

***Justice, fundamental rights and Artificial intelligence***  
**JuLIA (101046631), JUST – 2021 JTRA**  
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**PROJECT PARTNERS**

Pompeu Fabra University -University of Trento – University of Versailles– Rijksuniversiteit Groningen – University of Coimbra– Instytut Nauk Prawnych Polskiej Akademii Nauk – Consejo General del Poder Judicial – Fondatsiya Libre – Studiecentrum Rechtspleging– Bruno Kessler Foundation (FBK) – Scuola Superiore della Magistratura

Workshop on

***Artificial intelligence in healthcare and the protection of health as a fundamental right***

**18-19 January 2024**

Venue: University of Trento, Faculty of Law  
Via Verdi, 53 (Trento)

Moving from the latest developments in the field of artificial intelligence (AI) at EU level, the workshop is aimed to guide judges and other trainees in addressing legal issues raised by the use of AI systems in the field of health. Special regard will be given to the effective protection of fundamental rights involved: the right to health, data protection, the right not to be discriminated due to biases embedded in AI systems. The impact of AI on the doctor-patient relationship will be discussed, both in diagnostic and therapeutic phases. An interdisciplinary dialogue, involving medical practitioners, IT experts and psychologists together with judges, lawyers and legal scholars, will enable to examine the extent to which AI allows a higher protection of health as a fundamental right; whether and how it impacts on the level of information due to the patient, on the modes of patient's consent and on the level of care due by the doctor, by IT operators involved and by healthcare facilities; how risks linked to the use of AI-based technology should be assessed within the doctor-patient relationship and, ex post, in liability claims. The link between medical liability, product liability and AI operators' liability will be examined in the context of the recent EU initiatives in this field.

The workshop will be structured as follows: a first part will be devoted to the impact of AI on the patient-doctor relationship and the patient's consent, whereas a second part will focus on the upcoming changes brought by EU legislation in the area of AI- and product-liability as applied in the field of tele-medicine, wearable health devices, AI-robotics and the like.

Workshop activities will include keynote speeches, interdisciplinary roundtable discussions and practical sessions (Justice Labs) aimed at presenting concrete applications of AI technology in the field of health and their possible implications in the adjudication of liability cases.

*Tentative programme*

**Thursday, 18 January 2024**

9:30 – Registration

10:00 – 10:50

Artificial intelligence and the protection of health as a fundamental right: introduction to the workshop

10:50 – 12:00

Key note speech(es)

- AI in healthcare: how can AI improve diagnostic and therapeutic services? *Med*
  - o Possible contacts:
    - Marco Zenati (Harvard Med School and uniTrento), (see [questo lavoro](#))
    - (non necessarily for keynote): Unitrento, prof. Barbareschi (for a roundtable?)
- The ethics of AI in medicine (*Luciano Floridi?*) – *Carlo Casonato (Unitrento)* – *Laura Palazzani (European Group on Ethics in Science and New Technologies (EGE))*

*Junior (probably not for keynote):*

- o *Jess Morley (DPhil candidate, Oxford (Floridi's co-author))*
- o Dr. Max Kiener (junior philosopher in Oxford - <https://www.ox.ac.uk/news-and-events/find-an-expert/dr-maximilian-kiener>)
- Ethics and governance of artificial intelligence for health. WHO guidance (WHO, Team: [Health Ethics & Governance](#) ; speaker to be identified)
- ECtHR - Council of Europe?

12:00 – 13:30

Roundtable on AI and the patient – doctor relationship: AI applications, the role of informed consent and the liability implications

Speakers:

- IT and/or MED on telemedicine and AI applications in patient-doctor relationship
- Cognitive science scholar/practitioner (e.g. Zancanaro, UniTrento)
- Judge and legal scholar on the role of patient's consent in digital health and implications for liability

15:00 – 16:30

Group activity (Justice Lab) on use cases and hypothetical litigation in the field of AI in healthcare, informed consent and medical liability

Plenary session (groups presentation)

## **Friday, 19 January 2024**

9:00 – 10.00 (alternatively, on Thursday late afternoon)

Key note speech(es) on AI Liability for the effective protection of health as a fundamental right

- European Commission: on AI Act or (better?) proposed AI Liability Directive: implications for the health sector; relation with the (new) Product Liability regime
- Court of Justice: judge or AG on the CJEU's caselaw on product liability in the field of health (Sanofi, Boston Scientific, etc.) revisited through the lens of the forthcoming legislation on AI

10:00 – 11:30

Roundtable on AI liability in the health sector and the protection of health as a fundamental right

IT speaker (Ranise?) on risk assessment and evidence about AI system safety

National judges and legal scholars on the link between medical liability and product liability

12:00 – 13:30

Group activity (Justice Lab) on use cases and hypothetical litigation in the field of AI liability and the relation between product liability and medical liability

Plenary session (groups presentation)

13:30 – 13.40

Concluding remarks

## **Friday, 19 January 2024**

15:30 – 18:30

(linked Seminar)

The protection of health in times of pandemic: science, technology and the role of courts