

Human Rights Risks in AI Regulation: A Comparative Study of Italy and Albania

Andrea Mazelliu,* Ledja (Burnazi) Mitllari** and Eralda (Methasani) Çani***

Abstract

This research explores human rights implications and potential risks associated with the deployment of Artificial Intelligence (AI) in Albania and Italy, adopting a comparative research approach. It analyses the AI-related international framework that binds Italy and Albania through supranational mechanisms. Through this approach, the study provides standards and critical reflections to inform national legislation. While Italy and Albania differ in their historical and legislative trajectories, both face similar challenges in integrating AI into public governance and private sectors, particularly concerning transparency, accountability, human oversight, and data protection. This paper provides a comprehensive analysis of the legal and institutional frameworks of both neighbouring countries, which have each undertaken initiatives to promote the development and use of controllable AI systems. Ultimately, the study underlines the need for AI governance models based on a human-centric approach which serves as the best guarantee for the preservation of human rights.

I. Introduction of AI Governance and Human Rights Standards

The last decade's shift from information technology to AI can be considered the digital colonization of the world, with countries facing the greatest 'unknown' feature ever experienced.¹ One of the most important issues is preserving established fundamental standards while adopting AI as a new way of living. In this regard, governments and countries, especially developed countries such as the USA and Canada, face the challenge of algorithmic language, which may infringe upon established human rights, both domestically and internationally.² Meanwhile, we shall highlight that the European Union (EU) has enacted the most novel piece of legislation in an attempt to regulate and preserve the usage of AI as a new way of living. What remains for the EU and its member states is

* PhD candidate Faculty of Law, University of Tirana, Lecturer of Law, University of New York Tirana, andreamazelliu@unyt.edu.al, ORCID: 0000-0001-8134-0354

** PhD candidate Faculty of Law, University of Tirana, Lecturer of Law, University of New York Tirana, ledjaburnazi@unyt.edu.al, ORCID: 0000-0003-0941-6400

*** Professor of Law, Faculty of Law, University of Tirana, eralda.methasani@unitir.edu.al, ORCID: 0000-0001-5436-5126

¹ R. Scarciglia, 'Artificial Intelligence and the State from a Comparative Perspective' 17 *Italian Journal of Public Law*, 474, 475 (2025).

² M. Sloane and E. Wüllhorst, 'A systematic review of regulatory strategies and transparency mandates in AI regulation in Europe, the United States, and Canada' 7 *Data & Policy*, 11 (2025).

the creation of their own model of competition with the US, the UK and Canada models, and to take part in the new race played by the giants of AI technology.³

The rapid advancement of AI presents all countries, developed and developing, with a similar challenge: to adopt timely and swift regulatory measures, as AI technologies are being embraced by the private sector at a much faster pace than they are being governed by the public authorities. Accordingly, it is imperative that governments develop the infrastructure within a transnational framework that aligns with international human rights standards. AI regulation is one of the most debated issues, presenting uncertainty in terms of the risks posed by the rapidly progressing new technology to democratic standards.⁴ As a result, legal scholars highlight the drastic changes that AI systems can bring to political systems and which might affect the core of the state's constitutional design by challenging the protection of fundamental rights, or fundamental principles.⁵

1. Legal Determinants of AI

Although there is no universally agreed-upon definition for *Artificial Intelligence*, the term often encompasses a broad spectrum of systems. This paper will replicate the definition of AI that is found in the EU regulation on AI – the AI Act in its Art 3(1):

‘AI system’ means a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments.⁶

These systems utilise algorithms to allow computers to execute tasks that typically demand human cognitive capabilities, including perception, reasoning, learning, problem-solving, and understanding natural language.⁷ The spectrum of these systems can vary from rule-based architectures to more intricate learning paradigms, such as machine learning (ML) and deep learning (DL), wherein

³ O. Akinola et al, ‘Comparative Analysis Regulatory of AI and Algorithm in UK, EU and USA’ available at <https://ssrn.com/abstract=4212588> (last visited 31 January 2026)

⁴ M. Infantino and M. Bussani, ‘The Law of the Algorithmic State in Central and Eastern Europe: Introduction to the Special Issue’ 17 *Italian Journal of Public Law*, 447 (2025).

⁵ N. Horn and M. Binder, ‘Democracy and AI: How Technological Progress Can Strengthen Democratic Structures’, available at <https://tinyurl.com/3s6v8mzy> (last visited 31 January 2026).

⁶ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 [2024] OJ L.

⁷ J.E. Korteling et al, ‘Human-versus artificial intelligence’ 4 *Frontiers in Artificial Intelligence*, 1-13 (2021).

systems evolve and adapt through exposure to data.⁸ These techniques have been remarkably successful across various fields, including biology, medicine, law, economics, and education. However, this success comes with the challenge of comprehending the mechanisms behind these models, including the rationale for their decisions, the most influential features or regions for the model's output, and the level of confidence the model has in the results it produces.⁹ These models frequently operate as *black boxes*, with most users unaware of their internal mechanics. The opaque nature of such systems gives rise to multiple ethical and human rights concerns.

To foster the development of responsible AI systems and address ethical issues in AI, numerous interest groups worldwide have established guidelines and principles for the responsible use of AI. Any action adopted, even if ethical, demands transparency regarding how processes, decisions, and data are comprehensible and accessible within AI systems. Elucidating the internal operation of AI algorithms, decision-making processes, and data utilization to a variety of stakeholders, such as developers, users, policymakers, and the public is indispensable for upholding the principles of accountability, legality, and the rule of law and for underpinning the protection of fundamental rights and the legitimacy of AI-driven decision-making within democratic governance frameworks.

Most users of AI systems are not aware of the methods by which specific outputs are produced. The absence of interpretability in AI models means that users have to accept the system's decisions without understanding the factors that contributed to them. Various models operate based on different mathematical frameworks and the quality of input data, leading to potential variations in outcomes between models.

In the 21st century, digital advancements, particularly in the intersection of AI with everyday life, have become a palpable reality. Both the private and public sectors are adopting innovative strategies to facilitate and streamline service access, thereby enhancing efficiency.¹⁰ This inevitably poses challenges to safeguard and exercise the basic rights and freedoms assured by national legislation. With clear legal standards on AI usage,¹¹ to comply with current and sensitive legal structures, such as the EU GDPR, governments can evaluate automated systems by employing sandboxes.

a) Methodology

⁸ C. Collins et al, 'Artificial Intelligence in Information Systems Research: A Systematic Literature Review and Research Agenda' 60 *International Journal of Information Management*, 1-17 (2021).

⁹ A.M. Salih et al, 'A perspective on explainable artificial intelligence methods: SHAP and LIME' 7 *Advanced Intelligent Systems*, 1-8 (2024).

¹⁰ O. Igwe, 'Artificial Intelligence: A Twenty First Century International Regulatory Challenge' 10 *Athens Journal of Law*, 737 (2024).

¹¹ C. Langer, 'Decision-making power and responsibility in an automated administration' 4 *Discover Artificial Intelligence*, 1-11 (2024); I. Kusche, 'Possible Harms of Artificial Intelligence and the EU AI Act: Fundamental Rights and Risk' *Journal of Risk Research*, 11 May 2024, 1-14.

This research focuses on the human rights risks in AI regulation using a comparative approach with regard to the regulation and standardization of these systems in Albania and Italy. Albania and Italy will serve as a case study in assessing the regulations that both countries have made towards standards for AI usage. As Italy is an EU country, it aims to serve as a model for Albania in regulating AI within the frame of the EU accession obligations. This research attempts to provide an overview of the legislative instruments regulating AI systems in Albania and a comparison with Italian legislation. Together, this analysis and the overview of the human rights standards in safeguarding AI in Europe aim to provide a comprehensive understanding of how these frameworks provide for the regulation of these systems' usage and the safeguarding of human rights. This study employs a qualitative approach in an analysis of the respective legislations, such as the EU acquis, CoE framework, Italian and Albanian legislation, and the existing literature, by integrating the theoretical contributions towards the legislative provisions. The research aims to be a contribution to the development of AI policies with a human rights-centric approach and ethical principles.

