

From formality to real tool:

**How to ensure Fundamental
Rights Impact Assessments
(FRIAs) protect rights under
the AI Act**

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About this document:

This advocacy paper has been developed based on the research conducted by **Mayra Russo Botero** y **Kristen M. Scott**, with the coordination and editing of the [Federación de Consumidores y Usuarios CECU](#).

It is based on their report and advocacy document: *“Towards a meaningful implementation of Article 27 under the AI Act: A call for active and impactful participation in Fundamental Rights Impact Assessments (FRIAs) & effective transparency mechanisms for their oversight and enforcement”*.

Access the [full report here](#).

This document has been developed in collaboration with [IA Ciudadana](#) and seeks to contribute to the ongoing work of the coalition.

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(1) IA Ciudadana is a coalition of 17 organizations working to defend human rights in the context of digital technologies. Our goal is to expand spaces for societal participation in the regulation and governance of artificial intelligence and algorithms. More info: iaciudadana.org.

Context

The European Artificial Intelligence Act (AI Act), adopted in 2024, establishes a framework for regulating the use of AI systems in the European Union.

Article 27 introduces Fundamental Rights Impact Assessments (FRIAs) for certain high-risk systems, including those used by public administrations, banking, and insurance.

What are FRIAs?

They are processes that assess, before deployment, whether an AI system could impact fundamental rights such as non-discrimination, privacy, freedom of expression, or access to essential services.

Why do they matter?

- Done well, they can prevent serious harm, stop dangerous systems, protect millions of people, and serve as effective accountability tools.
- Done poorly, they become a bureaucratic box-ticking exercise, opaque and non-participatory.

The **challenge** is to ensure that FRIAs:

- 1. Go beyond a checklist, they should generate debate, reflection, and the possibility to halt deployments.**
- 2. Are participatory and transparent,** involving affected individuals and groups, with results made public and subject to scrutiny.
- 3. Are supervised and well-resourced,** so competent authorities can review them and act in cases of non-compliance.

From **August 2026**, conducting FRIAs will be mandatory. **2025 is the key year** to design how they will be implemented in Spain and across the EU.

Key recommendations for effective FRIA implementation

1 Meaningful participation

- Involve affected individuals and groups from the outset, giving them a real voice and influence over decisions.
- Include experts in fundamental rights, technology, and the specific sector of use.
- Recognise civil society organisations –such as digital rights or consumer protection groups– as reference experts in their areas.
- Give fundamental rights authorities (Article 77 AI Act) a clear role in the evaluation process.
- Document how participation influenced the final outcome.
- Ensure access to clear, understandable information on the risks and benefits of the system.
- Co-create a mitigation plan with affected groups, including redress and remedy mechanisms, with clear and applicable instructions for those impacted.

2 Rigorous, qualitative evaluation

- Start by questioning whether the AI system is necessary and proportionate, considering non-automated alternatives.
- Do not assume benefits, require evidence to support claims of improvement or efficiency.
- Review and update the FRIA if the system or its deployment context changes.
- Ensure all relevant rights are assessed, not just data protection.

3 Transparency and access to information

- Publish substantive results, not just summaries, in accessible registries.
- Create a national algorithm registry containing key FRIA documentation.²
- Clearly justify any restrictions based on confidentiality or security; in ambiguous cases, transparency should prevail.
- Guarantee fundamental rights authorities (Article 77 AI Act) access to full FRIA documentation.

4 Oversight and accountability

- Ensure competent authorities are independent, with the capacity and resources to review and act on inadequate FRIAs.
- Prevent political or economic interference in supervisory tasks.
- Implement independent FRIA reviews: expert panels, peer reviews, or specialised authorities. Where multiple ministries are involved, establish inter-ministerial committees that include civil society and rights groups.
- Set up complaint mechanisms for organisations and citizens, with clear processes, transparent follow-up, and defined responsibilities.

5 Resources and incentives

- Require FRIA-obligated entities to allocate sufficient funds and create dedicated budgets for execution.
- Assign specific funding for participatory and transparent processes.
- Explore neutral funding (independent public funds, philanthropy, reputable donors, etc.).

(2) IA Ciudadana. Making Algorithm Registers Work for Meaningful Transparency. 2025. Available at: <https://iaciudadana.org/2025/03/13/making-algorithm-registers-work-for-meaningful-transparency/>

- Provide fair compensation for individuals and groups participating in FRIAs.
- Create pools of trained experts and facilitators to support FRIA processes.

6 Promoting good practices

- Direct public spending towards companies that exceed legal minimums in participation and transparency.
- Explore incentives such as “social adequacy” labels with public, auditable, and independent criteria.
- Include explicit participation and transparency commitments in sectoral codes of conduct.
- Protect whistleblowers who report AI-related malpractice, following the Digital Services Act model.³

Conclusion

FRIAs could become the first line of defence against AI risks. If implemented with genuine participation, transparency, and effective oversight, they can set a new standard for fundamental rights protection and accountability in the digital age. The time to secure this is now.

(3) European Commission. DSA whistleblower tool. Available at: <https://digital-strategy.ec.europa.eu/en/policies/dsa-whistleblower-tool>



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