** Adoption laws universally recognize only humans (individuals or couples) as eligible adoptive parents, as they are capable of fulfilling legal responsibilities.
2. **Emotional and Psychological Needs:** Children require nurturing, empathy, and emotional connection—qualities that robots, even with advanced AI, cannot authentically provide.
3. **Ethical Considerations:** Soc. ↓ expects adoptive parents to have moral responsibility, accountability, and the ability to make ethical decisions in

AI and (Digital) Immortality?

Digital Immortality Through AI:
New Technologies Offer „Life“ After Death via Chatbots or
Avatars



AI as boss

A business journal from the Wharton
School of the University of Pennsylvania

KNOWLEDGE AT WHARTON

TOPICS ▾

SERIES ▾

ARTICLES

PODCASTS

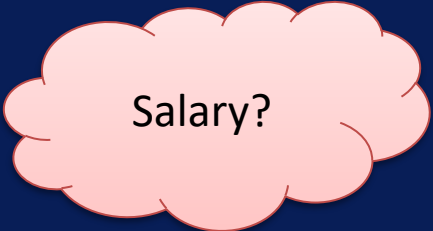
VIDEOS

FACULTY

Can a Robot Be Your Boss?

September 10, 2014 · 14 min read

Artificial intelligence and people analytics are allowing more and more of management tasks to become automated — but can they adapt to the all-too-human needs of employees?



Salary?



Holidays?

● HUMAN RESOURCES ● MANAGEMENT

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AI as minister?

Responsability?

Democracy ?



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World's first AI minister will eliminate corruption, says Albania's PM

12 September 2025

Share Save

Guy Delauney

BBC Balkans correspondent



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chatgpt

- ChatGPT and LLM (*Large Language Model*) and Responsibility:
- Liability for copyright infringements?
- Can artists receive compensation?
- Data protection?
- Discrimination?
-

AI and responsibility: selfdriving cars

An accident happens: Who is responsible?

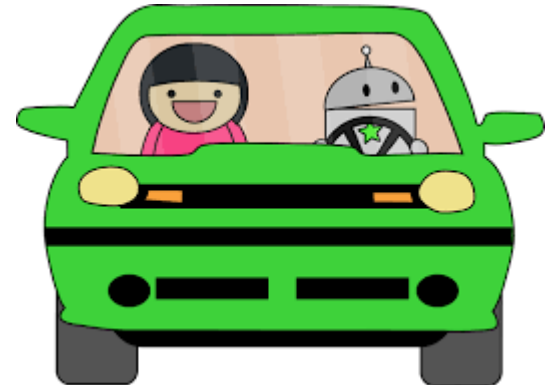
Driver

Vehicle manufacturer

Dealer/seller

Insurance company

Other



Problem: discrimination (young-old)

III. AI, Law and Fundamental Rights

EU Charter of fundamental Rights



Univ.-Prof. Dr. Verica Trstenjak - urheberrechtlich geschützt! Kopie
ohne Zustimmung des Autors verboten.



Charter of Fundamental Rights / Charte des droits fondamentaux
Charta der Grundrechte der EU

“Kleines Buch mit großen Rechten”

“A small book with big rights”

“Un livre petit avec des droits importants”

Charta: 54 Artikel



Datenschutz

Eigentumsrecht

Achtung des Privat-
und Familienlebens

Unternehmerische
Freiheit

Fundamental rights and IA

Individuals

Privacy

Data protection

Non-discrimination

Right to information

Other

Companies (e.g., Google, Meta, Apple, A1, etc.)