This paper is structured as follows: Section One provides an introductory frame on AI systems and governance in general, outlining the methodology. Section Two outlines the international standards in safeguarding AI, including the OECD, CoE, and EU acquis on AI. A focus is given to the EU mechanisms in regulating the human rights safeguards regarding the risk-based regulatory approach, human rights safeguards in EU digital governance. Sections Three and Four review the Italian and Albanian context in regulating AI. Section Five presents a comparative analysis and challenges in AI regulation, and Section Six discusses the implications and conclusions in summarizing the core insights for the human rights risks in AI regulation with a focus on Italy and Albania.

II. International Standards in Safeguarding AI

Governments are implementing initiatives and actions to establish a regulatory framework that emphasises the significance of these principles and conditions for algorithmic decision-making. An essential element in legal drafting is the proficiency of the drafters, particularly crucial for AI-focused legislation due to its detailed and technical nature. The United States and Canada are investigating approaches that mandate comprehensive evaluations from public administrative bodies skilled in implementing AI systems, while preserving oversight. These systems ensure that the public is kept aware of governmental decision-making, provided that these processes are fully transparent.

The international framework established by global or regional organizations such as the UN, OECD, CoE, or EU helps to set standards for AI usage in public governance, urging governments to reassess and modify their policies, regulations, and evaluation methods as they pertain to AI systems to foster innovation and

competition for reliable AI. Despite significant efforts and the rise of AI in various life domains, it should be noted that the EU continues to lead by introducing an all-encompassing framework in this field.¹² In Europe, AI plays a role in public services, education, and social welfare initiatives. As an illustration, Denmark has tested AI for staff recruitment in schools, while Italy has applied it to assess eligibility for welfare benefits.¹³ Nevertheless, these systems have encountered difficulties, including inaccuracies resulting in unjust reduction of benefits or inappropriate job placements.¹⁴ In Austria, chatbots are utilised to provide employment services, though they have faced criticism for perpetuating gender stereotypes.¹⁵

1. OECD AI Guiding Standards

When governments regulate AI usage with a clear legal framework, they permit its use within specified limits. In numerous industries, AI systems for regulatory sandboxes and innovation have been both tested and implemented.¹⁶ The OECD Council Recommendation on AI, first created in 2019 and updated in 2024, sets forth guidelines for AI usage. It requires that governments review and adjust their policy and regulatory structures, along with evaluation methods, to encourage innovation and foster competition within the realm of trustworthy AI.¹⁷ This recommendation encourages governments to invest in national policies and research towards trustworthy AI through public and private investments, with a focus on technical issues and AI legal and ethical implications.¹⁸ Investments shall ensure that AI is free of harmful bias and that its operability and use of standards are improved.¹⁹

Core principles that the amended recommendation considers include respect for the rule of law, the human rights and democratic values. These are considered complementary principles and include non-discrimination and equality, freedom,

¹² C. Panait et al, 'Striking the Balance Between Innovation and Regulation in AI: Is Europe Leading the Way or Lagging Behind?' 1 *Europuls Policy Journal: EU Affairs*, 27 (2021).

¹³ E. Çani and A. Mazelliu, 'Navigating the Algorithmic Shift and the Legal Implications of Artificial Intelligence in Albania's Public Administration' 17 *Italian Journal of Public Law*, 496 (2025).

¹⁴ J.R. Holm and E. Lorenz, 'The Impact of Artificial Intelligence on Skills at Work in Denmark' 37 *New Technology, Work and Employment*, 79 (2022).

¹⁵ S. Alon-Barkat and M. Busuioc, 'Human-AI Interactions in Public Sector Decision Making: "Automation Bias" and "Selective Adherence" to Algorithmic Advice' 33 *Journal of Public Administration Research and Theory*, 153 (2023).

¹⁶ R. Madan, and M. Ashok, 'AI Adoption and Diffusion in Public Administration: A Systematic Literature Review and Future Research Agenda' 40 *Government Information Quarterly*, 1-18 (2023).

¹⁷ A. Mazelliu, 'Transparency in Enacting Legal Acts on AI Usage: The International Framework and Albania's Approach' *Regional Law Review*, 23 (2025).

¹⁸ OECD, Recommendation of the Council on Artificial Intelligence, OECD/LEGAL/0449 (adopted 22 May 2019).

¹⁹ K. Yeung, 'Recommendation of the Council on Artificial Intelligence (OECD)' 59 *International Legal Materials*, 27 (2020).

dignity, autonomy of individuals, privacy and data protection, diversity, fairness, social justice, and internationally recognised labour rights.²⁰ This recommendation is important because it also stresses the need for implementing mechanisms and safeguards related to the human-centric approach and oversight in addressing the risks in cases of misinformation, disinformation, and both unintentional and intentional misuse. The government shall establish an accountable framework on AI usage to ensure traceability and safeguard human rights standards. OECD has also highlighted the need to perform AIAs as necessary to evaluate the potential risks and safeguard the public accountability of the AI systems when and if public administration experiments with the latter.²¹ These principles serve as a foundational framework for governments to further develop a robust framework for AI systems that align with human values and establish responsibility in their usage.²² In this regard, Albania, even though not a member of the OECD, can use these set standards as a guiding document towards improving its current legislation in regulating accountable and trustworthy AI usage.

2. Council of Europe Framework in the Context of AI

The CoE has been outspoken about its goal to impose stricter regulations on AI usage, prioritizing the safeguarding of human rights standards.²³ In this context, in 2024, the CoE enacted the Framework Convention on AI alongside Human Rights, Democracy, and the Rule of Law.²⁴ This convention marks the first international legally binding agreement among CoE member states that have ratified the framework convention on AI. The drafting began in 2021, rooted in the CoE's core values of human rights, democracy, and the rule of law.²⁵ The CoE AI Convention establishes a legal structure that regulates the entire lifecycle of AI systems and focuses on the potential risks associated with their design, deployment, and termination. To ensure the effective execution of its provisions by the Parties, the Convention designates a follow-up mechanism and fosters international cooperation.²⁶ It offers two options for the member states of the CoE to comply with its provisions: either direct application of the convention or adoption of

²⁰ OECD, Recommendation of the Council on Artificial Intelligence.

²¹ C.T. Marsden and G. Christou, 'Artificially Intelligent Regulation: Global Norms, International Political Economy and the Brussels Effect' *International Conference on AI and the Digital Economy 2024*, 95 (2024).

²² 'Advancing accountability in AI: Governing and managing risks throughout the lifecycle for trustworthy AI' *OECD Digital Economy Papers*, available at <https://tinyurl.com/5xymnn7v> (last visited 31 January 2026).

²³ Parliamentary Assembly of the Council of Europe, Recommendation 2181 of 22 October 2020 on the need for democratic governance of artificial intelligence (2020).

²⁴ Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (Vilnius, 5.IX.2024) CETS no 225.

²⁵ M. Rotenberg, 'Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (Council Eur.)' 64 *International Legal Materials*, 859 (2025).

²⁶ Council of Europe Framework Convention on Artificial Intelligence, Art 1(3).

alternative measures as per the needs of every country, as long as they respect their international obligations on human rights, democracy, and the rule of law.²⁷

The convention establishes transparent and oversight requirements tailored to specific contexts and risks, including identifying content generated by AI systems. The significance of this framework convention relates to the assurance of the accountability of AI users in ensuring the prohibition of discrimination and the protection of privacy rights.²⁸ The convention highlights the risks and the need for impact assessments in respect of the actual and potential impact on human rights. This convention stresses the parties' positive obligation to ensure that there is sufficient legal remedy for the victims of AI usage when human rights are violated, and to establish procedural safeguards, including the notification of people when interacting with AI systems.²⁹ As of 5 September 2024, the signatory member states of this convention include EU countries that are also member states of the CoE, as well as the UK, Japan, the USA, and Israel.³⁰ None of these countries, including Italy, has ratified the convention yet. Meanwhile, Albania has not yet signed the convention, despite a formal call from the Centre for AI and Digital Policy to urgently sign and ratify the convention and affirm that it will align the domestic legislation with the convention standards.³¹

As the attempts to consolidate the legal framework for regulating AI from the CoE increase, the European Court of Human Rights (ECtHR) and the European Committee of Social Rights have not yet had the opportunity to address issues that have been impacted by AI usage. The principles set by the AI Convention and the European Convention on Human Rights (ECHR) are solid guidance for these institutions to apply to AI-related human rights violations cases.³² It shall be highlighted that the ECtHR has treated issues where the usage of AI has impacted human rights as part of new technologies such as facial recognition systems.³³ The two institutions of the CoE intend to guarantee the established human rights by also making the national authorities accountable for ensuring that rights holders effectively enjoy their rights. The rights holders shall have the necessary safeguards for the effective protection against possible human rights harms during the lifecycle of AI, not only by implementing laws but also by providing resources, establishing or designating existing national human rights structures such as national human rights institutions as independent oversight mechanisms, and ensuring effective

²⁷ *ibid* Art 3(1)(b).

