

**Centre for Social Sciences ELKH****Hungarian Academy of Sciences Centre of Excellence****Artificial Intelligence National Laboratory (MILAB)**

Online Research Seminar Series

AI and Law***In search of effectiveness and fairness in proving
algorithmic discrimination in EU law*****Speaker: Ljupcho Grozdanovski, NYU Law School/Université de Liège****Time: Thursday, 3 June 2021, 10:00 AM CET**

Examples of discriminatory algorithmic recruitment of workers have triggered a debate on application of the non-discrimination principle in the EU. Algorithms challenge two principles in the system of evidence in EU non-discrimination law. The first is effectiveness, given that due to algorithmic opacity, the parties in algorithmic discrimination cases do not have easy and unrestricted access to facts enabling them to support their claims. The second is fairness, insofar as the launching and unfolding of the evidentiary debate requires lifting the veil of algorithmic opacity: a colossal task, placing unrealistic burdens of proof on claimants and respondents. Algorithmic discrimination thus seems impossible to prove and, consequently, falls outside the scope of application of EU non-discrimination law. Two possible solutions will be proposed in the context of this conference. First, as regards effectiveness, a right to access evidence in favour of victims of algorithmic discrimination should be recognized, through a joint reading of EU non-discrimination law and the General

Data Protection Regulation. Second, to allocate the burden of proof more proportionately, an extension of the grounds for defence of respondents could allow them to establish that biases were autonomously developed by an algorithm.

Registration: <https://forms.gle/fFRnZiBz43EuJy4B9>

The seminar will be broadcasted via Zoom application. Participation is subject to prior registration. The Zoom link of the event will be sent to registered participants via email.



Dr Ljupcho GROZDANOVSKI is an Emile Noël Fellow at the Jean Monnet Center for International and Regional Economic Law & Justice, NYU School of Law. His project (“The Code of Evidence of the EU: Evidence, Justice and Integration in the EU Legal Order”) aims, in essence, to uncover the EU principles that govern the substantial aspects (fact/law distinction, probative value), procedural aspects (burden of proof, standard of proof, standard of persuasion), institutional aspects (jurisdiction in matters of facts) and axiological aspects (procedural rights and values underlying the administration of justice) of evidence in the EU.

He completed his BA in Law (2006), and holds a Master’s degree in International law and European Studies (2007) as well as in EU law (2008) from the University of Strasbourg, France. In 2015 he defended his doctoral dissertation on ‘Presumption in EU law’ (summa cum laude, University of Aix-Marseille, France). His thesis provides an analysis of the notion of presumption from the perspective of Theory of Legal Evidence and examines the principles governing the adducing, assessment and rebuttal of presumptive evidence in both EU Institutional Law and EU Substantive Law.

Ljupcho Grozdanovski worked as a research and teaching assistant (2009-2014) and as a research collaborator (2017-2018) at the University of Geneva, Switzerland. After a first post-doc at the University of Neuchâtel, Switzerland (2016-2018) he pursued

a post-doc research at the University of Liège, Belgium (2019-2020), with a focus on the legal issues raised by new technologies, in particular Artificial Intelligence.

His fields of research include Legal Epistemology, Theory of Legal Evidence, Theories of Justice, Legal Reasoning, new technologies and data protection, EU Institutional Law, EU Substantive law and EU External Relations.

Contact: Kitti Mezei mezei.kitti@tk.hu

Information about the seminar series: Marton Varju varju.marton@tk.hu

MILAB: <https://mi.nemzetilabor.hu/>

CSS (TK) in MILAB: <https://milab.tk.hu/en>

The aim of the seminar series is to continue the discourse on the legal and regulatory implications of AI and related technologies in the European and the global legal, economic and social space. It brings together scholars and practitioners with a distinct multidisciplinary orientation covering the technology, its politics, policy-making and regulation, the law, and the relevant values. The series aims to foster a critical understanding of technological changes and a critical analysis of ongoing and future policy, regulatory and legal developments.

Forthcoming event in the series: Michael Veale (University College London) *Title TBC (24 June 2021)*
