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Ensuring Fundamental Rights in the Age of Digital Justice

Assessing the Compatibility of AI Use by Swedish
Courts through the Lens of EU Charter

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Summary

This thesis investigates the integration of artificial intelligence (AI) within the Swedish courts, with a particular focus on its compatibility with the rights to privacy and a fair trial as enshrined in the Charter of Fundamental Rights of the European Union (CFR). As we entered the third decade of the 21st century, a technological revolution, led by AI is transforming various sectors, including judicial systems across the EU, Sweden, and globally. The adoption of AI in courts presents opportunities to enhance operational efficiency but also raises important legal and ethical considerations.

The analysis centres on Sweden's use of two specific AI tools: a redaction service, developed to anonymize confidential information, and a multilingual legal translation application used to translate judgments of the Supreme Court and Supreme Administrative Court of Sweden. These tools are evaluated for both their functional benefits and the legal and ethical risks they may pose, particularly in light of fundamental rights and the requirements of the EU AI Act regarding high-risk AI systems.

The thesis explores the legal, institutional, and technological frameworks that shape the implementation of AI in the courts, including EU policies on the digitalization of justice, the CJEU's AI strategy, and Sweden's national AI strategy. It critically examines whether these AI tools used in Swedish courts align with the right to privacy and a fair trial, and whether they fall within the definition of high-risk AI systems under the EU AI Act. The study highlights the importance of human oversight to ensure the ethical, lawful, and transparent use of AI in the courts.

In conclusion, this thesis underscores the transformative potential of AI in Swedish courts, while offering a balanced analysis of both its benefits, risks, and the safeguards necessary to uphold fundamental rights.

Sammanfattning

Denna uppsats undersöker integrationen av artificiell intelligens (AI) inom de Sveriges domstolar, med särskilt fokus på dess förenlighet med rätten till privatliv och rätten till en rättvis rättegång enligt Europeiska unionens stadga om de grundläggande rättigheterna. När vi nu går in i det tredje decenniet av 2000-talet genomgår samhället en teknologisk revolution, där AI omvandlar olika sektorer, inklusive rättssystemen inom EU, Sverige och globalt. Införandet av AI i domstolarna erbjuder möjligheter till ökad effektivitet men väcker samtidigt viktiga rättsliga och etiska frågor.

Analysen fokuserar på två specifika AI-baserade lösningar som används i Sveriges domstolar: en maskningstjänst som utvecklats för att anonymisera konfidentiell information, samt en flerspråkig juridisk översättningsapplikation som används för att översätta domar från Högsta domstolen och Högsta förvaltningsdomstolen. Dessa verktyg utvärderas både utifrån deras funktionella fördelar och de rättsliga och etiska risker de kan medföra, särskilt i ljuset av grundläggande rättigheter och kraven enligt EU:s AI-förordning när det gäller högrisk-AI-system

Uppsatsen utforskar de rättsliga, institutionella och teknologiska ramar som formar implementeringen av AI i domstolarna, inklusive EU:s policyer för digitalisering av rättsväsendet, EU-domstolens AI-strategi samt Sveriges nationella AI-strategi. Studien granskar kritiskt om dessa verktyg som används i Sveriges domstolar är förenliga med rätten till privatliv och en rättvis rättegång, samt om de ingår i högrisk-AI-system enligt EU:s AI-förordning. Studien också lyfter fram vikten av mänsklig tillsyn för att säkerställa ett etiskt, lagligt och transparent användning av AI i domstolsväsendet.

Sammanfattningsvis betonar uppsatsen AI:s transformativa potential i de Sveriges domstolar, samtidigt som den ger en balanserad analys av både fördelarna, riskerna och de grundläggande rättigheterna.

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I would like to express my deepest gratitude to my parents, whose unconditional love, and constant encouragement have been the foundation of my academic journey. Dad, although you are no longer with us, I hope I have made you proud by achieving this milestone!

Chanda Shaukat, Lund, May 2025.

Abbreviations

AI	Artificial Intelligence
EU	European Union
Art.	Article
CJEU	Court of Justice of European Union
CFR	Charter Of Fundamental Rights of EU
ECHR	European Convention on Human Rights
AI Act	European Union Artificial Intelligence Act
EC	European Commission
MSs	the Member States of EU
NCAS	National Courts Administration Sweden
MVP	Minimum Viable Product
ADM	Agile Development Methodology
ML	Machine Learning
NLP	Natural Learning Processing
LLMs	Large Language Models

1. Introduction

1.1. Background

AI is increasingly influencing various aspects of daily life, particularly in the development and enhancement of essential services. Built upon data, hardware, and connectivity, AI enables machines to replicate human intelligence in areas such as perception, problem-solving, linguistic interaction, and creativity. These advancements play a key role in achieving the 2030 Agenda for Sustainable Development. However, they also raise significant concerns regarding ethics, data privacy and regulatory oversight.¹

In recognition of these challenges, UNESCO has actively engaged in addressing the ethical implications of AI, with a focus on education, gender equality, and capacity -building for governments and judicial institutions.² The integration of AI into judicial systems is also becoming more prevalent, aiming to improve access to justice and administrative efficiency. The UNESCO judges' initiative, which operates in over 160 countries, equips legal professionals with the knowledge to navigate AI-related ethical concerns, uphold the rule of law, and ensure freedom of expression, and access to information.³

AI's potential to transform judicial proceedings lies in its ability to improve efficiency, reduce errors, and promote fairness. AI driven legal research, case management, predictive analytics, and automated transcription streamline legal processes, making them faster and more accessible. By leveraging big

¹ UNESCO, Artificial Intelligence, 'Rapid technological advancements in AI are transforming disciplines, economies, and industries, and challenging ideas about what it means to be human' <<https://www.unesco.org/en/artificial-intelligence>> accessed 9 Feb 2025

² Ibid.

³ UNESCO, 'Artificial Intelligence and the Rule of Law, < <https://www.unesco.org/en/artificial-intelligence/rule-law>> accessed 9 Feb 2025

data and computational algorithms, AI can support in legal analysis and case management, assisting in decision-making. Studies, including those based on BP neural networks, suggest that AI can help prevent judicial misconduct, optimize resource allocation, and improve case resolution rates. For instance, while only 100,000 out of 8 million first-instance civil cases were resolved in 2017, the adoption of smart court systems significantly improved case closure rates by 2020.⁴

In recent years, Swedish courts have been actively embracing continuous improvement, organizational development, and innovation to address the changing landscape of the judicial system. The Swedish National Courts Administration (SNCA) has been at the forefront of driving these initiatives, seeking to implement more efficient and adaptive methods. Continuous improvement involves the ongoing search for better ways to operate, while organizational development focuses on the broader transformation of structures and working methods within the courts. Innovations, particularly through new ideas, techniques, and technologies, is central to ensuring the courts remain efficient and responsive to emerging challenges.⁵

The SNCA also engage in collaborative efforts with other entities within the judicial chain, such as the Police, the Prosecution Authority, the Prison Service, among other relevant institutions. While continuous improvement forms a vital part of daily operations, there are instances where incremental changes are insufficient to meet evolving demands. In such cases a critical role. Within the Swedish Courts, innovation is viewed to future-proof the organization by enabling a willingness to take calculated risks and explore ideas with the potential to deliver substantial operational benefits and efficiency gains. A

⁴ Kongze Zhu and Lei Zheng, '*Based on Artificial Intelligence in the Judicial Field Operation Status and Countermeasure Analysis*', *Hindawi Mathematical Problems in Engineering* 'First published in 2021 <<https://onlinelibrary.wiley.com/doi/10.1155/2021/9017181>> accessed 26 Feb 2025

⁵ Sveriges Domstolar, '*Så arbetar vi med utveckling och innovation*', Utveckling och Innovation 2024 <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/sa-arbetar-vi-med-utveckling-och-innovation/>> accessed 11 May 2025

significant number of these ideas originate from court staff, who identify opportunities to enhance their own work processes. To support this, the SNCA has established structured mechanisms for the exploration and development of such ideas. Selected concepts are advanced to the level of innovation projects, which are then tested more extensively in close collaboration with courts, suppliers, researchers, and other authorities.⁶

The Swedish courts have implemented two AI tools as part of their operational practices. The first is a “redaction service” to anonymise the confidential information on legal documents before they are being released for public access.⁷ The second is an AI-powered translation application intended to translate rulings into over 60 languages.⁸

Despite the growing use of AI in judicial systems, its integration raises serious concerns regarding fundamental rights, particularly the right to privacy and data protection under Art. 7 and 8 of the Charter of Fundamental Rights of the European Union (CFR) and the right to a fair trial as enshrined in Art.47 CFR. Courts adopting AI tools must navigate not only these constitutional guarantees but also the broader regulatory frameworks, including the European Convention on Human Rights (ECHR), and EU AI Act, which establishes clear obligations and guidelines for the development and deployment for high-risk AI technologies in the judicial sector. This study critically examines how the use of AI in the Swedish court system interacts with fundamental rights protections, particularly the right to privacy and data protection under Arts. 7 and 8 CFR and right to a fair trial under Art.47 CFR.

The Swedish legal system is known for its proactive approach to adopting new technologies. Sweden’s alignment with both EU law and domestic

⁶ Ibid

⁷ Sveriges domstolar, *‘Sekretess belagda uppgifter maskeras med hjälp av AI’*, Utveckling och innovation, (2024) <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/sekretessbelagda-uppgifter-maskeras-med-hjalp-av-ai/>> accessed 15 May 2025

⁸Sveriges Domstolar, Utveckling och innovation, *‘Översättning med AI’*, 2024 <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/oversattning-med-ai/>> accessed 15 May 2025

innovation strategies makes it an exemplary case for assessing how AI tools can be implemented in practice while respecting fundamental rights. Studying Sweden thus provides valuable insights into how national courts can balance technological advancement with legal safeguards, offering lessons that may be relevant for other EU Member States (MSs).⁹

1.2. Purpose and Research Question

The purpose of this thesis is to critically examine how the use of AI in the Swedish courts aligns with the protection of fundamental rights under the CFR. As AI is increasingly used in court operations, it introduces both opportunities and challenges, particularly in relation to the *right to privacy* and *data protection* under Arts 7 and 8 CFR and *the right to a fair trial* under Art.47 CFR. This study seeks to answer the following research question:

“How does the use of AI in Swedish courts align with the right to privacy and a fair trial under the EU Charter of Fundamental Rights?”

To comprehensively address this research question, the following sub-questions will be examined:

- (1) What is AI, and how has it evolved to become a transformative force in modern society and European Union?
- (2) How is AI being used in courts globally?
- (3) How is AI used in Swedish courts, and do the tools employed there fall within the scope of high-risk AI systems under the EU AI Act?
- (4) How are the rights to privacy and data protection, and a fair trial defined and protected under the CFR? In what ways does the EU AI Act

⁹ European Commission, *National strategies on Artificial Intelligence A European Perspective in 2019, Country report-Sweden* <https://scholar.google.se/scholar?hl=sv&as_sdt=0%2C5&as_vis=1&q=European+Commission%2C+National+strategies+on+Artificial+Intelligence+A+European+Perspective+in+2019%2C+Country+report-Sweden.&btnG=> accessed 6 May 2025

address the protection of fundamental rights, specifically privacy and fair trial guarantees?

- (5) How can Swedish courts balance the benefits of AI adoption with the need to safeguard the right to privacy and data protection and the right to a fair trial under the CFR?

1.3. Method and Material

This thesis employs a legal doctrinal research method, which involves the systematic examination of existing legal rules as reflected in primary sources such as statutes, case law, legal principles, and soft law instruments. The purpose of this approach is to collect, organize, and interpret the relevant legal materials, and to provide critical commentary on these sources, themes, or principles that connect them.¹⁰

The doctrinal legal method used here is grounded in the hierarchy of norms within the EU legal framework. In this structure, EU primary law, comprising the Treaties and the CFR, holds precedence over secondary law, includes regulations, directives, decisions, recommendations, and opinions.¹¹ Landmark cases such as *Costa v ENEL* (1964) and *Internationale Handelsgesellschaft mbH* (1970) are particularly significant, as they establish that EU primary law takes precedence over both national law and, where relevant, EU secondary law, shaping the legal foundation for the hierarchical relationship between EU and national legal orders. Consequently, this thesis examines whether the use of AI by Swedish courts align with the fundamental rights enshrined in the CFR, particularly the rights to privacy, data protection, and a fair trial.