²⁸ *ibid* Art 11.

²⁹ M. Rotenberg, n 26 above.

³⁰ Council of Europe Framework Convention on Artificial Intelligence.

³¹ 'A Call to Albania to Sign and Ratify the International Treaty on AI, Human Rights, Democracy, and the Rule of Law' *Center for AI and Digital Policy*, available at <https://tinyurl.com/45awk7w5> (last visited 31 January 2026).

³² Steering Committee for Human Rights, [Draft] Handbook on Human Rights and Artificial Intelligence: Chapters I, II and III CDDH-IA(2025)1REV.

³³ Eur. Court H.R., *Glukhin v Russia*, Judgement of 4 July 2023, available at www.hudoc.echr.coe.int.

cooperation between such mechanisms and other national human rights structures.

3. EU Framework on AI and Human Rights

As the EU remains the pioneering organization in setting obligatory standards on AI regulation, the Brussels effect is also reaching other nations trying to formulate their national AI strategies.³⁴ An important act which impacts the regulation of AI usage is the Data Governance Act of 2018, amended in 2022,³⁵ and the Data Act in 2023,³⁶ aiming to facilitate reliable and secure access to data, promoting its use in key economic sectors and areas of public interest. Along with the AI strategy for Europe approved in 2018, these documents remain an important milestone in making it possible to ensure an adequate ethical and legal framework for AI not only to build trust, but also to give Europe a competitive advantage in this regard.³⁷ Subsequently, in 2024, the EU enacted the landmark regulation considered to be the most advanced in AI - the AI Act.

a) The AI Act and Risk-Based Regulatory Approach

The EU AI Act offers a framework for legal AI experimentation. It assigns a risk-based classification to AI systems and requires strict accountability and transparency standards for high-risk systems, including those in law enforcement or healthcare.³⁸ The EU AI Act aims to regulate high-risk AI systems, provide protection and mitigate the risks specifically created by AI applications purpose. Through the establishment of a framework that centres human rights, the EU has set an international standard committed to a common ethical framework for AI. The EU regulatory acquis in AI usage is robust, comprising the AI Act, and is set to be applicable in a phased process starting in February 2025³⁹ and fully applicable by 2027.⁴⁰ The first applicable provisions relate to prohibited AI practices, banning AI systems that pose unacceptable risks.⁴¹ This act is important, as it categorises

³⁴ H.A. Ünver, 'Artificial Intelligence (AI) and Human Rights: Using AI as a Weapon of Repression and Its Impact on Human Rights', available at <https://tinyurl.com/3wvja7xj> (last visited 31 January 2026).

³⁵ Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act) [2022] OJ L 152/1.

³⁶ Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act) [2023] OJ L.

³⁷ European Commission, Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - Artificial Intelligence for Europe, COM(2018) 237 final (25 April 2018).

³⁸ E. Çani and A. Mazellu, n 14 above.

³⁹ European Commission, Commission Guidelines on the definition of an artificial intelligence system established by Regulation (EU) 2024/1689 (AI Act) C (2025) 5053 final.

⁴⁰ N.A. Smuha, 'Regulation 2024/1689 of the European Parliament and Council of 13 June 2024 (EU Artificial Intelligence Act)' 64 *International Legal Materials*, 1 (2025).

⁴¹ European Parliament, Briefing: EU legislation in progress - Artificial Intelligence Act (2024).

AI applications based on the risks that users might face due to their usage and sets clear standards and obligations for high-risk AI systems.⁴² As the usage of AI comes with a lot of risks, countries and international organizations such as the EU bear the responsibility to establish a framework, along with enforcement institutions, to make risk mitigation possible.⁴³ In this context, the AI Act is the cornerstone of the established EU standards in using ethical AI systems. The AI Act is a foundational source which safeguards human rights standards based on the principles of transparency, equity, the prohibition of certain AI systems,⁴⁴ and functions as deterrence of negative effects that might arise from the usage of these systems.

b) Human Rights Safeguards in EU Digital Governance

AI Act serves as a novel regulatory frame on the protection of the most important fundamental rights and safety risks as established by the EU Charter of Fundamental Rights.⁴⁵ AI systems pose a significant threat when it comes to fundamental principles, especially with regard to transparency, data privacy, human dignity, freedom of expression, and right to non-discrimination.⁴⁶ Along with the AI Act, it shall be highlighted that the Ethics Guidelines for Trustworthy AI is a benchmark document which sets the main requirements for trustworthy AI, including respect for human autonomy, prevention of harm, fairness, and explicability. These documents are in line with the updated Coordinated Plan on AI of 2021 in fostering compliance with the human rights standards.⁴⁷ These documents address issues which relate to transparency, fairness, and bias, which might perpetuate social inequalities and lead to discriminatory and misogynistic outcomes. Along with the guiding and not obligatory documents, the AI Act emphasises the need for human oversight, ensuring that the system supports rather than replaces human decision-making. Importantly, another critical area that the Act covers is data protection and the obligation of the deployers of AI, especially high-risk AI,⁴⁸ to carry out a data protection impact assessment by acknowledging the EU's rigid data protection acquis, especially the GDPR.

The EU GDPR⁴⁹ is an important legislative act, as it serves as a legal basis for

⁴² I. Kusche, 'Possible Harms of Artificial Intelligence and the EU AI Act: Fundamental Rights and Risk' *Journal of Risk Research*, 11 May 2024, 1-14.

⁴³ A. Pirozzoli, 'The Human-Centric Perspective in the Regulation of Artificial Intelligence' *9 European Papers*, 105 (2024).

⁴⁴ Regulation (EU) 2024/1689.

⁴⁵ Charter of Fundamental Rights of the European Union [2000] OJ C364/1.

⁴⁶ High-Level Expert Group on Artificial Intelligence, Ethics Guidelines for Trustworthy AI, available at <https://tinyurl.com/4w8tdwf8> (last visited 31 January 2026).

⁴⁷ European Commission, Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - Coordinated Plan on Fostering a European approach to Artificial Intelligence COM/2021/205 final.

⁴⁸ Regulation (EU) 2024/1689, Arts 10 and 24.

⁴⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April

the AI governance regarding the protection of personal data and their lawful processing.

“The GDPR requires explicit consent for the processing of personal data. For AI, this means individuals must be informed and consent to their data being used in AI models. This consent must be freely given, specific, informed and unambiguous, promoting transparency on how personal data is to be used.”⁵⁰

As the GDPR and the AI Act are two EU regulations they are directly applicable by the Italian legislation and institutions which should adhere to these set standards. Following the EU AI Act legislative drafting in March 2024, the Data Protection Authority of Italy submitted a report proposing that there is a need to establish cross-cutting regulation between the AI and data protection and the institution to perform the task of the supervisory authority for AI in line with the Art 70 of the regulation.

Meanwhile, Albania has aligned its data protection legislation with the EU *acquis* and is on the way towards integrating EU standards in AI usage. The AI legislation crafted by Albania remains in the level of a Council of Ministers decision which in 2024 has established the methodological standards in using the AI.⁵¹ This important sub-legal act aims to follow the OECD and EU set standards and on regulating the usage of AI.⁵² The decision does not designate a monitoring authority on the AI application but it designates the National Agency for Information Society (NAIS) that will monitor the applicability of the methodology.

