



Right to Understand and Access to Justice: Interdisciplinary Reflections

3.2.2026

Access to justice requires more than formal rights; it demands that individuals actually understand procedures and decisions affecting them. This “right to understand” spans diverse contexts from translation and interpretation in judicial proceedings to explanations of AI-based decision-making. Based on interdisciplinary discussions within the European Campus of City-Universities (EC2U) Alliance, this post tackles the linguistic and technological barriers hindering this right and explores practical paths to realisation.

Limited Understanding as a Barrier to Access to Justice

In the EU, the Charter of Fundamental Rights of the European Union (CFREU) and the European Convention on Human Rights (ECHR) provide guarantees of access to justice. Article 47 of the CFREU enshrines “the right to an effective remedy and to a fair trial”. In light of this provision, people have access to justice provided that they can bring their case to a competent and impartial court that decides the matter through a fair procedure.

A person cannot effectively bring their case to court if they are unaware of their rights, the nature of the potential violation, or the available remedies. Limited understanding can seriously hinder people’s access to justice (UNDP 2005). As societies become increasingly complex due to, among other factors, the uptake of AI-powered technologies, access to justice may be hindered not only by limited understanding of language, legal systems, and procedures, but also by insufficient knowledge of how these technologies work.

The EU legal order acknowledges the challenges posed by a lack of understanding and provides for rights to translation and interpretation, as well as various rights to information and explanations of algorithmic decision-making, among other measures. However, significant challenges remain, particularly in contexts where individuals are vulnerable or in asymmetric power relations, such as in asylum and migration procedures, but also in employment settings.

Translation and Interpreting as Tools to Enable the Right to Understand

As Montolío and Tascón (2020) argue, only by understanding what is explained to, required of, and withheld from them can individuals make informed decisions and fully exercise their rights. This necessity is recognised in EU legislation, for instance, regarding victims of crime and asylum seekers.

Access to information for victims in judicial procedures is regulated by the Victims’ Rights Directive (2012/29/EU). Article 3 lays the foundation for comprehensive care focused on the specific characteristics of the victim, including linguistic needs. Article 7 grants the right to translation and interpretation. These safeguards are crucial during

criminal proceedings, but they are of little use if a lack of initial information prevents the crime from being reported in the first place.

However, in asylum situations, the scope of the right to understand appears somewhat broader. At least on paper, it applies even before any procedures are initiated. For instance, Article 8 of the Asylum Procedures Directive (2013/32/EU) requires that third-country nationals or stateless persons wishing to apply for international protection are provided with two essential resources: information on the possibility to apply, and the necessary interpretation to access the asylum procedure. However, there might not be enough resources at the national level to guarantee this right.

Hence, outside legal or administrative proceedings, the right to understand may not be fully realised in practice. Instead, individuals are left to their own devices to access information and exercise this right.

For migrants, this gap is largely bridged by third-sector organisations that promote social justice and increasingly recognise the role of linguistic mediation in accessing information. Significant efforts are also being made by scholars in translation and interpreting (T&I), who seek to raise awareness of these linguistic tools as a powerful prism for thinking about and practising social justice (see also Monzó-Nebot & Lomeña-Galiano (Eds.) 2024, Boeri 2024, and Tesseur 2022). Among these efforts, the contribution by Ghidhaoui and Valderrey-Reñones is noteworthy: they argue that T&I can help enable the right to understand for all people in migration and asylum contexts by combining service-learning and action-research methodologies (Ghidhaoui & Valderrey-Reñones, 2025).

Translation and interpretation are crucial tools for social justice that transform formal rights into actual, comprehensible opportunities for action.

An Emerging Yet Vague Right to Understand Algorithmic Decision-Making

Algorithmic and AI-based decision-making systems are increasingly used by public authorities and private actors in areas such as social benefits, border control, credit scoring and employment contexts (FRA). To challenge potential errors or discrimination, individuals must first understand how the decisions are made (WP29 2018, Wachter, Mittelstadt, Floridi 2017). However, EU law does not expressly grant individuals an

overarching “right to understand” algorithmic decision-making. Instead, it provides a fragmented framework of rights regarding information and explanation (Rosin & Parviainen, 2025).

Rights to information

The General Data Protection Regulation (GDPR, 2016/679) grants certain rights to information in cases of significant, solely automated decisions (GDPR Articles 13-15 in conjunction with Article 22). Articles 12-15 require data controllers to disclose the existence of such decisions, their logic, and their significance and consequences, in “a concise, transparent, intelligible and easily accessible form, using clear and plain language”. Yet this right applies only to decisions made without meaningful human involvement (GDPR Article 22(1)). Even when applicable, the complexity and proprietary nature of algorithmic systems often render these disclosures incomprehensible (Edwards & Veale 2018).