¹⁰ Jerome Hall Law Library, 'Legal Dissertation: Research and Writing Guide', *Types of Research Methodologies, doctrinal*, (2019) < <https://law.indiana.libguides.com/dissertationguide> > accessed 24 May 2025

¹¹ Mariusz Maciejewski, *Sources and Scope of European Union Law: Fact Sheets on the European Union*, (European Parliament, 2024) < <https://www.europarl.europa.eu/fact-sheets/en/sheet/6/sources-and-scope-of-european-union-law> > accessed 25 May 2025

This thesis will use primary and secondary sources. Primary sources include the Charter of Fundamental Rights (CFR), focusing in particular on Arts 7, 8, and 47 CFR, which concern privacy, data protection, and the right to a fair trial, the Artificial Intelligence Act (AI Act), General Protection Data (GDPR), official EU policy documents such as the CJEU’s AI strategy, the European e-justice strategy 2024-2028, and Sweden’s national AI strategy, EU regulations concerning digitalization of justice, and the ECHR.

Secondary sources include academic literature, including peer-reviewed journal articles and books, which offer both descriptive and conceptual insights into the development and practical application of AI within the courts. This body of literature examines technologies such as machine learning (ML), natural language processing (NLP), and large language models (LLM’s), addressing their potential advantages as well as the key risks they entail.

In addition to academic literature, this thesis draws on official online reports and publicly available materials from the Swedish courts’ website to provide factual context regarding the implementation of AI tools, specifically the “**redaction service**” and the **translation application** currently used in Swedish courts. These sources are not subject to critical legal analysis but instead serve to illustrate the operational environment within which the legal assessment is situated.

Furthermore, legal blogs and expert commentaries are consulted to capture practice-oriented perspectives from legal professionals. To situate Sweden’s experience within a broader international context, the thesis also briefly references examples of AI deployment in judicial systems of other jurisdictions. These examples are not explored in depth but are included to highlight the global dimension of AI use in the judicial sector.

1.4. Delimitations

This thesis focuses on the use of AI within the Swedish court system, specifically examining the two AI-powered tools currently in use: the “redaction

service” and the translation application. The legal analysis is primarily grounded in EU law, with a particular emphasis on the CFR. While the ECHR, particularly Art.6, provides important procedural safeguards and has influenced Swedish law, a comprehensive analysis based on ECHR falls outside the scope of this study. Although certain provisions of the (GDPR) are relevant to the subject matter, particularly in relation to data processing and privacy, this thesis does not undertake a detailed examination of the GDPR. The primary legal focus remains on the obligations arising under the CFR and EU AI Act.

The scope of this study is limited to the procedural implications of AI use within judicial administration. It does not address AI used for automated decision-making in adjudication, law enforcement, or private legal practice. Instead, the analysis is confined to administrative applications, specifically the “redaction service”, and translation application. These tools are assessed in terms of their potential benefits and associated risks, especially regarding the fundamental rights to privacy and a fair trial under CFR.

The thesis also considers whether these tools, used in Swedish courts, may be classified as high-risk systems under the EU AI Act, based on the criteria outlined in the regulation. A general overview of global AI use in courts is included to provide contextual background, however, no comparative legal analysis is conducted. Given the wide-ranging use of AI in the courts, this thesis limits its discussion to global applications to specific functions, namely, legal research, factual summarisation, predictive analytics, and transcription, only as contextual relevant.

Finally, the study does not include a technical evaluation of AI algorithms or proprietary systems. Instead, it provides a functional and procedural assessment of the “redaction service’s design and use, which is central to evaluating its legal and ethical implications in practice.

1.5. Literature Review

This thesis is grounded in an interdisciplinary body of literature at the intersection of AI, judicial administration, and fundamental rights within the framework of European Union law. Its core legal foundations include the CFR, the EU AI Act, and supporting secondary legislation. These are complemented by institutional guidance from the CJEU, and strategic policy directions outlined under the EU AI strategy. Additionally, Sweden's national AI strategy provides essential context regarding the domestic implementation of AI tools in the courts.

Scholars such as MD. Shaheen Kabir and M. Nazmul Alam have examined the potential of AI, Machine Learning (ML), and natural language processing (NLP) to automate key administrative tasks in the judicial sector, thereby enhancing both efficiency and precision in judicial workflows.¹² Ajanta Prakashan highlights how NLP applications can support legal professionals, especially judges and lawyers, by enabling quicker access to summarised case facts.¹³ Similarly, Glickman and Zhang explore how large language models (LLMs), including ChatGPT, can generate accurate and concise factual summaries.¹⁴ Nolte and others analyse the legal challenges and shortcomings in

¹² MD Shaheen Kabir & M Nazmul Alam, '*The Role of AI Technology for Legal Research and Decision Making*' (2023) 10(7) International Research Journal of Engineering and Technology (IRJET) < <https://www.irjet.net/archives/V10/i7/IRJET-V10I7148.pdf> > accessed 18 May 2025

¹³ Ajanta Prakashan, '*AI for a Smarter Future: Transforming Industries, Society & Governance*' (First edn, 2024) p.34 < https://ajantaprakashan.in/pdf/National%20Conference_ISBN/PDF.pdf#page=38 > accessed 18 May 2025

¹⁴ Mark Glickman, Yi Zhang, '*AI and Generative AI for Research Discovery and Summarization*' (Harvard Data Science Review, 26 March 2024) < <https://hdsr.mitpress.mit.edu/pub/redo5giw/release/2> > accessed 18 May 2025

the provisions related to robustness and cybersecurity for high-risk AI systems.¹⁵

Further contributions from scholars like Bruce G. Buchanan, and Thomas E have expanded on AI's potential to support complex legal reasoning.¹⁶ LU Wang adds a critical perspective by highlighting risks such as AI “hallucinations” and the generation of misleading factual contents, thereby cautioning against over-reliance on such tools in judicial systems.¹⁷ Edwin O and Eboigbe offers a functional view, illustrating how ML algorithms are already being deployed by legal professionals to streamline routine tasks and reduce workloads.¹⁸

Information concerning the “redaction service” and AI-powered translation application has been sourced from the official web site of the Swedish courts (sverigesdomstolar.se) and corresponding analytical report before implementation available there.¹⁹

While existing scholars have explored AI's potential in legal research, summarization, and decision support across various jurisdictions, a distinct gap

¹⁵ Henrik Nolte, Miriam Rateike, & Michèle Finck ‘Robustness and Cybersecurity in the EU Artificial Intelligence Act’ (arXiv, 22 Feb 2025) <<https://arxiv.org/html/2502.16184v1#S5>> accessed 17 May 2025

¹⁶ Bruce G. Buchanan & Thomas E. Headrick, ‘*Some Speculation About Artificial Intelligence and Legal Reasoning*’, 23 Stan L. Rev. 40 (1970). <https://digitalcommons.law.buffalo.edu/journal_articles/867> accessed 18 May 2025

¹⁷ Lu Wang, ‘*Here's how researchers are helping AIs get their facts straight*’, (THE CONVERSATION 2025) <https://theconversation.com/heres-how-researchers-are-helping-ais-get-their-facts-straight-245463?utm_source=clipboard&utm_medium=bylinecopy_url_button> accessed 18 May 2025

¹⁸Eboigbe, Edwin O. ‘*AI in AI in Legal Analytics: Balancing Efficiency, Accuracy, and Ethics in Contract and Predictive Analysis*’ (October 07, 2024) <<https://ssrn.com/abstract=4997519>> accessed 18 May 2025

¹⁹ Sveriges domstolar, ‘*Sekretessbelagda uppgifter maskeras med hjälp av AI*’ (Utveckling och innovation 2024) <<https://www.domstol.se/globalassets/filer/domstol/domstolsverket/maskningstjansten/rapport-maskningstjanst-rev-a.pdf.pdf>> accessed 21 May 2025.

remains in the focused legal analysis of national level court AI applications, such as Sweden's redaction service and translation application, and their compliance with fundamental rights and the EU AI Act. This thesis therefore seeks to contribute to the existing literature by addressing this specific gap, offering a detailed legal analysis of how the "redaction service" and AI-powered translation application currently used in Swedish courts align with fundamental rights obligations under the CFR, and the proposed legal standards outlined in the EU AI Act.

1.6. Disposition

This thesis is structured as follows: Chapter 1 introduces the research topic by outlining the background, research question, and overarching legal framework. Chapter 2 defines Artificial Intelligence (AI) and examines its role as a transformative force in modern society, with particular emphasis on its implications within the European Union (EU). Chapter 3 provides a broad overview of the use of AI in judicial systems globally before narrowing the focus on specific tools currently implemented in Swedish courts. Chapter 4 outlines the Sweden's national approach to AI and details its specific applications within the Swedish courts. Chapter 5 discusses the protection of fundamental rights within the EU legal framework, focusing on the rights to privacy, data protection and a fair trial under the CFR. It also analyses the regulatory approach of the EU AI Act, with particular emphasis on provisions relating to high-risk AI systems.

Chapter 6 presents a critical evaluation of the AI tools used in Swedish courts, assessing their compatibility with the rights enshrined in the CFR. Chapter 7 provides conclusion and reflects on the future implications of these AI tools within the Swedish courts.

2. Artificial Intelligence – A Game-Changer in Modern Society and the European Union

2.1. Origin and Historical Context of AI

AI originated in the 1950s, with foundational contributions from pioneers such as Alan Turing, John MacCarthy, and Marvin Minsky. The term “Artificial Intelligence” was first introduced in 1956 at the Darmouth Conference, where researchers gathered to explore the possibility of machines simulating human intelligence.²⁰ John McCarthy, one of AI’s founding figures, defined AI as “that of making a machine behave in ways that would be called intelligent if a human were so behaving”.²¹

The Dartmouth Conference is widely regarded as the formal birth of AI as a distinct field of study, deliberately positioned by McCarthy to differentiate it from the more established discipline of Cybernetics.²²

2.1.1. Defining Artificial Intelligence

Defining AI remains a challenge for two reasons. First, there is no universally agreed-upon definition of “intelligence”. Second, current AI systems do not fully replicate human intelligence in a holistic sense. Despite these challenges, most definitions of AI converge on a common idea:

²⁰ ‘AI Strategy of the Court of Justice European Union’ < https://curia.europa.eu/jcms/upload/docs/application/pdf/2023-11/cjeu_ai_strategy.pdf > accessed 19 May 2025.

²¹ Ibid.

²² Jerry Kaplan, ARTIFICIAL INTELLIGENCE, ‘*What Everyone Needs to Know*’, (OUP 2016) p.13.

AI refers to computer systems or machines that perform tasks which, if done by humans, would be considered intelligent.²³

According to Google Cloud:

“AI is a set of technologies that enables computers to perform variety of advanced functions, including the ability to see, understand, and translate spoken and written language, analyse data, make recommendations and more”.²⁴

It is increasingly evident that AI will bring about profound and lasting changes to our world- changes that may prove more significant than many currently anticipate. Across professions, sectors, and industries, AI is expected to augment, and in some cases radically transform, the way work is conducted.²⁵

According to Marr and Ward, AI enables machines to perceive the world through senses such as sight, hearing, taste, smell, touch, speech, movement, and the ability to learn from their experiences. This means that AI allows businesses to develop innovative ways of engaging with customers, deliver more intelligent and personalised products and services, automate operational processes, and enhance overall business performance.²⁶ This understanding reflects the wide range of capabilities of AI systems can demonstrate.

2.1.2. Legal And Regulatory Perspectives

The EU AI Act provides a formal, operational definition of AI, stating:

“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

²³ AI Strategy of the Court of Justice European Union.

²⁴Google Cloud, ‘What is Artificial Intelligence (AI)?’, <<https://cloud.google.com/learn/what-is-artificial-intelligence>> accessed 11 May 2025

²⁵ Bernard Marr and Matt Ward, *Artificial Intelligence in Practice: How 50 Successful Companies Used AI and Machine Learning to Solve Problems* (WILEY 2019). p.1.

²⁶ Ibid.

*receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments;*²⁷

This definition is intended to be clear, flexible, and internationally consistent, capable of adapting to the rapid pace of AI development. It also draws a distinction between AI systems and traditional, rule-based software, which simply follows explicit human instructions without learning or adaption.²⁸

AI systems are distinguished by their capacity to infer outputs from data, their autonomy, and their adaptive capabilities. These systems can function independently to various degrees, learn from new data after deployment, and integrate into physical or virtual product.²⁹

2.1.3. Types of AI: Narrow vs General

AI is commonly classified into two major categories: **Narrow AI (Weak AI)** refers to systems designed to carry out specific tasks. While they may perform these tasks with high efficiency, they cannot generalize their capabilities to other domains. Examples include voice assistants, spam filters, and facial recognition.³⁰ **General AI (Strong AI)**, on the other hand, is a theoretical concept describing systems that could replicate human cognitive abilities across a wide range of domains, enabling them to perform any intellectual task that a human can undertake.³¹

Although some generative tools, such as ChatGPT, may appear highly advanced, they are still examples of narrow AI. These systems rely on pattern recognition, deep learning, and generative models to produce outputs, but they lack true reasoning, self-awareness, or general understanding.³²

²⁷ AI Act, Art. 3(1).

²⁸ AI Act, Recital 12.

²⁹ Ibid.

³⁰ AI Strategy of the Court of Justice European Union.

³¹ Ibid.

³² Ibid.

The transformative power of AI is increasingly evident across all sectors. As noted by Google CEO Sundar Pichai,

*“AI is one of the most important things humanity is working on, its more profound than electricity or fire”.*³³

Beyond these broad classifications, AI encompasses several specialized sub-fields, (ML) and (NLP), computer vision, robotics, and expert systems, among others.³⁴ In domain of ML, AI systems are trained using large datasets. For example, a system may be provided with thousands of images that either include or exclude human faces. Based on this input, the system learns to develop its own algorithms. This learning process can occur in different forms: unsupervised machine learning, where the system identifies patterns independently. Supervised or semi-supervised machine learning, where system identifies patterns with human guidance. When ML involves multiple layers of artificial neural networks to analyze and learn from data, it is referred as deep learning.³⁵ Deep learning has driven many of most significant recent breakthroughs in AI. For instance, deep learning enables machines to interpret visual content, such as recognizing people or objects in images and videos (machine vision). It also powers advancements in NLP, enhancing machine’s ability to understand, generate, and respond to human language, as commonly seen in applications like website chatbots.³⁶

In recent years, AI has advanced significantly, largely driven by two key factors: the increasing ability of large-scale datasets required for training, and substantial improvements in computational power. Continued progress in AI is anticipated, likely at an accelerated pace.³⁷

³³Catherine Clifford, Google CEO: ‘AI is more Important than Fire or Electricity’ (CNBC,2018) < <https://www.cnbc.com/2018/02/01/google-ceo-sundar-pichai-ai-is-more-important-than-fire-electricity.html>> accessed 6 May 2025

³⁴ AI Strategy of the Court of Justice European Union.

³⁵ Bernard Marr and Matt Ward, *Artificial Intelligence in Practice: How 50 Successful Companies Used AI and Machine Learning to Solve Problems* (WILEY 2019), p.4 and 5.

³⁶ AI Strategy of the Court of Justice European Union.

³⁷ Ibid.

2.2. A European Approach to Excellence in AI and Digital Justice

A European approach to fostering excellence in AI aims to enhance the EU's global competitiveness. This goal will be pursued by promoting the development and adoption of AI technologies across the EU, creating an environment where AI can successfully transition from research laboratories to market applications. Additionally, the EU seeks to ensure that AI serves the public interest by prioritizing human-centred and socially beneficial outcomes. Strategic leadership will also be developed in sectors where AI is expected to have the most significant impact.³⁸

The European Commission (EC), in collaboration with the (MSs), has committed to advancing AI excellence by joining forces on policy initiatives and investments. The 2021 review of the Coordinated Plan on AI is one of such efforts by the EC and the MSs.³⁹

The Coordinated plan on Artificial Intelligence, first published in 2018, as a joint initiative by the EC, EU MSs, Norway and Switzerland, seeks to strengthen Europe's global competitiveness in AI. The primary aims of this Plan are to accelerate investment, implement AI strategies and programmes, and align AI policy to avoid fragmentation across the EU. The initial plan outlined the key actions and funding instruments to support AI development and adoption across sectors, while encouraging MSs to develop their own national AI strategies. The most recent update, published in 2021, reinforces the EU's ambition to become a global leader in trustworthy AI. It aligns closely with the Commission's digital and green agendas, as well as Europe's response to the COVID-19 pandemic. Additionally, the 2021 Coordinated Plan aims to turn strategy into action by accelerating investment, implementing AI

³⁸ Shaping Europe's digital future, Artificial Intelligence, '*European approach to artificial intelligence*', (2025) < <https://digital-strategy.ec.europa.eu/en/policies/european-approach-artificial-intelligence> > accessed 16 May 2025

³⁹ Ibid.

strategies, and harmonising policies to address both internal and global challenges.⁴⁰

A European approach to trustworthy AI emphasizes that establishing trustworthy AI is essential to creating a secure and innovation-friendly environment for users, developers, and implementers. To support this goal, the EC has proposed a comprehensive European legal framework⁴¹ for AI that aims to safeguard fundamental rights while addressing the unique safety risks associated with AI systems. In addition, an updated civil liability framework⁴² is being developed to adapt liability rules to the specific challenges posed by the digital age and AI technologies. Furthermore, existing sector-specific safety legislation, including the Machinery Regulation⁴³ and the General Product Safety Directive,⁴⁴ is under revision to ensure these regulations remain effective in the context of emerging AI applications.⁴⁵

The CJEU began exploring the potential of AI algorithms several years ago. In 2019, it established the Courts Innovation Lab with the aim of investigating emerging technologies and identifying how these tools could be effectively integrated into the Court's operations. Innovation within the institution is driven by collective intelligence, which thrives on the collaboration of individuals from diverse professional backgrounds. To encourage such multidisciplinary engagement, the "AI + Network" was launched in 2020. This network brings together representatives from each department, the two registries, and

⁴⁰ Shaping Europe's digital future, '*European approach to artificial intelligence*,' *Coordinated Plan on Artificial Intelligence*' (2025) < <https://digital-strategy.ec.europa.eu/en/policies/plan-ai> > accessed 16 May 2025

⁴¹ EU AI Act.

⁴² Product Liability Directive – Adapting liability rules on the digital age, circular economy and global value chains

⁴³ Proposal for Regulation of the European Parliament and of the Council on machinery products.

⁴⁴ Regulation of the European Parliament and of the Council on general product safety. Regulation (EU) No 1025/2012.

⁴⁵ Shaping Europe's digital future, Artificial Intelligence, '*European approach to artificial intelligence*, (2025).

the chambers of both the CJEU and the General Court. Since its inception, the AI+ Network has met regularly and contributed over 30 innovative proposals, 20 of which have been evaluated through proofs of concept trials.⁴⁶ As part of its ongoing digital transformation, the CJEU aims to evolve into a Smart Court as it is evident from its vision,

*“The Court of justice of the European Union will leverage responsible, equitable, reliable and governable AI capabilities as well as the talents of its own workforce in its journey towards becoming a Smart Court”.*⁴⁷

Additionally, the CJEU has also identified three main objectives in its approach to AI:

Goal 1	Goal 2	Goal 3
Improve the efficiency and effectiveness of the administrative and judicial processes	Enhance the quality and consistency of judicial decisions	Increase access to justice and transparency for EU Citizens

With its strong institutional foundations and a clear commitment, the CJEU is well-positioned to advance to the next stage of AI adoption, guided by a structured and responsible approach.⁴⁸ Additionally, to address the potential risks posed by AI, the CJEU has adopted a meticulous governance model as parts of its AI strategy. This strategy promotes the controlled and responsible implementation of AI within the institution. A key focus is on training at all

⁴⁶ AI Strategy of the Court of Justice European Union’.

⁴⁷ Ibid.

⁴⁸ Ibid.

levels, ensuring that staff and stakeholders are equipped with the necessary skills and understanding to use AI technologies ethically and effectively.⁴⁹

As part of its broader digital transformation efforts, the EU has adopted the e-justice Strategy, which outlines a vision for modernising justice systems across MSs using digital technologies. This strategy is grounded in the legal framework provided by Title V of the Treaty on the Functioning of the European Union (TFEU), which calls for the creation of an area of freedom, security and justice, and highlights the relevance of the CFR. A key focus is ensuring access to justice, recognised as a fundamental right under Art. 47 CFR and Art. 6 ECHR. These provisions guarantee the right to a fair trial, forming the legal foundation upon which the digital justice initiatives must be built.⁵⁰

In response to rapid technological advancements especially those accelerated by the COVID -19 pandemic, e-justice strategy acknowledges growing societal expectations for more efficient, accessible, and citizen's focused digital justice services. The EU promotes digitalisation not only to improve the efficiency of justice systems, but also to ensure that the systems remain fair, transparent, and inclusive in the digital age.⁵¹

The e-Justice Strategy, applicable across all EU MSs, reflects the Union's commitment to a coordinated and rights-based digital transformation of the justice sector. Covering the period from 2024 to 2028, the strategy is designed to guide developments in line with technological progress and fundamental rights. Recognition of the rapid pace of digital innovation, a mid-term review is planned for the second half of 2026, allowing for possible adjustments to strategic objectives and actions to address emerging challenges and

⁴⁹ Michalsons, 'CJEU AI Strategy sets out courts artificial intelligence strategy', 2025 < <https://www.michalsons.com/blog/cjeu-ai-strategy/70805> > accessed 20 May 2025

⁵⁰ Official Journal of European Union, *European e-Justice Strategy 2024-2028*, OJC 437/01. < https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C_202500437 > accessed 22 May 2025

⁵¹ Ibid.

technologies. This built-in flexibility highlights the EU's intention to maintain excellence and resilience in its approach to AI and digital justice systems.⁵²

The e-CODEX Regulation represents a crucial step in advancing EU's digital excellence by strengthening the secure, interoperable digital infrastructure that underpins cross-border judicial co-operation.⁵³ The Swedish government has tasked the Swedish Social Insurance Agency with developing, operating, and managing Sweden's national connection point to the EU-wide e-CODEX system, thereby enhancing Sweden's participation in cross-border judicial co-operation.⁵⁴

On 13 December 2023, the EU further advanced its modernization efforts by adopting a Regulation on the digitalization of judicial cooperation and access to justice in civil, commercial, and criminal matters. This regulation is complemented by Directive (EU) 2023/2843, which amends specific legal acts to support the objectives of digital justice cooperation. Together, these initiatives aim to improve the efficiency and effectiveness of electronic communication in cross-border judicial cooperation. Moreover, they align with the EU's e-Justice strategy for 2024-2028, which provides a strategic framework to accelerate the digital transformation of the EU justice sector.⁵⁵

⁵² Ibid.

⁵³ Regulation (EU) 2022/850 of the European Parliament and of the Council of 30 May 2022 *on a Computerised System for the Cross-border electronic exchange of data in the area of judicial co-operation in civil and criminal matters (e-CODEX System) and amending Regulation (EU) 2018/1726*

⁵⁴ Regeringskansliet, 'Uppdrag att utveckla en svensk uppkoppling till EU-gemensamma IT-systemet e-Codex', (Pressmeddelandet från Justitiedepartement, 2024) <<https://www.regeringen.se/pressmeddelanden/2024/05/uppdag-att-utveckla-en-svensk-uppkoppling-till-eu-gemensamma-it-systemet-e-codex/>> accessed 26 May 2025

⁵⁵ Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 *on the Digitalization of Judicial Co-operation and Access to Justice in cross border on civil, commercial and criminal matters*.

3. General Uses of Artificial Intelligence in Courts

AI is increasingly being integrated into courts worldwide, transforming how it operates and delivers justice. Its application has moved beyond theoretical exploration to play a practical role in supporting various aspects of judicial workflows. From streamlining legal research and generating factual summaries, to enabling predictive analytics and providing real-time transcription, AI is enhancing both the efficiency and accessibility of legal processes. This section offers an overview of the key ways in which AI is currently used in courts globally, providing essential context before examining Sweden's specific approach to AI adoption in the courts.