III. Albanian Legal Framework on AI and Digital Governance

Albania has undertaken important initiatives on the AI introduction towards offering public services and integrating it with the aim of fighting corruption and introduce effective tools for the offering in the public services.⁵³ Albania shifted from a traditional system relying exclusively on in-person interactions at government offices for dealing with citizens and businesses, to a more varied model that combines face-to-face and digital interactions using a unique governmental

2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [2016] OJ L 119/1, corrected version [2016] OJ L 127/2.

⁵⁰ H.A. Ünver, n 35 above.

⁵¹ Council of Ministers of the Republic of Albania, Vendim Nr. 479, datë 24.7.2024: Për miratimin e dokumentit të metodologjisë dhe standardet teknike për përdorimin e inteligjencës artificiale në Republikën e Shqipërisë (Decision no 479 of 24 July 2024 on the approval of the methodology document and technical standards for the use of artificial intelligence in the Republic of Albania), Official Gazette of the Republic of Albania [2024].

⁵² *ibid* chapter 6.

⁵³ A. Taylor, ‘Albania Turns to AI to Beat Corruption and Join EU’ *Politico*, available at <https://tinyurl.com/2s384m65> (last visited 31 January 2026).

platform. The automatization of public services after 2020 has encountered several problems in conforming to the fundamental rights such as equal right to access the public services⁵⁴ as enshrined in Art 2 of the Albanian Law on Electronic Governance.⁵⁵

These problems have been identified and addressed by the institution of the People's Advocate, both through official written communications in the context of administrative investigations and through recommendations addressed to public administration institutions. The effects are felt especially for the elderly citizens and undereducated and marginalised citizens⁵⁶ meanwhile, its introduction has saved around €600 million.⁵⁷ Another major problem that Albania faced was the several cyberattacks from Iran, hitting the governmental platform and potentially leaking the personal information of Albanian citizens by causing a lot of disruption and failing to safeguard the privacy of the data.⁵⁸

1. Regulatory Considerations in AI-Related Legislation

The integration of digital public services and the application of AI, which is already established in the local setting and utilised across various sectors by numerous users, inevitably presents challenges in safeguarding and ensuring the effective exercise of the fundamental rights and freedoms as stipulated by the Albanian Constitution.⁵⁹ The advantages of the services digitalisation are undeniable. It increases the efficiency of public administration performance, reduces costs and the margin of human error, enables more optimised/harmonised administrative processes, avoids unnecessary bureaucracy, promotes sustainability, contributes to environmental protection, and reduces corruption. On the other hand, the basic human rights and freedoms provided for in the Constitution are conceived as values that underlie the entire legal order of the country. This dimension of fundamental rights and freedoms constitutes an obligation for the bodies of public power to engage in active actions to ensure their respect and to further implement them (Art 15 of the Constitution).⁶⁰

Over the years, Albania has undertaken policies related to the digitisation of activities in all fields. This process started with the drafting of a strategic document for Information and Communication Technologies in 2003 and continued with

⁵⁴ Avokati i Popullit, *Rekomandim për marrjen e masave për të koordinuar dhe vlerësuar vazhdimisht problemet që lindin nga përdorimi i sistemeve elektronike në ofrimin e shërbimeve sociale për qytetarët* (Rec Nr. Dok. 202300529/10, 2023).

⁵⁵ Republika e Shqipërisë, Ligj Nr. 9918, datë 19.5.2008, Për Komunikimet Elektronike në Republikën e Shqipërisë (i ndryshuar) (Fletore Zyrtare Nr. 197, faqe 15283), Art 39.

⁵⁶ E.M. Cani and A. Mazelliu, n 14 above.

⁵⁷ A. Taylor, n 55 above.

⁵⁸ 'Microsoft Investigates Iranian Attacks Against the Albanian Government' *Microsoft Threat Intelligence*, available at <https://tinyurl.com/2d79wejv> (last visited 31 January 2026).

⁵⁹ E. Çani and A. Mazelliu, n 14 above.

⁶⁰ Constitution of the Republic of Albania, Art 15.

the approval and implementation of three strategic documents related to the information society and the digital agenda. Based on this approach materialised in strategic documents, in the last 10 years access to public services in Albania has been radically transformed.⁶¹

The new draft national strategy of the AI of Albania 2030 was issued for public consultation from the NAIS this 14 August 2025 until 11 September 2025, received no comments regarding amendments and changes and it has entered the public consultation phase within a very limited time with very limited means of public information. The draft strategy is ambitious and is considered a fundamental instrument for the digital transformation and innovation of the country in line with the development of AI in the EU and other developing countries. In the official website of NAIS, limited information has been provided for the consultation process with the interested stakeholders. In the draft strategy, the IA assistant Diella e-services has not been named as an innovative AI-powered minister. Nor does it stipulate the algorithmic language and model used for this purpose.⁶² The draft strategy mentioned the approximation of the national legislation with the EU acquis and the AI Act and the analysis of the requirements that this act has on the regulatory impact assessment on the existing legislation and identification of the relevant institutions.⁶³ The action plan of the Draft Strategy does not provide concrete measures on the needed regulatory framework and provides that by the end of 2026, the legislation will be approximated in line with the EU AI Acts. It should be mentioned that the strategy needs to provide for the AI models that will be used and the AIAs that Albania will use and establish the algorithmic registers and the new AI systems used and how they will be used by the public institutions. There is a need for the relevant institution to also work on a methodology in enhancing the inclusion of the A/B testing methods in order to analyse the AI models and AI-generated content and to enable data comparison and analysis of the efficiency of these systems and evaluation of the possible misogynistic AI-generated content.

Law on Electronic Communication provides the essential foundation for the functioning of the e-Albania platform and the delivery of online services. Çani and Mazelliu emphasise that

‘this law defines key aspects related to the security, privacy, and interoperability of electronic services by setting rules for the infrastructure of electronic communications on which e-Albania relies. It outlines regulations for operators of electronic networks, including internet service providers and secure communication systems.’⁶⁴

⁶¹ A. Mazelliu, n 18 above.

⁶² Draft National Strategy of the Artificial Intelligence of Albania 2030, available at <https://tinyurl.com/mr4cbryz> (last visited 31 January 2026)

⁶³ *ibid* 40.

⁶⁴ E. Çani and A. Mazelliu, n 14 above.

The legislation requires that electronic communications should be made in a transparent process by prioritising the safeguarding of personal data and the assurance of system compatibility. These regulations are crucial for ensuring the safety and efficacy of public services via e-Albania.⁶⁵

In line with the new development of the usage of the AI system, the Albanian government undertook concrete steps to formal regulation of the methodology and technical standards on AI usage.⁶⁶ A sublegal act adopted by the Council of Ministers in 2024 defines the principles on the process and procedures regarding AI usage by obliging the users and providers that its usage shall be understandable, manageable, and properly documented standards which can also be noticed in the EU AI Act. Çani et al (2025) state that:

‘the core principle for the functioning of the AI system is the principle of transparency as one of the fundamental principles for individuals, provided that subjects be informed if the system they are using has implemented the AI.’⁶⁷

The decision requires the entity introducing the system to inform the individuals during its usage on the data gathering or changes, and on the content which has been generated or manipulated by the AI, in line with the proposed EU AI Act. This decision vaguely provides the standards of transparency and explainability for the ethical development lifecycle of the AI systems in Albania and defines accountability by specifying the extent to which information about an AI system and its results are accessible to institutions, businesses, and citizens.⁶⁸

According to the decision, the principle of transparency and explainability requires providing information about AI systems so that users can interpret the data they produce, recognise when they are interacting with AI, and can challenge the results. AI entities are obligated to maintain transparency and accountability by delivering clear information appropriate to the context and in line with current technological advancements. This includes promoting a broad understanding of AI systems, informing users about their engagements with AI especially in professional environments, allowing individuals impacted by AI to comprehend its outputs, and enabling users to contest outcomes with explicit details on the components and reasoning behind its predictions, suggestions, or determinations. Adherence to these standards of transparency throughout the AI lifecycle increases the trust and chances of corrective action when AI outputs inaccurate or harmful information, but it fails to clarify the implementation of the transparency standards

⁶⁵ Ligj no 9918/2008.

