



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Opening of the Judicial Year 2025 / Ouverture de l'année judiciaire 2025

Judicial Seminar / Séminaire judiciaire

**“Protecting human rights in a world of Artificial Intelligence,  
algorithms and big data” / « La protection des droits de l'homme dans le  
monde de l'intelligence artificielle, des algorithmes et  
des mégadonnées (*big data*) »**

Speech by / Discours de Marko Bošnjak

*Strasbourg, 31 January / le 31 janvier 2025*

Mesdames et Messieurs les Présidents de cours constitutionnelles et suprêmes,  
Mesdames et Messieurs les intervenants,  
Chers collègues, actuels ou anciens, chers amis,

Je suis très heureux de vous voir ici réunis en si grand nombre aujourd'hui pour notre séminaire annuel, prélude traditionnel à l'ouverture officielle de l'année judiciaire de la Cour.

Ce séminaire est particulièrement important puisqu'il s'agit du premier événement que nous organisons cette année pour marquer le 75e anniversaire de la Convention européenne des droits de l'homme. Nous fêtons aujourd'hui aussi le 20e anniversaire de ces séminaires judiciaires dont le but, depuis le départ, est de maintenir, de renforcer et d'approfondir notre dialogue et nos échanges avec vous, juges nationaux des cours supérieures de vos pays. Il convient de rappeler qu'une protection efficace des droits de l'homme commence et souvent s'achève au niveau national.

Permettez-moi tout d'abord de souhaiter chaleureusement la bienvenue à nos éminents intervenants : la professeure Lucie Cluzel-Métayer, le professeur et juge à la Cour constitutionnelle lituanienne Vytautas Mizaras, la professeure Sandra Wachter, et notre collègue du Conseil de l'Europe, Madame Hanne Juncher. Je laisserai nos modérateurs les présenter plus en détail. Je remercie sincèrement nos intervenants de s'être joints à nous aujourd'hui en leur qualité d'experts. C'est un grand privilège que de les voir ouvrir nos discussions.

Avant d'en venir à notre thème, permettez-moi de remercier tout particulièrement le comité d'organisation de cette année, composé des juges Saadet Yüksel (présidente), Raffaele Sabato, Mykola Gnatovskyy, Anja Seibert-Fohr et Oddný Mjöll Arnardóttir. Les débats de cet après-midi seront modérés par les juges Gilberto Felici et Mateja Đurović.

La préparation de ce séminaire, notamment la rédaction de la note d'information, a nécessité beaucoup de travail et je voudrais que nos collègues sachent que le temps et l'énergie qu'ils y ont consacrés ces derniers mois sont pleinement appréciés par tous aujourd'hui.

Au sein du greffe, nous remercions également Rachael Kondak, Zoë Bryanston-Cross, Bianca Boji-Tahvanainen, Valérie Schwartz et Tatiana Kirsanova.

Chaque année, nous choisissons pour le séminaire un thème qui nous donne l'occasion d'explorer ensemble différents aspects du système de la Convention, allant du rôle joué par le pouvoir judiciaire aux notions de subsidiarité et d'instrument vivant. Naturellement, pour cette année anniversaire, nous avons choisi un thème qui est particulièrement pertinent dans le paysage juridique actuel et qui nous oriente vers les perspectives d'avenir.

The progress made in technology and science has been unprecedented over the life of the Convention and has changed the way we interact with the world. The omnipresence of **Artificial Intelligence, algorithms and big data** has brought new perspectives (and challenges) to human rights which we aim to explore this afternoon.

The link between AI and judicial decision-making can be seen quite clearly in a piece of research undertaken by computer scientists as well as law professors in 2016. Their goal was to see whether AI could help them predict the outcome of our Court's judgments: violation or no violation.<sup>1</sup> Using modelling the researchers were able to predict with high accuracy, around 79%, the outcome of our judgments, based on mining textual information from the judgments, in particular the "facts" part. This research was undertaken almost 10 years ago. One can imagine that the accuracy of their predictions has probably increased considerably during the last years. Could or should AI assist judges in their decision-making? Or the drafting of judgments? The question is more of a moral than technical one and I will listen with interest to the discussion on these and other points.

Fortunately, various parts of the Council of Europe have been active in the last years on AI-related questions. Yet the legal landscape surrounding AI is still in its initial stages, both in terms of applicable regulations and case-law. It was only last year, in 2024, that the Member States adopted the landmark [Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#), the first-ever international legally binding instrument aimed at providing a legal framework for the States to regulate the activities within the lifecycle of AI systems and their impact on human rights. What is interesting to note is the truly global reach of this instrument which is open for signature by non-Council of Europe Member States (and indeed has been signed by Israel and the United States of America) as well as the European Union.

Over the last years, the Court has been called upon to adjudicate cases concerning the impact of technology and machine learning on the protection of the rights and freedoms enshrined in the Convention. As we can see from the background paper, our existing caselaw is well-stocked with judgments and decisions regarding the use and impact of emerging technologies, a number of interesting applications are also pending.

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<sup>1</sup> [\(PDF\) Predicting Judicial Decisions of the European Court of Human Rights: A Natural Language Processing Perspective](#)

These cases can undoubtedly assist our analysis of new applications on generative AI (the likes of ChatGPT etc.) and its implications, which must be approached with an understanding of this evolving legal context and the potential for significant developments in the near future. Indeed, surely one of the primary objectives of our Seminar is to familiarise ourselves, as judges and not technical experts, with the basic features and scope of AI to improve our understanding of where and how it is operating in our day-to-day lives.

Moreover, there have been cases at the national level and so your insights, distinguished guests and dear friends, play – as ever - a pivotal role in shaping the future of human rights in a world of AI and nourishing our discussions today on our shared responsibility of protecting human rights in this new technological era. I very much encourage you to take the floor when you have the opportunity. The more dialogue we generate the better.

We have asked our distinguished speakers to delve into some of the most pertinent questions raised by the development and use of AI systems, with a focus on identifying the challenges and opportunities that they represent for the protection of human rights.

We have structured the seminar around four topics: Council of Europe/European standards on Artificial Intelligence; Freedom of expression in the age of Artificial Intelligence; Artificial Intelligence and the right to a fair trial; and Addressing potential discrimination in Artificial Intelligence.

I am sure that a discussion that is both rich and enriching will be had here this afternoon.

Without further ado, I will now pass the floor to Judge Yüksel, to take us into the substance of this year's seminar theme.

Thank you for your attention.