3.1. AI in Legal Research

AI is increasingly proving to be a valuable assistant in judicial proceedings, aiding legal professionals in tasks such as legal research and case analysis. Legal research entails the systematic identification to support the formulation of legal arguments and decision-making. Traditionally, this process has been carried out manually by human lawyers, often demanding significant time and susceptible to errors. The use of AI, particularly the (ML) and the (NLP) offers the potential to streamline legal research by automating key tasks and enhancing both the accuracy and efficiency of outcomes.⁵⁶

A Court of Appeal judge utilized ChatGPT to generate a summary of a legal topic and described the AI-powered chatbot as “jolly useful”. Lord Justice Briss, a specialist in Intellectual Property law, highlighted the effectiveness

⁵⁶ MD Shaheen Kabir & M Nazmul Alam, *'The Role of AI Technology for Legal Research and Decision Making'*, (2023) 10(7) International Research Journal of Engineering and Technology (IRJET).

of AI tools in legal research. He noted that after requesting a summary of a particular area of law, the AI generated response was satisfactory and legally sound.⁵⁷

Furthermore, at a conference organized by the Law Society, Lord Briss while speaking on AI emphasized that ChatGPT, generative large language models hold real potential for supporting judicial processes. According to Briss, one of the most significant features of the LLMs is their capacity to synthesise and summarise information. This capability is not only highly practical but also likely to become widely adopted. Indeed, he personally confirmed having employed it in practice. This marks the first recorded instance of a British Judge using ChatGPT to draft a portion of judgment.⁵⁸

AI has potential to enhance legal research by efficiently analysing and extracting key insights from extensive databases containing case law, statutes, and legal precedents. Through the application of NLP algorithms, these tools can summarise, categorise, and identify relevant information, thereby supporting lawyers and judges in their research.⁵⁹

3.2. AI in Factual Summaries

Recent advancements in AI, particularly in generative AI and the (LLMs), have significantly enhanced the ability to produce accurate and concise factual summaries. Tools such as ChatGPT have demonstrated considerable potential in increasing productivity by enabling users to summarise complex texts.⁶⁰ AI systems like ChatGPT are increasingly being used to generate

⁵⁷ Hibaq Farah, 'Court of appeal judges praises 'jolly useful' ChatGPT after asking it for a legal summary', (The Guardian 2023) <<https://www.theguardian.com/technology/2023/sep/15/court-of-appeal-judge-praises-jolly-useful-chatgpt-after-asking-it-for-legal-summary>> accessed 5 March 2025

⁵⁸ Ibid.

⁵⁹ Ajanta Prakashan, 'AI for a Smarter Future: Transforming Industries, Society & Governance' (First edition 2024) p.34. accessed 18 May 2025

⁶⁰ Mark Glickman, Yi Zhang, 'AI and Generative AI for Research Discovery and Summerization', (HDSR 2024).

factual summaries in judicial proceedings. Lord Justice Briss shared his experience to generate factual summaries. He explained that after requesting a summary from ChatGPT, he received a paragraph that accurately reflected legal principles he was about to write himself. Finding the response satisfactory, he incorporated it into his judgment and described the AI as “highly useful”. However, Lord Briss emphasized that he maintained full personal responsibility for the content of his judgment. He clarified that AI merely completed a task he was already capable of performing and that his legal expertise allowed him to assess the AI-generated summary for **accuracy and reliability**. We can see here how AI can assist in producing factual summaries efficiently.⁶¹ The early recognition of AI’s potential to model complex legal reasoning, as highlighted by interdisciplinary scholars, underscores the relevance of AI not only in information retrieval but also in generating factual summaries that support legal argumentation and strategic decision-making.⁶²

Although AI has greatly simplified process of finding information. Users can ask almost anything from ChatGPT and receive an instant response. However, the LLMs behind the systems like OpenAI, ChatGPT or Anthropic’s Claude were not specifically designed to guarantee factual accuracy. As a result, they often “hallucinate” means generate false or misleading content, presenting it in a way if they are hard facts.⁶³

3.3. AI in Predictive Analytics

Legal analytics refers to the application of data mining, ML, and statistical analysis to extract meaningful insights from legal data. It has been described

⁶¹ Castro and Hyde, *‘Solicitor condemns judges for staying silent on ‘woeful’ reforms’*, (The Law Society Gazette 2023) < <https://www.lawgazette.co.uk/news/solicitor-condemns-judges-for-staying-silent-on-woeful-reforms/5117228.article>> accessed 05 March 2025

⁶² Bruce G. Buchanant, Thomas E. Headrickt, *‘Some Speculation About Artificial Intelligence and Legal Reasoning’*,(40) (HEINONLINE 2021) < <https://heinonline.org/HOL/LandingPage?handle=hein.journals/stflr23&div=13&id=&page=>> accessed 18 May 2025.

⁶³ Lu Wang, *‘Here’s how researchers are helping AIs get their facts straight’*, (THE CONVERSATION 2025) accessed 18 May 2025

as “the process of extracting actionable knowledge from large volumes of raw legal data”. The field has seen rapid growth and now encompasses various applications, including case outcomes prediction contract analysis, and the enhancement of legal research processes. As a transformative development within the legal profession, legal analytics is reshaping how practitioners conduct their work and make informed decisions. At its core, this discipline involves the systematic analysis of legal information using advanced data-driven techniques, allowing legal professionals to identify trends, patterns and insights across extensive legal datasets. By utilising statistical methods, ML algorithms, and data visualisation technologies, legal analytics facilitates the evaluation of court decisions, case law, contracts and other legal documents, offering a data -driven foundation for legal strategy and decision-making.⁶⁴

AI’s contribution to legal analytics goes beyond automating routine tasks; it also introduces powerful predictive functions that support strategic legal decision-making. By examining historical legal data, AI algorithms are capable of identify patterns and trends that can be helpful in forecast case outcomes, evaluate legal risks, and inform litigation strategies. These predictive functions are especially valuable in today’s complex legal environment, where the volume of case law and regulatory changes can be overwhelming for sole manual analysis. AI-driven predictive analytics enhances the accuracy of legal predictions and provides legal professionals with a data-driven foundation for making strategic decisions. This enables lawyers to provide clients with more accurate advice, set realistic expectations, and craft effective litigation or settlement strategies grounded in statistical likelihoods rather than relying solely on professional intuition.⁶⁵

AI-powered predictive analytics utilizes ML algorithms and models trained on historical data to identify patterns and relationships. Once trained, these

⁶⁴ Eboigbe, Edwin O., ‘*AI in AI in Legal Analytics: Balancing Efficiency, Accuracy, and Ethics in Contract and Predictive Analysis*’ (October 07, 2024)

⁶⁵ Ibid.

models analyse new data to generate evidence-based predictions about future outcomes.⁶⁶

Recent advancements in AI have enabled the analysis of judicial language, revealing instance of victim-blaming and gender bias in family court proceedings. A project called herETHICAL AI has identified troubling patterns in the language used by judges in domestic abuse cases in England and Wales. This AI-driven analysis has highlighted how judicial language may retraumatize survivors by reflecting stereotypical assumptions and a lack of understanding of trauma, coercive control, and the psychological impacts on victims. Examples uncovered by the research include characterizing a woman as a “deeply troubled mother” unrelated to the abuser’s behaviour or describing violent actions, such as strangulation, as a potential “prank”. Such language contributes to an environment where survivors feel disbelieved, gaslit, or even re-traumatized during legal proceedings. AI can reveal these subtle biases, calling attention to the critical need for more comprehensive training in domestic abuse within family courts.

The herETHICAL AI project demonstrates how AI can serve as a system to identify patterns of biased language and attitudes, thus offering a means of accountability in family courts, where there is often a lack of transparency and difficulty in holding judges accountable.⁶⁷

⁶⁶ Shelf, ‘*How to Use AI for Predictive Analytics and Smarter Decision Making*’, (AI Education, 2024) <<https://shelf.io/blog/ai-for-predictive-analytics/>. > accessed 10 March 2025

⁶⁷ The Guardian, ‘*Family court judges use victim-blaming language in domestic abuse cases, finds AI Project*’, (Rachel Hall, 2024) < https://www.theguardian.com/law/2024/oct/08/family-court-judges-victim-blaming-language-domestic-abuse-cases-ai-project?utm_source=chatgpt.com#img-1. > accessed 10 March 2025

3.4. AI- Powered Transcription

The growing complexity and volume of cases have exposed the limitations of traditional methods in delivering timely data analysis and reliable information. In response, AI is being progressively adopted within courtroom settings to address these challenges and meet the evolving demands of all parties involved. Transcription tools ensure that court proceedings are captured accurately and in real time, which is essential for reliable record-keeping and effective case review. Additionally, AI-powered transcription tools have revolutionized the court's process by capturing spoken words and converting them into legal text. These tools use advanced speech recognition technology to turn speech into written text either in real time or soon after. This makes the process of creating court records much faster and more accurate than traditional methods, which rely on human stenographers. This AI system can recognize different voices, accents, and ways of speaking, ensuring that everything said in court is clearly captured. This helps reduce errors and makes transcripts available more quickly, which is useful for lawyers and judges who need to prepare and review cases, thereby helping making court processes more transparent and accountable.⁶⁸

Traditionally, court stenographers have played a critical role in ensuring an accurate and official record of judicial proceedings. However, advancements in AI have introduced transcription tools that can support this function. AI-transcription tools can capture spoken words during hearings, trials, depositions, and other judicial proceedings, converting them into accurate text in real time, facilitating the production of comprehensive court transcripts. These tools enable the processing of recorded deposition and other forms of audio-visual evidence, allowing for the creation of searchable and accessible records across various formats. These systems offer clear advantages by

⁶⁸ ALMAWAVE '*AI in the Courtroom: revolutionizing translation and transcription methods*', (Artificial Intelligence, 2024) < <https://www.almawave.com/ai-in-the-courtroom-revolutionizing-translation-and-transcription-methods/> > accessed 18 May 2025

accelerating transcription processes, reducing costs, and providing near-instant records, thereby improving accessibility for all parties involved.⁶⁹

⁶⁹ Kirsten Barkved, Artificial Intelligence in Courtrooms, '*AI can help with transcription in courts*' (2024) <<https://www.clio.com/resources/ai-for-lawyers/ai-in-courtrooms/>> accessed 11 March 2025

4. Sweden's Approach to Artificial Intelligence Application

Sweden has taken significant steps to influence AI regulation within EU through its national AI strategy, which promotes ethical AI development, robust research and international cooperation. The Swedish government introduced its first AI strategy, *The National Approach for Artificial Intelligence*, in May 2018. This strategy aims to position Sweden as a global leader in AI-driven innovation and societal benefit.⁷⁰

To achieve this objective, Sweden's AI strategy prioritizes four key areas, education and training, research, innovation and application, and regulatory frameworks and infrastructure.⁷¹

On March 20, 2024, AI Sweden unveiled *An AI Strategy for Sweden*, which serves as an analytical foundation and strategic framework to guide decision-makers across various sectors. This updated strategy provides guidance to policymakers, business leaders, decision-makers, civil servants, and other key stakeholders involved in shaping Sweden's AI future. It aims to help these actors navigate and shape positive future during one of the most transformative periods in modern history.⁷²

In addition, a government-appointed commission has recommended that Sweden must invest SEK 12.5 billion (over USD 1.14 billion) over the next

⁷⁰ European Commission, 'National strategies on Artificial Intelligence A European Perspective in 2019, Country report-Sweden', accessed 6 May 2025

⁷¹ AI Watch, 'Sweden AI Strategy Report', (2021) < https://ai-watch.ec.europa.eu/countries/sweden/sweden-ai-strategy-report_en > accessed 6 May 2025

⁷² Martin Svensson, 'An AI Strategy for Sweden', *AI Sweden*, < <https://strategy.ai.se/> > accessed 6 May 2025

five years to strengthen safe and sustainable AI education, innovation, and ecosystem development.⁷³

AI has seen rapid expansion across profession, demonstrating potential in both simple and complex legal procedures. For instance, the Arizona Supreme Court has implemented AI-generated avatars to communicate court rulings and enhance public trust and confidence in the judiciary.⁷⁴ Several innovation and development initiatives are underway in Swedish courts. These aim to enhance efficiency and further improve the court system. The foundation for the development and innovation work is the truth and the rule of law. At present, AI tools in Swedish courts are employed for anonymization of sensitive information and translation of rulings in judicial documents.⁷⁵

Although Sweden has no specific legal framework governing the use of AI in court proceedings, such applications are still constrained by broader legal norms, particularly the GDPR. Some provisions in the GDPR restrict how AI can be used for automated decision-making. For example, Art. 22(1) of the GDPR gives individuals the right not to be subject to decisions that are based solely on automated processing, including profiling, if those decisions have legal effects or otherwise significantly impact them. Furthermore, Art. 4 (4) GDPR defines profiling as the automated processing of personal data to evaluate aspects such as an individual's reliability.⁷⁶

⁷³ Ericsson, 'AI Commission delivers urgent roadmap to Swedish Government', 2024 <<https://www.ericsson.com/en/news/2024/11/ai-commission-delivers-urgent-roadmap-to-swedish-government>> accessed 7 May 2025

⁷⁴ SEJAL GOVINDRAO, 'Arizona Supreme Court taps AI avatars to make the judicial system more publically accessible', (2025) <<https://apnews.com/article/ai-artificial-intelligence-arizona-court-653060178ab9661a3ca6ddc37ac12907#>> accessed 21 March 2025.