⁶⁶ Council of Ministers Decision no 479/2024.

⁶⁷ E. Çani et al, ‘Transparency and Accountability in AI Systems: A Realistic Approach in Albania’, in E. Çela et al eds, *Artificial Intelligence in Legal Systems* (New York: Chapman and Hall/CRC, 2025), 50-62.

⁶⁸ Council of Ministers Decision no 479/2024.

by emphasising that it shall be ensured by a human interaction with the system, the same as the AI Act regulation.⁶⁹

2. Preserving Human Rights in Using AI Systems in Albania

The Albanian Council of Ministers Decision on AI usage has established a categorization of the AI systems into Four main categories according to the risks they present:

1. Unacceptable-risk AI systems which infringe the fundamental rights of the EU, such as social evaluation systems that judge people and manipulative AI which might lead to discriminatory outcomes.

2. High-risks AI systems in infrastructure such as transport, health, education, product safety, employment, and legal systems.

3. Limited-risks AI systems that present minimal threats but require a certain awareness from the users who interact with a machine.

4. Minimal- or no-risk AI systems that do not pose threats to safety, privacy, or human rights, such as video games, electronic post filters, or similar systems.⁷⁰

Despite the categorisation of the systems made by the Albanian regulatory framework, the decision fails to provide for an effective monitoring mechanism in cases where individuals are confronted with the AI application of one of these systems, and it has only provided standards that shall be used, such as safe design and development.⁷¹ A crucial challenge that shall be addressed by the legislation and is under threat from the usage of AI systems is the respect for human rights and democratic values that all AI actors shall respect. The decision provides that AI systems should grant the protection of human rights by reducing discrimination and other undesirable or unequal results, emphasising that human dignity takes precedence above all else.

IV. The Italian Context and AI Regulatory Framework

Italy's approach to AI is built upon a triangle that stands for domestic strategy, European coordination, and global alignment. From a domestic level point of view, Italy is trying to put efforts based on its Strategic Programme for AI (2024-2025) on areas of Scientific Research, Public Administration, Business and Industry, Education and Training by incorporating and levelling all the legal standards on policies initiative to boost competitiveness, ethical issues, legal and social impact and to be fully aligned with the constitutional background.⁷²

⁶⁹ E. Çani and A. Mazelliu, n 14 above.

⁷⁰ Council of Ministers Decision no 479/2024, Chapter III, para 1.1/ç.

⁷¹ F. Fitsilis et al, *Guidelines for AI in Parliaments* (London: Westminster Foundation for Democracy Limited, 2024).

⁷² Agenzia per l'Italia Digitale, Italian Strategy for Artificial Intelligence 2024-2026, available at <https://tinyurl.com/53xj2v3x> (last visited 31 January 2026).

In an EU context,⁷³ the efforts to align, harmonise and regulate all the areas of expertise by respecting the EU AI regulation and legal context, and in a Global context, efforts to be in the same line and page with OECD standards and principles, UNESCO's AI ethical initiatives in order to achieve a closer and standardise collaboration on sustainability, safety, cooperation etc. However, a dual imperative shapes Italy's regulatory landscape for the AI context is the harmonisation with the EU AI Act (Regulation (EU) 2024/1689) and the constitutional obligation to safeguard fundamental rights, with a specific focus on human rights. The Italian Senate's approval of Bill no 1146/2024 on March 20, 2025, became Law 23 September 2025 no 132, marked a pivotal moment in this alignment process. The law is structured into six chapters and sets out guiding principles for AI development, including transparency, proportionality, human autonomy, and the protection of democratic values and individual dignity.⁷⁴

This law adopted an approach, delineating specific provisions for healthcare, employment, public administration, and the judiciary. For instance, Art 7 prohibits the use of AI systems to condition access to healthcare services and mandates that patients be informed of the logic underlying algorithmic decisions, thereby reinforcing informed consent standards. In the employment sector, Art 11 requires employers to notify workers of AI usage and establishes an Observatory to monitor AI's impact on labour markets. Judicial applications of AI are restricted to auxiliary functions, with Art 15 affirming that adjudicative authority remains exclusively with human judges.⁷⁵

Notably, the law introduced a data localisation requirement for AI systems deployed in public administration and national security, mandating that such systems be hosted on servers within Italian territory.⁷⁶ This provision reflects a broader concern with digital sovereignty and the protection of sensitive public data. The Italian AI Bill thus represented a hybrid model of regulation combining rights-based constitutional principles with sector-specific safeguards while remaining tethered to the EU's horizontal regulatory framework.

There were already many rules and regulations in the EU that potentially influenced limiting the progress and use of AI, however, a good and strong effort is made in this regard in order to closely align and adopt all the relevant fields without infringing the fundamental principles and fundamental rights. As for instance, these are some of the referring legislations:

- EU General Data Protection Regulation (GDPR) 2016/679
- Product Liability Directive, which will give users and others suffering harm

⁷³ S. De Conca, 'The Law of the European Horse: The Law and Technology Scholarship in the European Union, Between National Legal Traditions and Supranational Governance', 11 *Italian Law Journal*, 120 (2025).

⁷⁴ legge 23 September 2025 no 132, Arts 2, 3, 13.

⁷⁵ *ibid* Arts 7, 11, 15, etc.

⁷⁶ Garante per la Protezione dei Dati Personali, Annual Report 2024, available at <https://tinyurl.com/88f9pj5r> (last visited 31 January 2026).

from software - including AI - the right to obtain compensation from manufacturers (replacing Directive 85/374/EEC)

- General Product Safety Regulation 2023/988/EU (replaces Directive 2001/95/EC)

- All intellectual Property laws applicable to the national laws of Member States of the EU.

In this regard, with the latest developments in the Italian Parliament, 23rd of September 2025⁷⁷ marks a significant date for Italy as it finally adopted the very first new national law on AI, by respecting the supranational alignment duties. This step forward is a benchmark for the Italian community as it not only aligns with the EU regulation but also imposes a distinguished domestic framework. The newly enacted law emphasises the establishment of the principles of development, use of AI process systems, models and testing of them.⁷⁸ It also promotes a transparent, liable and responsible anthropocentric (human-centric) approach to the implementation process.⁷⁹

AI usage is accordingly aligned with EU Regulation 1689/2024. It also ensures the protection of fundamental rights and liberties, including and incorporating human autonomy and democratic integrity by being in the same fold with the grounded columns of their constitution.⁸⁰ The very brand-new law on AI in Italy respectfully emphasises data privacy rights, the non-discrimination principle and the core for sustainability. It also furnishes and guarantees accessibility to the AI legal infrastructure for people with disabilities. What is crucial and important is that it responsibly emphasises human control oversight, cybersquatting and explainability.

As previously explained and narrowed, it is structured in sectoral parts that cover Data Privacy, Economic Development, National Security and Defence, health and disabilities, Labour and employment, Legal and Judicial use, Intellectual Property and Public Administration and Governance, Training and Algorithms, Education and Sport, Investment and Innovation, Criminal Provisions, and foremost the National Strategies and Authorities.⁸¹ As regards the proper legislative process that this law went through, besides the domestic and supranational alignment duties, this draft law attempted to be subject for consultation from the Italian Data Protection Authority (GPDP) and European Commission, where the latter insisted to opinion of standing open toward the global usage of AI and of course to the consistency with *the Acquis*.

1. Italy's Human Rights Safeguards and EU AI Regulations

⁷⁷ C. Balmer, 'Italy Enacts AI Law Covering Privacy, Oversight and Child Access' *Reuters*, available at <https://tinyurl.com/2akxpkwu> (last visited 31 January 2026).

⁷⁸ legge 20 March 2025 no 1146.

⁷⁹ A. Pirozzoli, n 44 above.

⁸⁰ legge no 132/2025, Arts 2-4.

⁸¹ *ibid* Arts 7, 11, 13.