Property rights

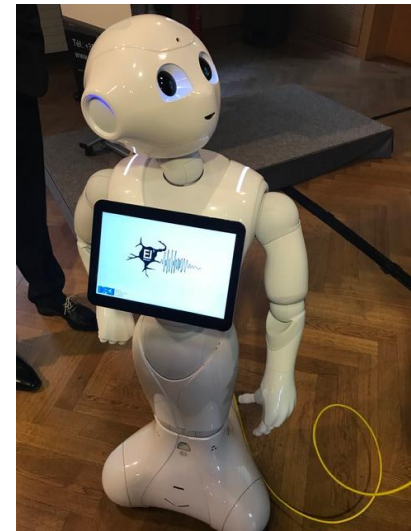
Freedom to conduct business

Right to information

Other

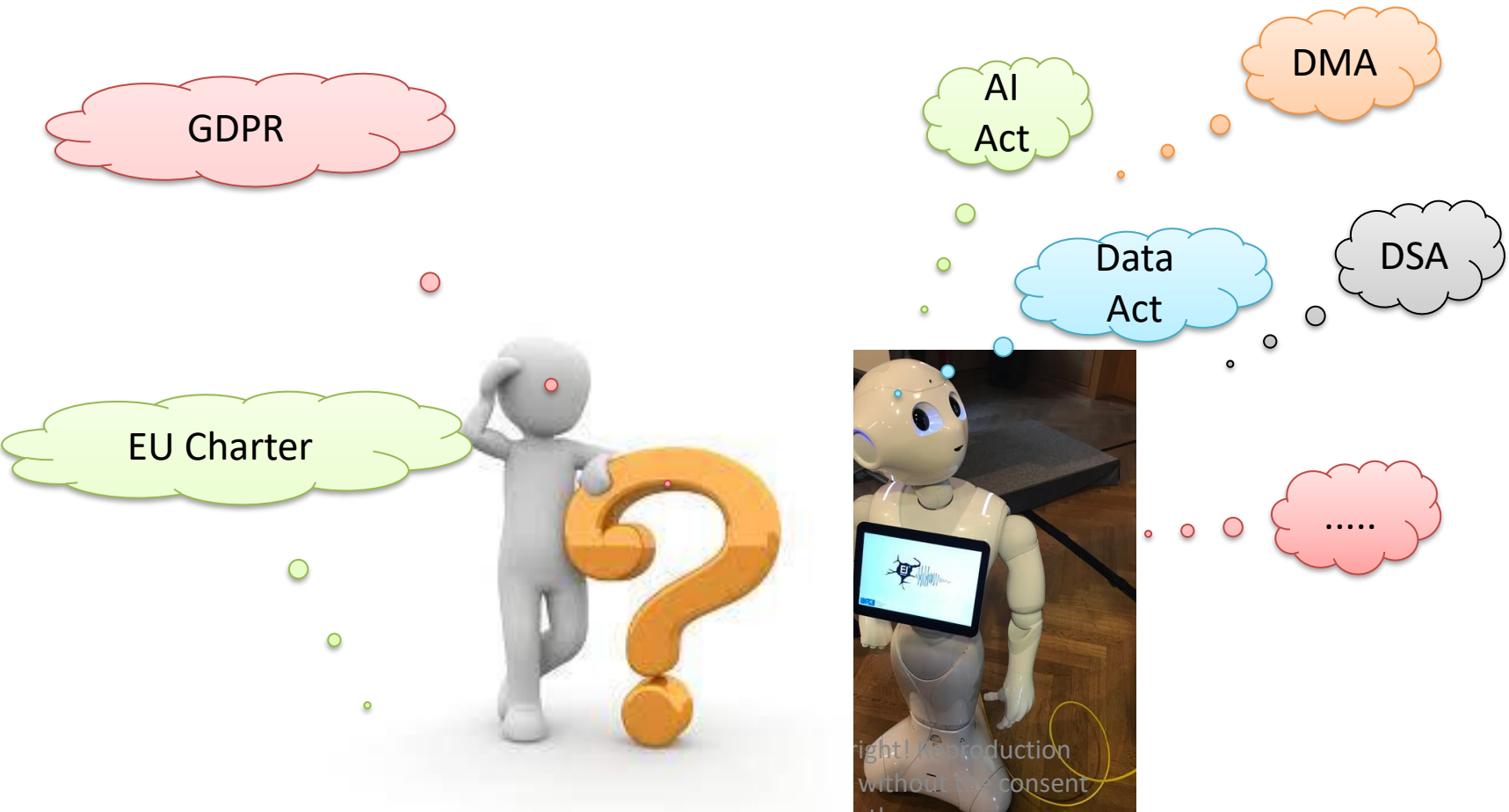
AI and EU law

- To many legal acts?
- *„U.S. innovates, and the EU regulates“:*



AI EU law

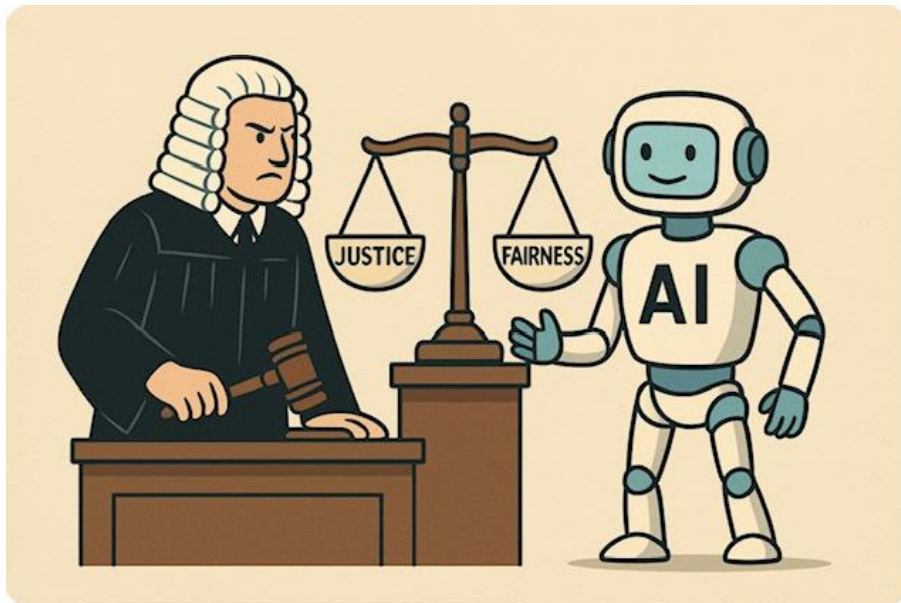
How many legal acts do we need?



IV. AI and impact of CJEU (Court of Justice of the EU)

Examples:

- AI, GDPR: automated decisions



AI and new problems: automated processing

CJEU, Case Land Hessen(Schufa), C-634/21



legal framework

New General Data Protection Regulation, GDPR- Art. 22

"Automated individual decision-making, including profiling"

- The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.



Automated individual decision-making

Art 22 GDPR- Schufa

PROBLEM

- SCHUFA (Germany) is a private company that provides credit reports („scoring“) to banks, etc.
- Consumers reject the so-called "scoring" and retention of data about outstanding debts from public registers.
- Case started in Germany,
- Final decision CJEU in Luxembourg

Automated individual decision-making

Art 22 GDPR- Schufa judgment CJEU



COURT OF JUSTICE
OF THE EUROPEAN UNION



PRESS RELEASE No 186/23

Luxembourg, 7 December 2023

Judgments of the Court of Justice in Case C-634/21 | SCHUFA Holding (Scoring) and in Joined Cases C-26/22 and C-64/22 | SCHUFA Holding (Discharge from remaining debts)