⁷⁵ Sveriges Domstolar, Om Sveriges Domstolar, Utvecklings och Innovation' 'Så arbetar vi med utveckling och innovation' (2024) <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/>> accessed 21 March 2025

⁷⁶ CMS Expert Guide to Digital Litigation in Sweden < https://cms.law/en/int/expert-guides/cms-expert-guide-to-digital-litigation/sweden?utm_source=chatgpt.com > accessed 22 March 2025

4.1. Specific Uses of AI in the Swedish Courts

In recent years, Sweden has initiated the integration of AI across various domains of its judicial administration. One notable example is the launch of the first AI-powered service for the redaction of confidential information, commonly referred to as the (redaction service”). This tool is intended to enhance both the efficiency and accuracy of redacting sensitive information in legal documents, particularly in response to the growing demand for public requests for access to court records. An increasing number of courts have adopted AI to systematically identify and mark confidential information in judgments and preliminary investigations. The (SNCA) has developed its own tool to make the work more efficient and minimize mistakes ⁷⁷

A second example is an AI-powered translation application developed by the SNCA. This application is specifically trained to handle the complexity and nuances of legal language. It was developed by the innovation team at the SNCA in collaboration with the Supreme Court and the Supreme Administrative Court of Sweden. The AI translation application also plays a crucial role in enhancing the accessibility of rulings with international relevance, particularly, in cases involving human rights and other precedent-setting judgments.⁷⁸

Furthermore, AI is also being used in adjacent areas such as notary education, illustrating Sweden’s broader commitment to digital innovation in the legal field. This AI-based educational tool provides a dynamic and practical

⁷⁷ Sveriges Domstolar, 'Tidigare I veckan sjösattes den första AI-lösning (artificial intelligence) inom Sveriges Domstolar' (LinkedIn, September 2022). < https://se.linkedin.com/posts/sveriges-domstolar_tidigare-i-veckan-sj%C3%B6sattes-den-f%C3%B6rsta-ai-l%C3%B6sningen-activity-6991028510702096384-vQ8Q> accessed 7 May 2025.

⁷⁸ Ibid.

training environment designed to enhance the quality and effectiveness of legal education.⁷⁹

4.1.1. AI-Powered Redaction Service: Privacy Implications

The increasing demand for timely and accurate redaction of classified information has highlighted significant privacy implications, particularly concerning the protection of personal data and compliance with regulatory standards. The development of the redaction service offers a promising solution by reducing human error and ensuring consistency in data masking processes.

In recent years, Sweden has witnessed a significant rise in requests for public access to court documents, including investigation protocols. These documents contain sensitive personal data that must be redacted before release. In response, the (SNCA), launched an AI- assisted redaction tool (“redaction service”) in June 2024. This tool is part of a broader innovation initiative aimed at improving the efficiency, accuracy, and legal certainty of handling confidential information in judicial documents.⁸⁰

⁷⁹ Erik Engvall, SNCA, ‘*Innovative Court simulator for Notary training with generative AI*’, Public sector, Knowit, 2025< <https://www.knowit.eu/cases/innovative-court-simulator-for-notary-training-with-generative-ai/>> accessed 23 April 2025

⁸⁰ Sveriges domstolar, ‘*Sekretess belagda uppgifter maskeras med hjälp av AI*’, Utveckling och innovation, (2024) <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/sekretessbelagda-uppgifter-maskeras-med-hjalp-av-ai/>> accessed 8 May 2025



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The “redaction service” was developed to address the growing administrative burden associated with processing public access requests, particularly those involving classified or sensitive content. Swedish courts receive over 100,000 document requests annually, many of which concern large, complex files requiring thorough confidentiality reviews. Manually redacting these has been a time and resource consuming task.⁸²

The redaction service system assists courts and tribunals by automatically identifying and suggesting which parts of documents may require redaction due to confidentiality concerns. Although the redaction service provides preliminary recommendations, each document is ultimately reviewed by a judge to ensure that all sensitive information is appropriately concealed before disclosure. This design aligns the service with key principles including transparency, accountability, and legal certainty.⁸³

⁸¹ The image is purely illustrative and has no connection to the actual redaction service used in the Swedish courts. ‘AI-innovation inom Sveriges Domstolar.NU erbjuder en tjänst som med.’ Sveriges Domstolar, 2024 <https://se.linkedin.com/posts/sveriges-domstolar_ai-innovation-inom-sveriges-domstolar-activity-7209465091648348160-5QTL> accessed 29 May 2025

⁸² Domstolsverket, Sveriges Domstolar, ‘*AI hjälper domstolarna att maskera handlingar*’, Nyhetsbrev om Sveriges Domstolar, 2024 <<https://www.domstol.se/domstolsverket/om-domstolsverket/nyhetsbrev-om-sveriges-domstolar/ai-hjalper-domstolarna-att-maskera-handlingar/>> accessed 8 April 2025

⁸³ Ibid.

The redaction solution aims not only to enhance efficiency but also strengthen legal certainty and improve public service by reducing the likelihood of human error. Lena Nilsson, IT Director at the SNCA, has stated that the goal is to ensure that anyone requesting a document receives an accurately redacted version promptly.⁸⁴

Göran Lundhal, Chief Judge at the Stockholm District Court, highlights that redacting documents is a time-consuming task and expresses strong optimism about the potential of the new tool to alleviate this workload. According to Lundhal, the release of public documents often demands significant time and resources, particularly when those documents include confidential information. A major challenge lies not only in redacting explicit identifiers, such as names, but also in identifying removing contextual references that may reveal protected details. There is considerable optimism that the redaction service can be further developed to support this process efficiently, and initial results suggest that the tool may prove effective.⁸⁵

Erik Slottnér, the Minister of Civil Affairs responsible for digitalization and public administration, visited the SNCA to discuss the role of AI and digital tools within the judicial system. He expressed strong interest in the redaction service, emphasizing its potential benefits beyond the courts. According to Slottnér, the redaction service represents a promising and innovative solution with potential for widespread adoption across the public sector, particularly at the municipal and regional levels, where managing large volumes of confidential information is also a significant concern.⁸⁶

Additionally, the redaction service assists the court staff in identifying and concealing personal details, such as names, phone numbers, images, and other sensitive information that must be redacted prior to document disclosure.⁸⁷

Johan Lagström regards the redaction service as a valuable tool, noting how courts are increasingly burdened with the manual task redacting sensitive information from judgments and other legal documents in response to requested

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

public access requests. Approximately 172,000 preliminary investigations were processed last year, many involving extensive redaction requirements. Given that a substantial portion of these documents are subject to public access, and some span thousands of pages, the redaction process presents considerable challenge, requiring both speed and accuracy.⁸⁸

Technically, the redaction service is designed as a user-friendly, standalone AI application that operates independently of existing court systems and workflows. This design choice enhances its adaptability, simplifies maintenance, and facilitates ongoing development. To use the system, users upload documents into the redaction service, which then triggers an API call to an AI model with facial recognition capabilities. This model extracts text from any images using Optical Character Recognition (OCR). The document's text stream is combined with the OCR extracted content and sent to a second AI model that analyzes the material and suggests which sections should be concealed. Notably, after this stage, no further communication with the AI occurs, enhancing the process's security.⁸⁹

Users subsequently review and refines the AI-generated redaction suggestions, making final determinations about which content should be hidden. The revised version is then submitted to a presiding judge for approval, ensuring that redactions comply with legal standards and meet required quality levels before finalization. A key feature of the tool is its use of a "trigger list" a database of keywords and concepts that helps the AI identify sensitive content, significantly reducing the time required for manual review⁹⁰

To uphold high security and privacy standards, the system does not retain any data on a long-term basis. All data handling and storage are confined to the

⁸⁸ Ann Dahlin, Publikt, 'AI kan effektivisera arbetet på domstolarna', (Publikt, 2024).

< <https://www.publikt.se/nyhet/ai-kan-effektivisera-arbetet-pa-domstolarna-26157#comments-anchor> > accessed 8 May 2025.

⁸⁹ Sveriges Domstolar, Utveckling och Innovation, '*Sekretessbelagda uppgifter maskeras med hjälp av AI*', Teknisk beskrivning, (Sveriges Domstolar 2024) <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/sekretessbelagda-uppgifter-maskeras-med-hjalp-av-ai/>> accessed 8 May 2025

⁹⁰ Ibid.

operational systems responsible for document management. The redaction service also supports concurrent use by the multiple users, facilitating collaborative workflows. For example, a case officer or clerk may generate a preliminary redaction proposal, which is then reviewed and authorized by the responsible authority prior to the document's release. This collaborative functionality enhances operational efficiency and promotes coordinated work processes within the organization⁹¹

Upon completion of the redaction process, the AI model's initial suggestions along with any manual adjustments made by users, are utilized as anonymized training data to improve the model's future performance and accuracy. Anonymized data storage enables continuous refinement of the AI system. Additionally, a parameter list containing domain specific keywords and concepts is employed to further optimize the relevance and precision of redaction suggestions, contributing to more context-aware and accurate outcomes. All development and operation of the AI models are conducted entirely within the secure IT section of the Swedish Courts.⁹²

4.1.2. Advantages of the Redaction Service

The redaction service offers a user-friendly solution with long -term potential to reduce the time and resources required for redacting confidential information in official documents. It presents several notable advantages:

First, by minimizing the risk of human error, the redaction service facilitates a more accurate and efficient redaction process. This improvement contributes to maintaining a higher standard of quality in safeguarding sensitive information under time constraints.⁹³

⁹¹ Ibid.

⁹² Ibid.

⁹³ Sveriges domstolar, '*Sekretess belagda uppgifter maskeras med hjälp av AI*', Utveckling och innovation, Resultat av maskningstjänsten,2024<<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/sekretessbelagda-uppgifter-maskeras-med-hjalp-av-ai/>> accessed 8 April 2025

Second, as the volume of public access requests for courts and committee documents continues to rise, the redaction service supports the timely processing of these requests, thereby enhancing institutional responsiveness and efficiency.⁹⁴

Third, by providing a more reliable redaction mechanism, the system strengthens legal certainty, ensuring that confidential data is handled appropriately. In doing so, the redaction service not only reinforces internal compliance but also improves the overall quality of service provided to the public.⁹⁵

A key advantage of the system is its use of a “trigger list”. Trigger list is a set of predefined keywords that helps the AI rapidly identify parts of documents likely to contain sensitive information. This feature significantly reduces the time and effort required to manually large document sets, , making the redaction process faster and more efficient for court officials.⁹⁶

Moreover, the successful implementation of the redaction service resulted from a complex, long-term effort in which several success factors played a crucial role in overcoming significant challenges.⁹⁷

The project team adopted a Minimum Viable Product (MVP) strategy, prioritizing the rapid deployment of a functional service to courts and committees. The goal was to deliver effective support through simplified functionality, while maintaining high standards of stability and quality.⁹⁸

The SNCA collaborated closely with a reference group, integrating user feedback to guide the iterative prioritization of system features. In parallel,

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ulrica Abrahamsson, 'Så ska AI hjälpa till att maska uppgifter från domstolarna', Svt Nyheter, Jönköping, 2024<<https://www.svt.se/nyheter/lokalt/jonkoping/sa-ska-ai-hjalpa-till-att-maska-uppgifter-fran-domstolarna>. > accessed 11 April 2025

⁹⁷ Sveriges domstolar, "Sekretess belagda uppgifter maskeras med hjälp av AI", Utveckling och innovation, (Flera framgångsfaktorer 2024)

⁹⁸ Ibid.

cooperation with several pilot courts ensured that the service operated effectively within real-world judicial contexts.⁹⁹

The development process was conducted in close partnership with leading AI experts and academic institutions, providing access to the latest research and technological advancements, which is a critical factor in achieving an effective and innovative solution.¹⁰⁰

Furthermore, a multidisciplinary team within the Swedish Courts, comprising specialists in law, AI development, IT security, and user experience, collaborated to ensure that the service was developed in a holistic and methodologically rigorous manner.¹⁰¹

An agile development method (ADM) was employed throughout the project, enabling iterative testing and refinement of the service based on feedback from both the reference group and participating courts. This flexible approach facilitated timely adjustments to evolving requirements and contributed to the delivery of a solution closely aligned with user needs.¹⁰²

Finally, the project was structured around clearly defined objectives in each phase, with the team employing a results-driven approach to ensure efficient goal attainment. The consistent support and strategic leadership of the Director General of the SNCA played a pivotal role in steering the development of the redaction service.¹⁰³

4.1.3. AI- Powered Translation Application - Fair Trial Guarantees

In recent years, Sweden has made significant progress in digitalizing its judicial processes. In October, Sweden issued its first fully digital judgment, marking a major milestone in the modernization of the legal system. Shortly thereafter, the SNCA launched an AI-powered translation application

⁹⁹ Ibid.