Italy have closely aligned its national AI safeguards with the EU's risk-based regulatory framework. This ensures consistency in definitions, obligations, and oversight mechanisms. Harmonization of Definitions and Risk Categories the Italian draft AI law adopts the EU AI Act's definitions of *AI system* and *high-risk* categories. It uses the same criteria for risk classification. By mirroring the EU's system, Italy ensures that any systems identified as high-risk under the EU Act automatically trigger national obligations.⁸²

This avoids differing interpretations within the Single Market. Conformity Assessment and Ex Ante Risk Management Italy's mandatory pre-approval impact assessments for high-risk AI replicate the EU AI Act's requirement for a documented risk management system. These assessments, similar to EU-required, must identify threats to fundamental rights, implement measures to reduce risks, and follow approved methods. This aligns national procedures with EU assessment modules. Governance and Oversight Structures Under the EU AI Act, each Member State chooses a national supervisory authority and takes part in the European AI Board. Italy's the Agenzia per l'Italia Digitale (AgID) and sector regulators perform these roles and work with the newly proposed Inter-ministerial Council for AI. This dual structure reflects EU governance and ensures that rules are applied consistently while allowing for smooth cooperation across national and EU levels. Transparency, Accountability, and Fundamental Rights Protection.

The EU AI Act requires transparency, such as disclosing AI-generated content and ensuring human oversight. Italy incorporates these requirements through its *ethics by design* mandate and specific rules on explain-ability and user notice. By enforcing the same transparency duties, Italy strengthens EU principles of openness and allows users to understand AI-driven decisions. Enforcement Mechanisms and Penalties Italy's enforcement system combines unannounced inspections, administrative penalties, and judicial remedies. This aligns with the EU AI Act's compliance oversight. National monitoring systems contribute to EU-level reporting, while Italy's Data Protection Authority continues to impose GDPR fines for AI-related data breaches. This alignment ensures that failure to comply results in similar consequences at both national and EU levels. Through these measures, Italy not only aligns with the EU AI Act but also adds tailored national features, such as criminal penalties for severe rights violations and participatory governance forums. This approach strengthens the protection of human rights in AI implementations.

2. Governance and Implementation of Human Rights Safeguards

Italy's governance of AI in relation to human rights is shaped by a multi-tiered institutional framework, grounded in constitutional principles, EU law, and

⁸² 'AI Regulation in Europe: Italy's New Draft AI Law Introduces Local Peculiarities Compared to the EU DLA Piper, available at <https://tinyurl.com/3sxd89a2> (last visited 31 January 2026).

international human rights obligations. The implementation of safeguards is not merely a technical exercise but a normative commitment to uphold the rule of law, democratic accountability, and the inviolability of fundamental rights as enshrined in Arts 2, 3, and 13 of the Italian Constitution.⁸³ The strategy includes human rights protections within an ethical regulatory structure based on transparency, accountability, and reliability. It requires an *ethics by design* approach, follows OECD AI Principles to honour human autonomy and fairness, and establishes public consultation platforms similar to the European AI Alliance.

This law updates Italy's data protection rules, introduces AI-specific criminal offences, revises civil procedure laws, and investigates out-of-court dispute resolution for AI-driven decisions to ensure fair processes and remedies for rights violations.⁸⁴ Implementing these protections depends on mandatory impact assessments for AI systems that could affect fundamental rights. These assessments must identify and reduce biases in training data and algorithms. They are similar to the compliance and risk-management processes outlined in the upcoming EU AI Act. Regular audits will ensure fairness and prevent discrimination.⁸⁵

AgID and sectoral regulators share enforcement and oversight duties, with coordination mechanisms that ensure consistency with the EU AI Act. A national monitoring system tracks compliance, reports on human rights effects, and prompts corrective actions when needed. Through regular strategic reviews and a platform for ethical and social discussions, Italy aims to maintain a flexible governance model. This model will evolve with AI advancements while protecting human rights throughout development and deployment.⁸⁶ The governance of AI in Italy is coordinated through a constellation of public institutions, each with distinct mandates:

- The Presidency of the Council of Ministers acts as the main body responsible for coordinating the nation's AI strategy, ensuring it aligns with EU guidelines and constitutional principles.

- AgID supervises the advancement of digital services and encourages the ethical use of AI in public sectors, emphasising transparency, accessibility, and interoperability.

- The National Cybersecurity Agency is tasked with safeguarding the security and robustness of AI systems, particularly those used in critical infrastructure and public administration.

- Italian Data Protection Authority (GPDP) is the responsible institution in

⁸³ legge 23 September 2025 no 132.

⁸⁴ A. Bertolini et al, 'Regulation of Artificial Intelligence', in G.R. Marseglia et al eds, *Socio-Economic Impact of Artificial Intelligence* (Cham: Springer, 2024).

⁸⁵ 'AI Governance in Italy: National Strategy and Law on the Horizon' *Digital Watch*, available at <https://tinyurl.com/2rky4xzv> (last visited 31 January 2026).

⁸⁶ A. Cordella and F. Gualdi, 'Regulating Generative AI: The Limits of Technology-Neutral Regulatory Frameworks. Insights from Italy's Intervention on ChatGPT' 41 *Government Information Quarterly*, 1-15 (2024).

enforcing GDPR regulations and evaluating algorithmic threats to privacy and data protection.

These institutions operate within the framework of the *Italian Strategy for Artificial Intelligence 2024–2026*, as explained above, it outlines a rights-based approach to AI governance. Italy has adopted a participatory model of AI governance, recognizing that the legitimacy of regulatory frameworks depends on inclusive deliberation and public trust. The government has launched deliberative processes involving civil society, academia, and industry stakeholders to co-design ethical principles and assess algorithmic bias. Notably, collaborations with civic tech platforms such as the *Democratic Innovations Accelerator* have facilitated citizen engagement in shaping AI norms. This participatory approach is consistent with the European Commission's emphasis on 'trustworthy AI,' which requires not only technical robustness but also societal endorsement and democratic legitimacy.⁸⁷

Italy's model reflects a procedural commitment to transparency, accountability, and responsiveness, aligning with the principles of good governance articulated in the CoE's Recommendation CM/Rec(2020)1 on the human rights impacts of algorithmic systems and the Charter of Fundamental Rights of the EU.⁸⁸ This simultaneously guarantees that national AI policies are strictly invariable with human rights models and standards of justice. From data privacy perspective and point of view, herein are examined two aspects of fairness as a standard/principle: first, procedural fairness and substantive fairness.

Transparency and fairness are closely related, as it can be argued that the openness of the source code to external examination and scrutinise might provide a clear overview and explanation regarding the processing of the personal data by AI systems that could certainly lead to identification of bias and its roots, by provoking and resulting a higher positive increase in the public accountability. For instance, in 2021 the Italian Court of Cassation held that a data subject's consent is invalid when the algorithmic process lacks transparency. The court reasoned that individuals cannot meaningfully consent if they do not understand the mechanisms or implications of the automated decision-making systems involved.⁸⁹ This ruling was positively endorsed by the GPDP, as it reinforces the effectiveness of privacy law and strengthens the application of the GDPR in safeguarding individual rights and freedoms in the era of AI.⁹⁰

In a labour law context, the Italian trade union (*Confederazione Generale Italiana del Lavoro*: CGIL) suggested to review and negotiate on how algorithmic systems influence the work organization and processes as part of the Collective

⁸⁷ European Commission, Italy AI Strategy Report, available at <https://tinyurl.com/bdzbduce> (last visited 31 January 2026).

⁸⁸ Charter of Fundamental Rights of the European Union, Arts 1, 7, 8, 21, 47.

⁸⁹ Corte di Cassazione 25 May 2021 no 14381.