The General Data Protection Regulation (GDPR) opposes two data processing practices by credit information agencies

While 'scoring' is permitted only under certain conditions, the prolonged retention of information relating to the granting of a discharge from remaining debts is contrary to the GDPR

Automated individual decision-making Art 22 GDPR- judgement CJEU -IMPACT

EURACTIV

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Ukraine

Agrifood

Economy

Energy & Environment

Global Europe

Health

Politics

Technology

[Home](#) / [News](#) / [Technology](#) / [Data & Privacy](#) / EU top court's ruling spells trouble for scoring algorithms

EU top court's ruling spells trouble for scoring algorithms

By [Théophane Hartmann](#) | [Euractiv.com](#) ⌚ Est. 5min

📅 7. Dez. 2023 (updated: 📅 9. Dez. 2023)

Content-Type: News



Consumer Contract for mobile phone, AI- GDPR Art 15 , 22

C-203/22, Dun & Brandstreet Austria



Consumer Contract for mobile phone, AI

C-203/22, Dun & Brandstreet Austria

Problem, Facts



- In Austria, a mobile telephone operator refused to allow a customer to conclude a contract for 10 Euro/Month, on the ground that her credit standing was insufficient.
- The operator relied on an assessment of the customer's credit standing carried out by automated means by D&B Austria, an undertaking specialising in such assessments.
- Consumer: automated decision?: **who, why rejected** ect?