¹⁰⁰ Ibid.

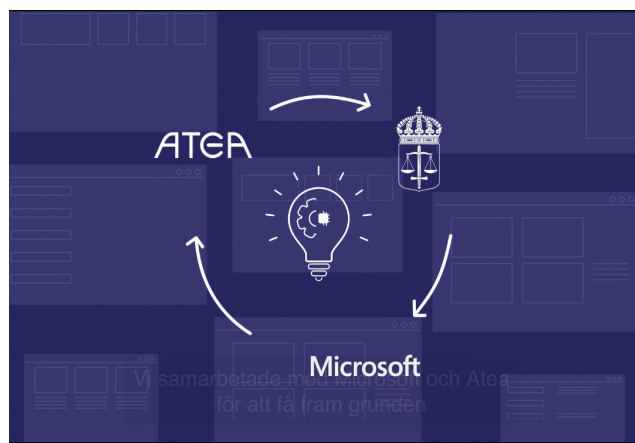
¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

specifically designed for translating rulings from the Supreme Court. According to John Lagström, innovation leader at the SNCA, the judicial chain has undergone substantial digital transformation, achieving a notably advanced level of technological integration.¹⁰⁴

The initiative for AI-powered translation application originated from requests by staff at the Supreme Court and the Supreme Administrative Court seeking enhanced translation support. In response, development efforts focused on creating an application specifically trained to process legal language. The result was an AI-powered translation application, developed in partnership with Microsoft and ATEA, capable of rapidly uploading, scanning, and translating legal documents. To ensure accuracy, all translations generated by the system are subsequently reviewed and verified by human experts.¹⁰⁵



Unlike general-purpose translation tools, this application is specifically tailored to capture the nuances of legal terminology and judicial phrasing. Currently used by Sweden's Supreme Courts, and Supreme Administrative Courts, the application supports translation into over 60 languages and is

¹⁰⁴Karin Lindström, *'AI tar klivet in på svenska domstolar – men inga robotdomare ännu'*, (Computer Sweden 2022) < <https://computersweden.se/article/1273946/ai-tar-klivet-in-pa-svenska-domstolar-men-inga-robotdomare-annu.html>> accessed 7 May 2025

¹⁰⁵ Sveriges Domstolar, Utveckling och innovation, *'Översättning med AI'* (2024) <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/oversattning-med-ai/>> accessed 7 May 2025

designed to significantly enhance the efficiency and quality of translation tasks within judicial proceedings in Sweden.¹⁰⁶

According to Carin Westerlund, this development represents the initial phase of a broader initiative to introduce AI innovations within the judiciary. Ongoing efforts aim to extend the implementation of such applications across all Swedish courts, thereby contributing to the continued digitalization of the legal system.¹⁰⁷

By improving the access to legal rulings in more than 60 different languages, the application helps uphold the fair trial rights for non-Swedish-speaking individuals.

4.1.4. Advantages of the Translation Application

One of the key advantages of the AI-powered translation application developed by the SNCA is its *capacity to significantly reduce both time and costs*. Translations of court rulings can now be completed up to 3 weeks faster, with associated costs reduced by as much as 90%. This efficiency is particularly valuable for the Supreme Court and the Supreme Administrative Court, where the need to publish decisions in multiple languages has traditionally been both time-consuming and expensive.¹⁰⁸

As described by John Lagström, the Innovation Leader at the SNCA, the highest courts are obligated to publish their rulings, and translating these documents has often been costly and time-consuming process. In some instances, the publication of translated judgments has been delayed by several weeks due to the time required for completion. The new AI-powered translation

¹⁰⁶ Ibid.

¹⁰⁷ Sveriges Domstolar' 'Tidigare I veckan sjösattes den första AI-lösning (artificial intelligence) inom Sveriges Domstolar' (Linkedin 20 September 2022) accessed 9 May 2025

¹⁰⁸ Karin Lindström, 'AI tar klivet in på svenska domstolar – men inga robotdomare ännu', (Computer Sweden 2022) <<https://computersweden.se/article/1273946/ai-tar-klivet-in-pa-svenska-domstolar-men-inga-robotdomare-annu.html>> accessed 9 May 2025

application has streamlined this process, ensuring that legal decisions are made accessible more much quickly and efficiently.¹⁰⁹

Beyond cost and time savings, the legal translation application demonstrates *high accuracy and effectiveness* in translating complex texts. Legal terminology provides a particularly suitable environment for training AI models, as the language tends to be consistent, precise, and domain specific. In certain cases, the AI-powered translation application has even outperformed human translators.¹¹⁰ According to Lagström, the system has shown remarkable performance in translation of complex areas such as EU law and competition law. This is largely due to the use of high-quality training data, specifically rulings from the CJEU, which are translated into all EU languages, including Swedish. Thanks to this robust foundation, the AI-powered translation application can produce translations that are not only rapid but also legally accurate.¹¹¹

Currently, application supports translations into over 60 languages, which is significantly easing the translation workload at the courts.¹¹²

4.1.5. Challenges of AI-Powered Translation Application

Despite the clear advantages of AI in Swedish courts, several legal and regulatory hurdles continue to hinder innovation. Currently, the AI-powered translation application is implemented only at the Supreme Courts and Supreme Administrative Courts of Sweden. Lower courts have not yet been integrated into this system, limiting its overall impact leaving lower courts without the benefits of AI-powered translation support.¹¹³

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Sveriges Domstolar, Utveckling och innovation, '*Översättning med AI*', 2024.

¹¹³ Ibid.

While the translation application performs exceptionally well in legal areas with rich, structured training data, such as EU law and competition law (free movement and VAT), but its effectiveness declines in fields like criminal law, where high-quality, multilingual training data is comparatively scarce. This presents a key limitation, as reduced performance across certain legal domains can lead to inconsistent translations and undermine overall reliability.¹¹⁴

One of the most significant challenges, as noted by John Lagström, is the absence of a regulatory sandbox, or an experimental legal framework in Sweden. This lack of flexibility makes it difficult to test and deploy emerging technologies in a controlled and legally secured environment. Similarly, as Karin Lindström observes, although an innovation portfolio has been established to manage risks within controlled settings, the absence of dedicated experimental legislation constrains innovation efforts and unnecessarily slows technological progress.¹¹⁵

The recent developments within Swedish court system mark a significant historical shift towards digitalization. As the Norwegian legal historian Sunde highlighted in a seminar, that it took nearly a century from Gutenberg's Bible to the printing its fully digital judgment, marking a groundbreaking moment judicial modernization.¹¹⁶

Within the SNCA, innovation is treated as a strategic institutional priority. An internal innovation department, supported by a broader network of court staff, researchers, students, and private-sector partners, works actively on developing and implementing new AI-based applications. This reflects Sweden's strong institutional commitment to digital transformation and modernization of judicial processes in Sweden.¹¹⁷

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Karin Lindström, *'AI tar klivet in på svenska domstolar – men inga robotdomare ännu'*, (Computer Sweden, 2022)

¹¹⁷ Ibid.

5. Protecting Fundamental Rights through CFR and EU AI Act

The use of AI, with characteristics such as opacity, complexity, data dependency and autonomous behavior, can significantly impact fundamental rights enshrined in the CFR. This is particularly true for the right to respect for privacy and data protection, as well as the right to a fair trial, among other fundamental rights. In response, the EU AI Act proposes a risk -based approach that imposes clear requirements for trustworthy AI and proportionate obligations across the AI value chain.¹¹⁸

With context to AI use in Swedish courts, the right to privacy and data protection and the right to a fair trial are related. Safeguarding these rights is essential to ensuring that technological innovation does not come at the expense of core legal protections.

5.1. Right to Privacy under Arts. 7 and 8 of CFR

To assess how the use of AI in Swedish courts aligns with fundamental rights, it is essential to first understand the legal foundations of the right to privacy. Articles 7 and 8 (CFR) establish core protections for private life and personal data, which are particularly relevant when AI tools processes sensitive information. Art.7 (CFR) guarantees the right to respect for one's private and family life, home, and communications. It closely mirrors the protection provided

¹¹⁸ European commission, 'Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts' COM(2021) 206 final.< <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021PC0206>.> accessed 19 May 2025

by Art. 8 of the (ECHR) and acts as a key safeguard against unlawful or disproportionate intrusions into an individual's personal sphere.¹¹⁹

Art.8 (CFR) complements Art.7 by explicitly recognizing an explicit right to the protection of personal data. It requires that personal data be processed fairly, for specified purposes, and on a lawful basis. Additionally, it guarantees Individuals the right to access their data and to request corrections where necessary.¹²⁰

In the context of AI tools used within the judicial sector, these fundamental rights are further reinforced by the GDPR, which establishes detailed rules to ensure data privacy and security, particularly for high-risk AI systems handling sensitive personal information, such as names, identification numbers, and criminal records. Art.5 (GDPR) sets out key principles, including lawfulness, fairness, and transparency, which govern all personal data processing activities. These principles require that personal data be processed in a lawful and transparent manner and that such processing be fair to the individuals concerned.¹²¹ Furthermore, the (GDPR) introduces additional safeguards, including the principles of *data minimization* and *purpose limitation*. This means that AI tools deployed in courts must collect only the personal data that is strictly necessary for legal processes and must not use that data for unrelated purposes. Ensuring adherence to these principles is critical to protecting individual's privacy rights while integrating AI tools into court operations.¹²²

Moreover, recital 39 of the GDPR further clarifies these principles by emphasizing that the processing of personal data must always be lawful and fair, and that individuals must be clearly informed about when, how, and to what extent their data is being collected, used, or accessed. The principle of transparency, on the other hand, requires that all information related to data processing be

¹¹⁹ Charter of Fundamental Rights of the European Union [2012] OJ C326/391. Art. 7

¹²⁰ Art.8 CFR.

¹²¹ Art. 5 (a) GDPR.

¹²² Art. 5 (b) (c), GDPR.

readily accessible, easily understandable, and communicated in clear and understandable language.¹²³

The right to privacy in the era of AI is a complex and evolving challenge at the intersection of technology, law, and ethics. As AI systems become increasingly embedded in sectors such as healthcare, finance and law enforcement, concerns over individuals' right to privacy have intensified. The AI systems typically rely on extensive data collection, often involving highly sensitive and personal information. If not properly regulated or protected, the use of such data may lead to significant intrusions into individuals' privacy. This has sparked growing apprehension regarding mass surveillance, the weakening of privacy safeguards, and the broader ethical implications of deploying AI in ways that may compromise fundamental rights.¹²⁴

5.2. Right to a Fair Trial under Art.47 CFR

Art. 47 CFR guarantees the right to a fair trial. while the ECHR also protects the right to an effective remedy and a fair hearing under Art. 6(1) ECHR, Union law offers broader protection. Unlike the ECHR, which requires access to national authority, EU law ensures access specifically to a court. This right has been recognized as a general principle of Union law by the CJEU, notably in *Johnston* (C-222/84) and subsequent rulings. The inclusion of this right in the CFR reinforces existing Treaty based judicial review mechanisms, particularly those set out in Arts. 263-281 TFEU, without altering them. Art. 47 applies to both EU institutions and MSs when implementing EU law.¹²⁵

¹²³ Recital 39, GDPR.