⁹⁰ L.M. Rasia, 'Consenso al trattamento dati validamente prestato solo con la conoscenza dell'algoritmo' *Professione Giustizia*, available at <https://tinyurl.com/3e694yjf> (last visited 31 January 2026).

bargaining debates and discussion.⁹¹ For example, in a labour context, the Italian trade union (CGIL) proposed to review and negotiate the ways in which algorithmic systems are involved in the organization of work and working processes as part of trade union negotiations. Furthermore, Italy is supported by its participation in EU-level efforts such as the AI Pact,⁹² the Digital Services Act (DSA), and the European AI Office.⁹³ These forums facilitate confrontation and convergence of regulations, cross-pollination of experience, and joined-up enforcement across member states, enhancing their efficacy and coherence in respect of human rights and due process of law.

a) Proposals for Legislation and Other Measures in Italy

Italy has established a robust legislation on the AI usage and involvement, with the new legislative approach of innovation, needs to be visionary and informed by constitutional and international values. Italian Constitution Art 117(1) defines legislative powers must perform their functions within the framework of the obligations of the international community. Therefore, Italy's AI regulation is not only an internal constitutional issue, but also an imperative determined by wider human rights frameworks like the ECHR and the EU Charter of Fundamental Rights.⁹⁴

Italy is factually an early adopter of the EU-led system, and the European AI Office as the main centre of AI expertise across the EU. This kind of initiative serves as basis and foundation for the development of new legislative proposals for Italy to address AI opportunities, updating time by time. As for the potential possibilities and areas whereas Italy might progress and update are to be set in accordance with the broad sense of EU legislation and approach, by taking advantage of the opportunity to narrow fields of expertise. For instance, health and medicine systems are reaching out and deploying for medical diagnosis usage or surgery using robotic within the health and medical industry need to incorporate certain requirements to establish the appropriate clinical determination, validation, and obligations.

Another problem that is faced and might occur in indisputable dimensions, is faced in the creative industry whereas issues related to copyrights and authorship in AI. In this regard, Italy might and can enforce acts on transparency and algorithmic

⁹¹ D. Carchidi, 'Contrattare per governare gli impatti della digitalizzazione sul mondo del lavoro: il caso Afiniti' (2022), available at <https://tinyurl.com/34fwf3ay> (last visited 31 January 2026).

⁹² European Commission, AI Pact, available at <https://tinyurl.com/yv8h8tnc> (last visited 31 January 2026).

⁹³ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) [2022] OJ L277/1 and Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) [2022] OJ L265/1.

⁹⁴ A. Pirozzoli, n 44 above.

transparency. This will encompass AI systems implemented in the public administration and law enforcement, requiring significant efforts to ensure that they are transparent and subject to auditing, without resulting in legal issues and conflicts. The proposed legislation always should bear the responsibility of safeguarding the core principles established in the constitution and EU level legislation such as the EU Charter of Fundamental Rights etc. This includes the protection of personal data and the right of effective remedies as one of the milestones of respecting human rights.

In this regard, following the enactment of the AI law, Italy established a comprehensive framework of requirements for creating a national register, thereby promoting accountability and transparency by documenting prohibited and high-risk cases, as well as AI systems utilised throughout the country.⁹⁵ In the field of company and corporate law, in concrete terms and condition, among all other priorities, to identify the necessity for map systems and risk classification, inclusion of AI Act of contractual clauses in the supply chain, defining the responsibilities and duties of the users and developers etc.

Finally, in order to alleviate the rising anxiety over data governance, Italy could work on the establishment of an AI Data Act, by providing provisions that regulate on how the data is collected, the sources of information consented etc. Also, a law that promotes standards and principles for sensitive and synthetic data that would generate innovation, guarantee privacy, development and protection, would be the best of opportunities to fulfil the legal framework on its adaptation and development of the new era of AI.⁹⁶

V. Recent Development and Current Challenges in Italy and Albania in AI Regulation

1. Convergences in AI Regulation and Human Rights Protection

Italy as an EU member state that operates with the *Acquis* is imminently aligning with EU Acts and Albania, as an EU candidate country whose regulatory framework architecture is fragmented and remains in transition, have simultaneously but independently made efforts in reaching out the AI era and its implications. However, they diverge across vectors that shape human rights risks in AI governance, such as constitutional and supranational anchor rights and liberties, data protection, transparency, accountability, remedies, public procurement AI sectors usage, and of course the legal culture and institutional capacity.⁹⁷

⁹⁵ legge no 132/2025, Art 16.

⁹⁶ A. Cordella and F. Gualdi, n 88 above.

⁹⁷ A. von Ungern-Sternberg, 'Artificial Intelligence and Fundamental Rights', in B. Raue et al eds, *Artificial Intelligence and Fundamental Rights: The AI Act of the European Union and Its Implications for Global Technology Regulation* (Trier: Verein für Recht und Digitalisierung e.V., Institute for Digital Law, 2025), 1-5.

Italy is a member of the EU and is subject to the GDPR,⁹⁸ the DSA,⁹⁹ and the EU Artificial Intelligence Act (AI Act).¹⁰⁰ Albania, though not an EU member, is actively adapting its legal framework to EU standards through its Stabilization and Association Agreement and National Plan for European Integration. Both countries have implemented national digital strategies that focus on ethical AI development and human rights protections.¹⁰¹ The CoE's Recommendation CM/Rec (2020)1 on the human rights impacts of algorithmic systems serves as a common reference point. It encourages member states to ensure transparency, accountability, and fairness in AI deployment. This shared intention reflects a desire to balance technological progress with the protection of fundamental rights and liberties duly and proportionally.¹⁰² Even though the efforts made in this regard were deemed to be sufficient, still there is room to improve the protection and create space for safeguarding human rights infringements.

2. Data Protection, Risk of Surveillance, and Privacy Violation

Surveillance and privacy violations are critical concerns in AI regulation. Italy enforces strong data protection standards under the GDPR, with the GPDG regularly investigating and sanctioning unlawful data processing.¹⁰³ For instance, biometric surveillance in public spaces has been cut back due to concerns over necessity and proportionality. Albania faces greater risks due to weaker data governance. Surveillance practices by law enforcement and intelligence agencies often lack transparency and legal safeguards, raising concerns about political misuse and human rights violations. The Albanian Commissioner for the Right to Information and Personal Data Protection has limited capacity to conduct audits or enforce compliance, exacerbating the risk of unlawful data processing. To mitigate these risks, both countries should adopt privacy-by-design principles, independent authorization for high-risk surveillance, and continuous oversight through audit trails and breach notification protocols. Italy has made progress in these areas, while Albania must address foundational gaps in data governance.

As part of the generative panorama of AI, Italy's guarantee for the protection of personal data has shown considerable corrective authority, which stipulates for

⁹⁸ Regulation (EU) 2016/679.

⁹⁹ Regulation (EU) 2022/2065.

¹⁰⁰ European Commission, Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) COM(2021) 206 final.

¹⁰¹ European Commission, *Albania 2023 Report*, available at <https://tinyurl.com/bd33smzm> (last visited 31 January 2026).

¹⁰² Council of Europe, Recommendation CM/Rec(2020) 1 on the Human Rights Impacts of Algorithmic Systems.

¹⁰³ Directorate-General for Justice and Consumers and European network of legal experts in gender equality and non-discrimination, *Algorithmic discrimination in Europe - Challenges and opportunities for gender equality and non-discrimination law*, available at <https://tinyurl.com/47wpknf2> (last visited 31 January 2026).

sufficient technical professionalism and proficiency, and landmark acts implemented by regulators such as for example the order issued against ChatGPT in 2023. In this regard, this demonstrates to developers and technicians of the field that the establishment of lawful basis for data processing, implementation of age appropriateness design principles, and engineering users are the key elements and requirements to the best solutions ahead.

In contrast, Albania's Commissioner for the Right to Information and Personal Data Protection, follows a soft framework that is dictated and inspired by the European GDPR, but in fact lacks certain accuracy and equivalency. It is to be mentioned that in Albania, the local authorities have limited access, resources, control and audit capabilities and foremost enforcement practices related to its authority. Even though both countries recognise and stipulate for data protection and data privacy as fundamental, still Italy exhibits a more frontier and robust environment and proactive compliance pressures than Albania. Albania relies on more reactive mid-level remedy measures with a view toward soft touch legislation.