The EU Artificial Intelligence Act (AIA, 2024/1689) provides a similar right regarding high-risk AI systems, requiring deployers to inform individuals when decisions affecting them are made or assisted by high-risk AI systems (AIA Article 26(11)). However, AIA Recital 93 implies that the disclosure is limited to basic information, such as the existence of AI-based decision-making, its purpose, the types of decisions made and the right to an explanation.

While these rights to information should facilitate awareness of significant automated or AI-supported decision-making, much more detailed information is usually needed to contest the decisions in court.

Rights to explanation

Exercising the rights to explanation established in EU law could reveal more detailed information to individuals.

Under GDPR Article 15, as interpreted by the Court of Justice of the European Union (CJEU) in case *C-203/22 Dun & Bradstreet Austria*, individuals have a right to an explanation of solely automated decisions (paras 56-58). Controllers must explain the procedure, principles, and criteria behind solely automated decisions, enabling individuals to understand the use and processing of their personal data, and its influence on the outcome (CJEU case *C-203/22*, paras 57-63).

AIA Article 86 explicitly codifies a right to a clear and meaningful explanation of high-risk AI-based decisions with legal effects or similarly significant adverse effects on individuals. These explanations must cover the AI system's role in decision-making and the main elements of the decision. Importantly, this right also applies where high-risk AI systems merely support human decision-making (Grozdanovski 2025).

Despite these legal frameworks, both rights to explanation remain ambiguous, giving system providers and deployers considerable discretion over how much detail to disclose (Busuioc et al. 2022). While high-level descriptions are clear, they rarely help individuals challenge algorithmic decisions. Conversely, more technical explanations can be valuable for contesting the decisions, but typically require expert support to interpret (see also Metikoš 2025). Furthermore, these rights require proactive action from individuals, who must be aware of them and have simple, accessible processes to exercise them effectively.

To ensure access to justice, practical contestability should be prioritised over merely formal transparency.

From Recognition to Practical Realisation of the Right to Understand

Although the right to understand appears to be recognised both explicitly and implicitly in EU legislation, obstacles to understanding persist.

Common barriers to the right to understand include linguistic and cognitive overload when information is provided in dense legal or technical jargon, often lacking adaptation to recipients' language skills, educational background, or technological knowledge (Montolío 2023, Montolío & Tascón 2020). Following standards on plain language (see, e.g., ISO 24495-1:2023, ISO 24495-2:2025) could help make legal, administrative and technical documents understandable for broader audiences. However, understanding algorithmic procedures may require solutions beyond plain language, such as more nuanced socio-technical standards for explanations (Miller 2019). Yet it remains a challenge to provide explanations that are both understandable and usable for contesting algorithmic decisions.

Hence, various actors play a critical role in facilitating both understanding and access to justice. NGOs providing legal and technical assistance are essential in both algorithmic

decision-making and migration contexts. For migrants, translators also serve a pivotal role. Despite their importance, these actors often remain underfunded.

Promising initiatives illustrate how collaboration between academia and the third sector can address the challenges of understanding. For instance, the University of Salamanca's TRADASP project, part of its degree programme in Translation and Interpreting, incorporates a service-learning component that allows students to carry out final degree or thesis projects in collaboration with selected NGOs (Valderrey et al, 2023). By providing services to migrant communities in vulnerable situations, the project helps reduce the linguistic and cognitive overload individuals face, while offering students an avenue for learning and additional resources to facilitate understanding. Creating similar collaborations across law and technology disciplines could both support vulnerable individuals in navigating algorithmic decision-making and provide students valuable learning opportunities and practical experience.

Ultimately, ensuring that individuals understand the process and decisions that affect them is fundamental to access to justice. Achieving this requires sustained interdisciplinary efforts that integrate expertise across translation and interpreting, law, computer science and beyond.

EC2U as a Platform for Interdisciplinary Collaboration – Attend the EC2U Forum in Turku this May

This post builds on our presentations and discussions at the EC2U PhD Network meeting held in connection with the *Thüringentag für Philosophie 2025* in Jena, Germany. These reflections emerge from the ongoing work of the EC2U Virtual Institute and PhD Network on Peace, Justice and Strong Institutions, in which the University of Turku Faculty of Law actively participates. The Virtual Institute brings together researchers from various fields, including law, translation studies, linguistics, politics, and history, to promote democratic values and strong institutions through joint education, research, and civic dialogue. The collaboration continues as the University of Turku welcomes scholars and students from partner universities to the 10th EC2U Forum, held from 18 to 21 May 2026.

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Abstract visualisation of law, justice and technology. AI-generated image (ChatGPT image generator, 2026).

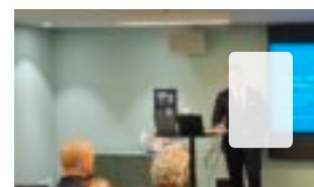
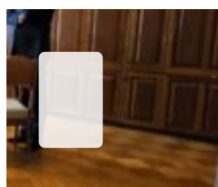
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ISSN 2984-5246