¹²⁴ Dr. Rahul Bharti, '*The Right to Privacy in the Age of Artificial Intelligence: Challenges and Legal Frameworks*', (23 July 2024), p 27 < <https://ssrn.com/abstract=4908340> > accessed 19 May 2025

¹²⁵ FRA, European Union Agency for Fundamental rights, '*EU Charter of Fundamental Rights, Art. 47 CFR -the Right to an effective Remedy and a Fair Trial*', 2007, < <https://fra.europa.eu/en/eu-charter/article/47-right-effective-remedy-and-fair-trial> > accessed 27 May 2025

The inclusion of this right in the CFR does not alter the existing system of judicial review under the EU Treaties, but rather affirms and refines it, especially in connection with to Art.263(4) of the Treaty on the Functioning of the European Union (TFEU). As a result, Art.47 CFR applies not only at the EU level but also to MSs like Sweden when they apply EU law, thereby ensuring judicial protection of all rights guaranteed under EU legislation.¹²⁶

In essence, Art.47 CFR guarantees individuals the right to a fair trial, ensuring that their fundamental rights are protected through access to justice.

Before exploring how the EU AI Act seeks to safeguard fundamental rights, it's important to first understand its background and context.

5.3. Brief introduction to the EU AI Act and Background

The AI Act, formally known as Regulation (EU) 2024/1689, represents the first comprehensive legal framework for AI, aiming to address associated risks while positioning the EU as a global leader in the regulation and governance of AI technologies. The AI Act establishing harmonised rules for AI, is the first comprehensive legal framework specifically dedicated to AI. Its primary objective is to promote the development and use of trustworthy AI within the EU.¹²⁷

The AI Act introduces a clear, risk-based regulatory framework for developers and users of AI, focusing on specific applications of the technology. It forms part of a broader set of policy initiatives aimed at fostering trustworthy AI in EU, which includes AI Innovation Package, the launch of AI Factories, and the Coordinated Plan on AI. Collectively, these measures aim to ensure

¹²⁶ European Union Agency for Fundamental Rights, *'Article 47-Right to an Effective Remedy and to a Fair Trial'* European Union Agency for Fundamental Rights, 2024

¹²⁷ Shaping Europe's digital future, *'European approach to artificial intelligence'*, (AI Act, 2025) < <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai>. Accessed 15.04.2025> accessed 16 May 2025

safety, protect fundamental rights, promote human -centric AI, and encourage greater adoption, investment, and innovation across the EU.¹²⁸

To support the transition toward the new regulatory framework, the European Commission has introduced the AI Pact, which is a voluntarily initiative aimed at promoting early implementation of the AI Act, engage with stakeholders and invite AI developers and users, both within and outside the EU, to begin aligning with the Act's core obligations ahead of time.¹²⁹

The introduction of regulatory rules on the use of AI is essential to ensure public trust in its use. While the most of AI systems present minimal or no risk and hold greater potential for addressing societal challenges, some applications pose significant risks that must be carefully managed to prevent harmful consequences.¹³⁰

5.4. A Risk-Based Approach

The proposal's risk- based approach relies on categorising AI systems according to defined risk levels, which serve as thresholds for determining the applicable regulatory obligations.¹³¹ The AI Act categorizes AI systems into four distinct levels of risk, based on their potential impact on individuals and society. Among these high-risk AI systems are subject to the most stringent requirements due to their potential to affect health, safety, and fundamental rights. These are (1) unacceptable risk, (2) high risk, (3) limited risk, (4) minimal risk. AI systems assessed as posing unacceptable risks are subject to an outright ban, while those identified as high-risk must adhere to a set of specific, stringent requirements. In contrast, AI systems deemed to present lower risk are subject to significantly fewer, or in some cases no, regulatory

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Tobias Mahler, 'Between risk management and proportionality: The risk-based approach in the EU's Artificial Intelligence Act Proposal', (September 30, 2021) Nordic Yearbook of Law and Informatics < <https://ssrn.com/abstract=4001444> > accessed 25 May 2025

obligations. This tiered approach reflects the Proposal's overarching objective: to effectively manage the risks associated with AI systems deployed within the EU. Accordingly, the proposal underscores the importance of establishing regulatory measures that are both proportionate to the level of risk and effective in achieving the intended safeguards.¹³²

5.5. High -Risk AI System Classification- Tools Used in Swedish Courts

EU AI Act sets out the criteria for determining whether an AI system qualifies as high-risk, whether it operates as a standalone product or as a component within a broader system by EU harmonization legislation listed in annex I. An AI system is classified as high-risk when two cumulative conditions are met: one is if the AI system is intended to serve as safety component of a product or is itself considered as a product covered by the Union harmonisation legislation listed in Annex I and if the said product or AI system is subject to a third-party conformity assessment before being placed on the market or put into service, in accordance with that legislation.¹³³

According to Art.6 and annex III of the Act, certain uses of AI are automatically classified as high-risk, if it has a significant impact significant impact on health, safety, or fundamental rights of individuals.¹³⁴

Annex III of the AI Act outlines specific areas of application that are automatically designed as high-risk due to potential of such impacts.¹³⁵

Law enforcement: AI systems used by or on behalf of law enforcement to assess the risk of individuals becoming victims of crimes, reliability of evidence in investigations, risk assessment for offending and reoffending and profiling in criminal investigations.

¹³² Ibid.

¹³³ Artificial Intelligence Act [2024] OJL 1689 ["AI Act"], Art. 6(1).

¹³⁴ Ibid.

¹³⁵ AI Act, Annex III.

Administration of justice and Democratic processes: AI systems designed to support judicial authorities in tasks such as legal research, interpretation, or dispute resolution fall under this high-risk category.¹³⁶

According to AI Act, AI systems used in law enforcement and administration of justice are categorized as high-risk due to their potential impact on fundamental rights and access to justice. While Swedish courts currently employ AI primarily for administrative and supportive functions, such as anonymisation of classified information and translation of the rulings of the highest courts, so these tools would not fall within the high-risk scope and not be subject to stricter regulatory requirements under the AI Act.¹³⁷

5.5.1. Understanding High Risk Systems under EU AI Act

Regulation (EU) 2024/1689, known as the Artificial Intelligence Act, (the “AI Act”) introduces a comprehensive regulatory framework for the development and deployment of AI within the EU. Central to this framework is a risk-based approach, as outlined in Art.4(3), which categorizes AI systems into four levels of risk: unacceptable, high, limited, and minimal.

According to Art.6 and Annex III of the EU AI Act, AI systems used in the administration of justice are classified as high-risk due to their potential to influence legal decision-making. These systems are designed to assist judicial authorities with tasks as legal research, interpretation and application of law in specific cases.¹³⁸

Certain AI systems used in the administration of justice and democratic processes must be designated as high-risk due to their substantial potential on democracy, the rule of law, the individual freedoms as well as the right to an effective remedy and a fair trial. specifically, to mitigate risks related to bias,

¹³⁶ AI Act, Art.6(1), Annex III.

¹³⁷ AI Act, Art. 6(1&3).

¹³⁸ Artificial Intelligence Act [2024] OJL 11689 [“AI Act”]. Art.6.

errors, and lack of transparency, it is appropriate to classify as high-risk those AI systems designed to assist judicial authorities or operate on their behalf.¹³⁹

However, the classification of AI systems as high-risk should be limited to *those directly involved in administration of justice*. Systems used exclusively for ancillary administrative purposes, such as anonymisation or pseudonymization of judicial decisions, documents, or data, communication among court workers, and other routine administrative functions should be excluded, as they do not affect the substantive judicial processes in individual cases.¹⁴⁰

The high-risk AI system must undergo rigorous testing during its development and prior to market deployment to verify their reliability and ensure compliance with the AI Act requirements.¹⁴¹ Testing must be based on pre-defined metrics and thresholds and should include evaluation in real world conditions to accurately assess the tool's performance and potential risks.¹⁴²

5.5.2. Requirements for High-Risk AI Systems

High-risk AI systems must adhere to the requirements specified below, considering their intended use and the current recognized standards and advancement in AI and related technologies.¹⁴³ Additionally, high-risk AI systems may only be introduced to the Union market, deployed, or utilized if they meet specific mandatory criteria. These criteria are designed to ensure that such AI systems, whether available within Union or outputs used there, do not present unacceptable risks to key public interests safeguarded by Union law.¹⁴⁴

5.5.2.1. Risk Management System

¹³⁹ AI Act, Recital 61.

¹⁴⁰ Ibid.

¹⁴¹ AI Act, Arts.9 (6) & 9 (8).

¹⁴² AI Act, Art. 9(9).

¹⁴³ AI Act, Art. 8.

¹⁴⁴ AI Act, Recital 46.

Art. 9 EU AI Act requires a risk management system for high-risk AI systems. This system must operate as an ongoing process throughout the entire life cycle of AI, subject to regular review and continuous refinement. Its primary purpose is to systematically identify, assess, and analyse potential risks that such systems may pose to health, safety, or fundamental rights.¹⁴⁵

Following this assessment, the system must evaluate the severity and likelihood of these risks and implement appropriate measures to mitigate them. These measures should strike a careful balance between minimizing potential harm and ensuring compliance with regulatory and functional requirements. Importantly, the system must guarantee that any residual risks are kept within acceptable, and measures are in place to eliminate or reduce these risks reasonably.¹⁴⁶

Furthermore, high-risk AI systems must undergo rigorous testing to determine that they work as intended. In designing and implementing these systems, particular attention must be paid to their potential impacts on minors and vulnerable groups, ensuring their protection is central consideration in the risk management process.¹⁴⁷

5.5.2.2. Data and Data Governance

AI Act requires that in high-risk cases, AI systems that use certain techniques must be developed using high-quality data sets for training, validation, and testing. These datasets must meet specific criteria, outlined in Art. 10 (2-5) AI Act. These data sets must be carefully managed, with attention to how the data is collected, prepared, and monitored for potential biases and gaps. The data should be as relevant, representative, accurate, and complete as possible, and must align with specific context in which AI system will operate. In

¹⁴⁵ AI Act, Art. 9.

¹⁴⁶ Ibid.

¹⁴⁷ AI Act, Recital 65.

certain cases, developers may process special categories of personal data to identify and address biases. However, this must be done under strict conditions.¹⁴⁸ Art. 10 AI Act focuses only on training, validation, and testing of data sets for high-risk AI systems, overlooking other phases of the machine learning lifecycle. This narrow scope could weaken overall data governance that ensure the protection of individual rights and freedoms.¹⁴⁹

5.5.2.3. Technical Documentation and Record-Keeping

Art.11 of the AI Act mandates a that high-risk AI systems providers are required to prepare and maintain comprehensive technical documentation prior to placing the system on the market. The documentation must demonstrate that the system complies with the relevant legal requirements and must be kept up to date throughout the system's lifecycle. It serves as a key reference point for regulatory authorities to assess conformity and monitor compliance. Additionally, it should include certain key elements.¹⁵⁰

Art. 12 of the AI Act requires that high-risk AI systems to be capable of automatically logging relevant events throughout their lifecycle. This logging capability is essential for ensuring traceability, particularly in cases where the system may present risks or undergo substantial modifications. The records should include key details such as the time of use, the databases accessed, the data matched, and the identity of individuals who verified the outcomes. These measures aim to promote accountability, transparency, and safety in the deployment of high-risk AI systems.¹⁵¹

¹⁴⁸ Ibid, Art 10

¹⁴⁹ Martin Ebers, Veronica Hoch, Frank Rosenkranz, Hannah Ruschemeier, Björn Steinrötter, 'The European Commission's Proposal for an Artificial Intelligence Act—A Critical Assessment by Members of the Robotics and AI Law Society (RAILS). <<https://www.mdpi.com/2571-8800/4/4/43>> accessed 17 May 2025.

¹⁵⁰ AI Act, Art. 11.

¹⁵¹ AI Act. Art. 12.

