



ARTIFICIAL INTELLIGENCE AND FUNDAMENTAL RIGHTS. THE “HUMAN-BASED” APPROACH BETWEEN THE COUNCIL OF EUROPE AND THE AI ACT

This paper analyzes the human-centric approach to regulating AI within the European legal framework, focusing on the Council of Europe’s Framework Convention and the EU’s AI Act. It compares the two instruments, noting that while both share a risk-based methodology, the Convention focuses exclusively on human rights, whereas the AI Act also incorporates economic and market aspects. The author examines the significant risks that AI poses to fundamental rights such as human dignity, privacy, and non-discrimination, particularly in sensitive areas like the justice system. The analysis explores the potential future role of the European Court of Human Rights in interpreting AI-related cases based on its existing jurisprudence. The paper concludes by affirming that a rights-driven supranational European strategy is essential to ensure trustworthy AI development and to set a global standard.