Consumer, GDPR Art 22, automated decision C-203/22



PRESS RELEASE No 22/25

Luxembourg, 27 February 2025

Judgment of the Court in Case C-203/22 | Dun & Bradstreet Austria

Automated credit assessment: the data subject is entitled to an explanation as to how the decision was taken in respect of him or her

The explanation provided must enable the data subject to understand and challenge the automated decision

New cases CJEU: AI



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First preliminary ruling –AI ACT C-806/24 Yettel Bulgaria

NEW

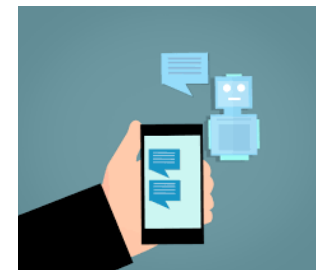
- Regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations(**Artificial Intelligence Act**) (OJ L 2024/1689).
- Art 86 AI Act : **Right to explanation of individual decision-making.**



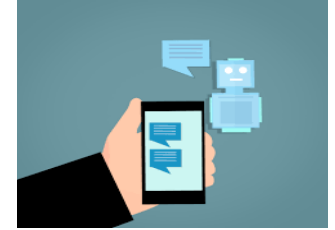
AI – new case CJEU

chatbots

- Case *C-250/25 Like Company v. Google Ireland Limited*
- Case from Hungary
- Problem:
 - copyrights



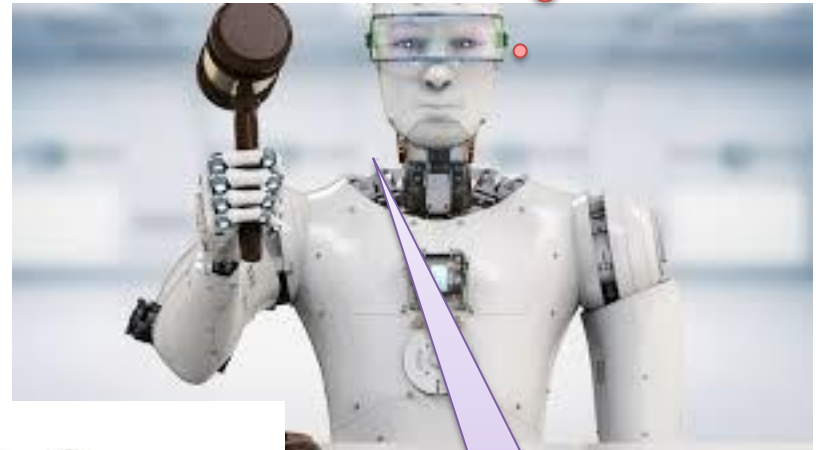
New case C-250/25 Like Company
(CJEU Hearing 10.3.2026) **CHATBOTS**



- **Question:** How are *large language models* (LLMs) such as Google Gemini assessed under the „Copyright Directive“.....?
- **Reproduction:** Does training an LLM that processes copyright protected works (such as news) constitute reproduction relevant to copyright?
- **Communication to the public**

V. AI and FUTURE
judge human being ?
or
judge „robot“?

Fair?
Proporcional
?



For
technical
question

AI as a judge:

Will AI supplement Humans in Law?

example Divorce

- Different problems
 - To solve legal, „technical“ and emotial problems
 - Children?

How will the algorithm decide "fairly" (eg. Divorce and children)



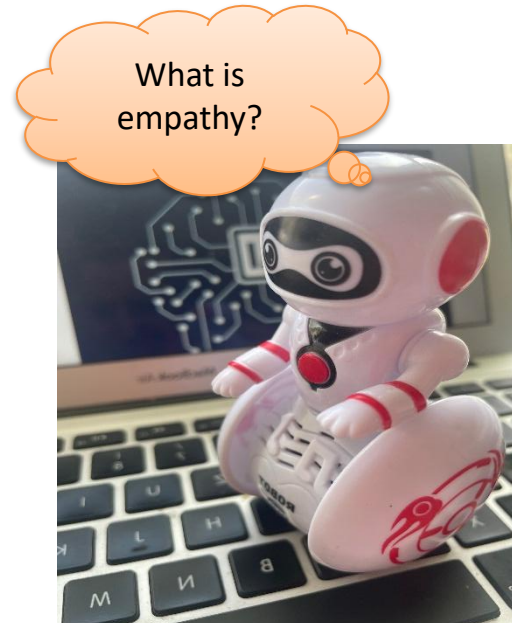
MA

Give me a list with 10 qualities of a good mom



Certainly, here are 10 qualities of a good mother:

1. Unconditional love and support
2. Nurturing
3. Patience and understanding
4. Empathy and compassion
5. Consistency and structure
6. Good communication
7. Positive role-modeling
8. Selflessness and sacrifice
9. Adaptability and flexibility
10. Respect for her child's individuality and autonomy



How will the algorithm decide "fairly" (eg. Divorce and children) what is empathy?



MA

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9. Adaptability and flexibility
10. Respect for her child's individuality and autonomy

MA

Give me a list with 10 qualities of a good



1. Love and affection: A good father expresses love and affection towards his children, making them feel valued and cared for.
2. Patience: A good father is patient with his children, especially when they are misbehaving or going through difficult phases.
3. Consistency: A good father is consistent in his actions and words, so his children know what to expect and can rely on him.
4. Responsiveness: A good father is responsive to his children's needs, both emotional and practical, and is always available when they need him.
5. Respect: A good father treats his children with respect and models respectful behavior towards others.
6. Supportiveness: A good father is supportive of his children's goals and dreams, encouraging them to pursue their passions.
7. Communication: A good father communicates openly and honestly with his children, listening to their concerns and providing guidance when needed.
8. Empathy: A good father is empathetic towards his children, trying to understand their perspectives and feelings.
9. Trustworthiness: A good father is trustworthy, keeping his promises and being honest with his children even when it's difficult.
10. Role-modeling: A good father is a positive role model, teaching his children by example how to be responsible, kind, and successful in life.



Judgement of Solomon is a story from the Hebrew Bible

How an AI lawyer/robot can resolve the “solomon
test”

•



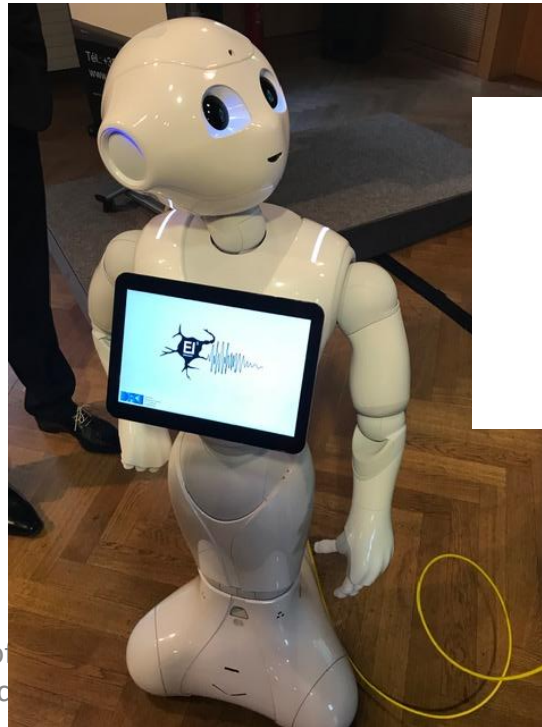
Judgement of Solomon

...story in which [King Solomon of Israel](#) ruled between two women both claiming to be the mother of a child. Solomon revealed their true feelings and relationship to the child by suggesting the baby be cut in two, each woman to receive half.

With this strategy, he was able to discern the non-mother as the woman who entirely approved of this proposal. And the actual mother begged that the sword might be sheathed and the child committed to the care of her rival. (source wikipedia)

Judgement of Solomon

We consider this approach to justice as an example of an **impartial judge** displaying **wisdom** in making a ruling.



Can AI has
this
wisdom?

VI.Conclusion

- Importance of fundamental rights in the age of AI
- Legal acts: not overregulate
- Important Influence of CJEU (in future additional: new AI legal acts)
- We need trustworthy AI

CONCLUSIO: Future?

How many legal acts do we need?

Who will control whom?



Zukunft:

"The human spirit must prevail over technology." (Albert Einstein)



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Photos from Chatgtp, Google. Infos (text) from curia: CJEU (judgment, press release)