3. Divergences: Legal Culture, Institutional Capacity, and EU Influence

Italy benefits from an embedded legal culture, thus Data protection, consumer protection and regulation, sustain as consolidated institutions. On the other hand, the Albanian *team* of enforcement community of experts, legal and civil ones is distinctively and comparatively smaller. It is always under improvement and continuous supervision. Despite the fact of having some common principles, Italy and Albania differ enormously in their legal culture, institutional strength, and of course the level of EU influence. Italy's legal system has a strong tradition of an independent and impartial judiciary, a strong legal coherence, strong administrative law culture.¹⁰⁴ For example, the GPDP is a lively statement of institutions that regularly enforce GDPR rules and carry out impact assessments for high-risk AI systems.

In contrast, Albania's legal system is still in the process of reforms. Even though it has adequately and recently completed the implementation of the Justice Reform of 2016, still it faces challenges with judicial independence and impartiality and regulatory enforcement. The Commissioner for the Right to Information and Personal Data Protection has limited resources and technical capacity, which affects its ability to manage complex AI deployments.¹⁰⁵ Although Albania is working toward EU standards, the process is slow and influenced by political and administrative issues and divergences. Italy benefits from direct laws and enforcement tools at the EU level, including access to the European Data Protection

¹⁰⁴ Garante per la protezione dei dati personali, Annual Reports and Enforcement Actions, available at <https://tinyurl.com/ks3bv382> (last visited 31 January 2026).

¹⁰⁵ Information and Data Protection Commissioner of Albania, *Annual Report 2022*, available at <https://tinyurl.com/38bc8ees> / (last visited 31 January 2026).

Board and the European Commission's oversight. Albania, on the other hand, depends on voluntary compliance and approximation, leading to inconsistent implementation and enforcement.¹⁰⁶

4. Case Examples and Practical Implications

In the evolving regulatory landscape that surrounds AI, both Italy and Albania offer instructive examples of the challenges and recent cases faced by the state, in integrating AI into public and private domains. Italy, as an EU Member State with an active data protection authority, has emerged as a regulatory front-runner, particularly in enforcing the GDPR against all the powerful AI developers. On the other hand, Albania, as a candidate country in the EU accession process, illustrates the limitations of institutional capacities, legal infrastructure, and democratic values on AI deployment. In this regard, this section represents recent cases from both jurisdictions, reflecting once again key dimensions of AI-related risks, such as Data protection, misinformation, regulatory gaps, and algorithmic biases.

a) Italy's AI cases

In March 2023, the GPD, suspended the Chat GPT platform temporarily, citing concerns over unlawful data collection practices and insufficient safeguards for children. The action spotlighted regulatory deficiencies in generative AI governance, including issues of transparency, data minimization, and corporate accountability.¹⁰⁷ In another case that tackled the Italian legal reality, a landmark enforcement action in the year 2024 occurred, where the GPD imposed a 15-million-Euro administrative fine on Open AI for multiple breaches of the GDPR, including the failure to ensure the lawfulness, fairness, and transparency in data processing. This measure marked one of the EU's earliest high-profile penalties directly targeting a generative AI developer.¹⁰⁸ It is to be mentioned also another important case that correlates with the infringement of the spectrum of human rights in application of AI: the Deepfake voices case. Deepfake voices were used to impersonate the Italian Minister of Defence by using AI-generated figures, by targeting corporate executives with fraudulent phone calls. This case illustrates the ease with which AI can be deployed in advanced social engineering attacks, posing risks to national security and private sector integrity.¹⁰⁹

¹⁰⁶ Garante per la protezione dei dati personali, *Annual Reports 2022*.

¹⁰⁷ A. Cordella and F. Gualdi, n 88 above.

¹⁰⁸ 'Italy's Data Protection Authority Fines OpenAI €15M for GDPR Breaches' *National Law Review*, available at <https://tinyurl.com/2ucvhhvy> (last visited 31 January 2026).

¹⁰⁹ 'Italian Police Freeze Cash from AI-Voice Scam That Targeted Business Leaders' *Reuters*, available at <https://tinyurl.com/558r8py2> (last visited 31 January 2026).

b) Albania's AI Fairytale: Diella, the AI Made Minister for Public Procurement

Diella became a recent very spotlighted character as introduced in January 2025, firstly as a virtual assistant integrated into Albania's, e-Albania platform, where it helped citizens complete administrative processes, navigate services, and issue digital documents.¹¹⁰ Over time, it became a visible symbol of digital reform in public administration. In September 2025, through a presidential decree, by employing the application of Art 2 of the Albanian Constitution. After the first launch, it became a symbol of digital reform in public administration. In September 2025, with the enactment of the new government, Diella was formally appointed as the Minister of state for AI, a cabinet level role tasked with overseeing public procurement and gradually taking on responsibility for awarding government tenders and auctions.

This shift from intelligent technical service assistance of a platform to a ministerial figure has provoked and sparked crucial and legitimate debates over first constitutionality, legitimacy, accountability, and the risks of deploying AI in core governance functions without sufficient human supervision or sufficient security elements of control.

VI. Conclusions

Italy's rights-protective posture stems from dense supranational anchoring, a powerful data-protection authority, and early internalization of AI-Act logic; Albania's trajectory is one of convergence, but present gaps in specialised oversight, procurement-stage safeguards, and remedies keep exposure to rights-interference higher. Without these conditions, technology-neutral statutes in candidate countries struggle to domesticate AI-specific human-rights risks.

In aiming to address issues that would maximise the human rights standards as AI systems can worsen existing social biases, especially when they are trained on incomplete or biased data, the two countries' current legislative mechanisms and threats, as analysed in this paper, shall take concrete steps. Both countries would gain by requiring algorithmic impact assessments that focus on discrimination, detailed performance metrics, and available ways for people to seek redress. Italy is working toward these protections, while Albania needs to focus on strengthening institutions and establishing legal requirements. In Italy, people have closely examined algorithmic bias in areas like hiring, credit scoring, and predictive policing. The GPDP has highlighted the importance of fairness audits and following GDPR's provisions on automated decision-making. Civil society groups and universities actively track algorithmic discrimination, adding to public discussion

¹¹⁰ 'Diella, asistentja virtuale që "u bë ministre: Realitet apo spektakël?' *Citizen.al*, available at <https://tinyurl.com/3t9p8644> (last visited 31 January 2026).

and improving policies. In Albania, the risk of bias is greater due to low public awareness and weak regulatory oversight. Automated decision-making systems used in welfare eligibility or law enforcement may depend on historical data that harmfully impact Roma communities, migrants, and economically disadvantaged groups. The lack of formal impact assessments and auditing makes it hard to find and fix discriminatory results.

AI systems used for content moderation, media monitoring, or automated decision-making can impact freedom of expression and due process. In Italy, the DSA provides a framework for platform accountability, transparency in content moderation, and user redress mechanisms. Courts have upheld the right to challenge automated decisions, reinforcing procedural fairness. In Albania, risks are more pronounced due to weaker institutional safeguards and political pressures. Automated systems used in media monitoring or judicial processes may lack transparency and fairness, potentially leading to censorship or arbitrary decisions.¹¹¹ The absence of clear notification and appeal mechanisms undermines due process and erodes public trust. Both countries should ensure explainability in automated decisions, effective appeal mechanisms, and protections for journalism and whistleblowing. Italy is better positioned to implement these safeguards, while Albania must strengthen legal and institutional frameworks.

Accountability and transparency are essential for trustworthy AI governance. Italy has made progress in mandating algorithmic impact assessments, publishing guidelines for public-sector AI procurement, and promoting explainability in automated systems. However, challenges remain in auditing private-sector algorithms and ensuring consistent enforcement. Albania faces foundational gaps in accountability. Public authorities often procure AI systems without clear documentation, legal mandates, or oversight mechanisms. The lack of algorithm registries, audit trails, and independent review processes hampers transparency and increases the risk of harm. To address these deficits, both countries should establish algorithm registries, mandate auditability by design, and clarify liability among vendors, integrators, and deploying authorities. Italy is advancing toward these goals, while Albania must prioritise capacity building and legal reform.

¹¹¹ 'Albania: Media Freedom Under Pressure' *Reporters Without Borders*, available at <https://tinyurl.com/3vkw5wpp> (last visited 31 January 2026).