The technical documentation and record-keeping obligations serve a broader purpose of safeguarding health, safety, and fundamental rights. These requirements covering areas such as risk management, data quality, transparency and human oversight, robustness, accuracy and cybersecurity are necessary to mitigate risks to health, safety and fundamental rights.¹⁵²

5.5.2.4. Transparency and Human Oversight

Under Art.13 of the AI Act, developers of AI systems, must provide clear, understandable and accessible instructions. This ensures that both end-users and subsequent deployers can correctly interpret and utilize the system's outputs, thereby supporting transparency and legal compliance.¹⁵³ This provision addresses the importance of transparency in the use of AI technologies, recognizing that adequate disclosure is essential for maintaining public trust. The Act also requires that users are informed when interacting with AI systems. For example, users must be clearly notified when they are engaged with a chatbot, enabling them to make informed decisions based on the nature of the interaction.¹⁵⁴

The AI Act requires that the AI systems used in sensitive areas must be designed to facilitate effective human oversight throughout their operation. This is critical for preventing or mitigating risks to fundamental rights, especially in situations involving foreseeable misuse or where additional safeguards are necessary. The tool must be made in a manner that support human oversight in reviewing and understanding its output, ensuring that it applied correctly and consistently in compliance with data protection laws such as the GDPR.¹⁵⁵

¹⁵² AI Act, Recital 66.

¹⁵³ AI Act, Art. 13.

¹⁵⁴ European Commission, '*Shaping Europe's digital future, 'AI Act'*', (2025) < <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai>. > accessed 17 May 2025

¹⁵⁵ AI Act, Art.14.

Art.14 mandates that high-risk AI systems must be designed to allow effective oversight by natural persons. In general, human oversight refers to the involvement of humans in monitoring and guiding algorithmic processes. This oversight can occur through various mechanisms, at different stages of the system's operation, and with varying degrees of involvement. The form and intensity of human oversight may differ depending on the timing and nature of the human intervention.¹⁵⁶

Art.14 (2) of the AI Act explicitly defines the role of human oversight as ensuring that risks to health, safety, and fundamental rights are either prevented or minimized. This framing reflects a primarily outcome-oriented approach, focusing on ensuring that AI systems do not cause harm or produce unfair outcomes. The Commission's Explanatory Memorandum to its proposal to the AI Act reinforces this interpretation, stating that tasks such as testing, risk management, and human oversight are intended to protect fundamental rights by reducing the likelihood of erroneous or biased decision made by AI systems.¹⁵⁷

5.5.2.5. Accuracy, Robustness and Cybersecurity

High-risk AI systems must be designed and developed to achieve an appropriate level of accuracy, robustness, and cybersecurity throughout their lifecycle. These systems must consistently perform at a level that supports judicial processes, protect sensitive information, and comply with legal standards. Furthermore, they must maintain these performance standards over time, from initial deployment through their operational phase.¹⁵⁸

Art. 15 (4) of the AI Act introduces a robustness requirement aimed at addressing errors, faults, or inconsistencies that may unintentionally arise as high-risk AI systems interact with dynamic real-world environments. In

¹⁵⁶ Melanie Fink, 'Human Oversight under Article 14 of the EU AI Act', (22 April 2025) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5147196. > accessed 17 May 2025

¹⁵⁷ Ibid.

¹⁵⁸ AI Act, Art.15.

contrast Art.15 (5) of the AI Act focuses on cybersecurity, specifically targeting deliberate attempts by malicious parties to manipulate an AI system's use, output, or performance by exploiting its vulnerabilities. While both provisions aim to ensure the consistent and reliable functioning of high-risk AI systems, they address fundamentally different threats. Robustness deals with unintended disruptions, whereas cybersecurity addresses intentional attacks.¹⁵⁹

Although the “redaction service” falls within the broader scope of the administration of justice, the AI Act explicitly states that AI systems used exclusively for ancillary administrative tasks, such as anonymisation, should not be classified as high-risk AI systems. This clarification underscores the important distinction between core judicial functions and supportive administrative tasks, thereby exempting such systems from the stringent requirements applicable to high-risk AI systems.¹⁶⁰

Similarly, the AI-powered translation application, used in Supreme Court and Supreme Administrative Court of Sweden, which operates after judgments have been issued, serves a purely supportive administrative function aimed at improving accessibility. Since these translations do not affect case outcomes they align with recital 61 of the AI Act and pose minimal legal risks when accompanied by human oversight.¹⁶¹

High -risk AI systems, as defined under the AI Act, are intended for use in critical areas such as safety, infrastructure management, education, employment, public services, law enforcement, migration control, and democratically processes. An analysis of Art. 6 (1), which sets out the requirements for high-risk qualification, together with Art. 6 (2) and Annex III, which specify the categories of high-risk AI systems, makes it clear that AI tools used in redaction of confidential information and translation of rulings of the Supreme court and Supreme Administrative Courts in Sweden do not fall under

¹⁵⁹ Henrik Nolte, Miriam Rateike, & Michèle Finck ‘Robustness and Cybersecurity in the EU Artificial Intelligence Act’ (arXiv 22 Feb 2025)

¹⁶⁰ AI Act, Art. 6(3).

¹⁶¹ AI Act, Recital 53.

any of the listed high-risk categories. Consequently, these tools would not be considered high-risk under the AI Act.¹⁶²

Moreover, under the derogation provided in Art. 6 (3) para 2, an AI system listed in Annex III of the AI Act will not be classified as high-risk if it does not pose a significant risk of harm to the health, safety, or fundamental rights of individuals, including cases where it does not materially influence the outcome of decision-making processes. This exemption applies where the AI system is designed to carry out a narrowly defined procedural task; is intended to improve the outcome of a human activity that has already been completed; is used to detect patterns or deviations in decision-making without replacing or influencing prior human assessments, provided there is proper human oversight; or performs preparatory tasks relevant to one of the high-risk use cases listed in Annex III.¹⁶³

Conclusion:

Arts 7, 8, and 47 of the CFR serve as critical safeguards, protecting individuals' rights to privacy, data protection and a fair trial, and provide foundational standards against which AI tools in the courts should be evaluated. When assessed against the requirements outlined for high-risk AI systems under EU AI Act, the "redaction service" and the translation application currently used by the Swedish courts do not fall within this category. This is because their functions are limited to ancillary or preparatory tasks that do not trigger the strict regulatory obligations reserved for high-risk systems under the AI Act.

¹⁶² AI Act, Art. 6 (3).

¹⁶³ AI Act, Art 6 (3).

6. Balancing AI Use in Swedish Courts with the Right to Privacy and a Fair Trial under the CFR

The increasing integration of AI technologies in the Swedish courts represents a significant advancement in enhancing efficiency, transparency, and accessibility, particularly in relation to the protection of personal data. Tools such as the AI- powered redaction service and AI-powered translation application provide substantial benefits in terms of cost-effectiveness, processing, speed, and legal certainty. Nonetheless, their implementation raises critical concerns regarding compliance with fundamental rights enshrined in the CFR, particularly, the right to privacy and data protection under Arts.7 and 8 CFR, as well as the right to a fair trial as stipulated in Art.47 of the CFR.

The “redaction service” developed by SNCA, is specially designed to anonymize sensitive information in judicial documents prior to their public dissemination. This function directly engages the right to privacy,¹⁶⁴ which ensures respect for private and family life, and data protection, which mandates respect for private and family life.¹⁶⁵

The introduction of the redaction service is both timely and necessary , given the high volume of preliminary investigations conducted annually in Sweden, over 172,000 cases, each often comprising thousands of pages. Manual redaction under such circumstances is not only resource-intensive, but also prone to delays, potentially impeding public access to information. By contrast, the redaction service ensures that sensitive data is anonymised efficiently, consistently, and in a timely manner, thereby alleviating administrative burdens on court staff.¹⁶⁶

¹⁶⁴ Charter of the Fundamental Rights of the European Union [2000] OJC 364/01 [CFR] Art.7.

¹⁶⁵ Ibid Art. 8.

¹⁶⁶ Ann Dahlin, Publikt, '*AI kan effektivisera arbetet på domstolarna*', (Publikt, 2024)

Beyond improving operational efficiency, the “redaction service” plays a critical role in safeguarding the right to privacy. It automates the identification and redaction of personal identifiers and other confidential information, minimizing the risk of accidental disclosure. Crucially, every redaction is subject to final review by a judge, thereby maintain a human-in- the- loop approach that aligns with the EU AI Act’s requirements for human oversight. This ensures that legal transparency and individual privacy are simultaneously protected.¹⁶⁷

Technologically, the “redaction service”, employs advanced AI functionalities, such as facial recognition and optical character recognition (OCR), to identify and redact sensitive data. The tool is designed as a standalone application, operating independently from other court systems, thereby reducing risks of unauthorized data processing or long-term storage. The inclusion of manual review process, in which a judge approves each redaction, ensures that the service meets the highest standards of GDPR compliance and the EU AI Act.¹⁶⁸

One of the service’s practical strengths is its support for multi-user collaboration. For example, court’s clerks or notaries can prepare draft redactions, while judges review and finalize them. This workflow enhances both efficiency and accountability and helps ensure that sensitive data is handled correctly and in line with privacy rights.¹⁶⁹

In terms of model development, the system relies solely on anonymised training data, consisting of both AI generated redaction suggestions and subsequent manual corrections. This approach safeguards individual privacy and allows for continuous system improvement without compromising personal data. All AI development and data handling take place within the Swedish

¹⁶⁷ Sveriges Domstolar, *‘Sekretessbelagda uppgifter maskeras med hjälp av AI’*, (Sveriges Domstolar, 2024) accessed 8 May 2025

¹⁶⁸ Sveriges Domstolar, Utveckling och Innovation, *‘Sekretessbelagda uppgifter maskeras med hjälp av AI’*, (Teknisk beskrivning, 2024)

¹⁶⁹ Ibid.

Courts own IT department, maintaining full institutional control and eliminating risks of external data exposure.¹⁷⁰

Additionally, the inclusion of parameter list to fine-tune the AI model's sensitivity to legal terminology enhances the service's contextual understanding, ensuring that legally relevant terms are accurately interpreted and redacted.¹⁷¹

Legally, the SNCA operates solely as a data processor on behalf of the courts, which retain full control and responsibility for the content being processed. This clear separation of roles is fully aligned with the accountability principles under the GDPR. The anonymised training data used in system development has been explicitly confirmed to contain no personal data, further reinforcing lawful and ethical safeguards.¹⁷²

The SNCA's strategic approach to implementation, including collaborative development, pilot testing in selected courts, and the use of reference groups, demonstrates its commitment to transparency and inclusive governance. These values are essential to the ethical and lawful integration of AI in Swedish courts.¹⁷³ However, the current reliance on optional training formats, such as webinars and quick guides, raises concerns about user readiness, particularly in courts with limited technical resources. Inconsistent training could undermine the tool's privacy protections and result in uneven implementation across the courts. Thus, while the rollout of the redaction service appears ethically grounded, its long-term success will depend on continued investment in user training and the development of courts that are fully equipped

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Sveriges Domstolar, "Utveckling och Innovation, 'Sekretessbelagda uppgifter maskeras med hjälp av AI', (Juridiska frågor, 2024) <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/sekretessbelagda-uppgifter-maskeras-med-hjalp-av-ai/>> accessed 9 May 2025

¹⁷³ Domstolsverket, 'Analysuppdrag inför realisering av Maskningstjänst: Slutrapport (November 2023)' DOV 2023/497 <<https://www.domstol.se/globalassets/filer/domstol/domstolsverket/maskningstjansten/rapport-maskningstjanst-rev-a.pdf>> accessed 9 May 2025

with the necessary technical infrastructure to maximize the benefits of the redaction service.¹⁷⁴

Encouragingly, Sweden has initiated the construction of several technologically advanced court buildings. Recent developments also reflect Sweden's broader commitment to modernizing its judicial infrastructure. For example, a modern new court building is currently under construction in Växjö, designed to host the District Court, Administrative Court, and the Land and Environmental court. Expected to be completed by 2026, the building will feature updated digital infrastructure, positioning it well to accommodate AI tools such as the "redaction service."¹⁷⁵

Finally, the significance of the "redaction service" is further underscored by upcoming legal reform permitting anonymous witness testimony in criminal proceedings, effective from January 2025. The "redaction service" will be instrumental in supporting this reform by effectively concealing the identities of anonymous witnesses in public records, thereby enhancing privacy protections, facilitating the implementation of the *Act on Anonymous Witnesses in Criminal Cases*, and strengthening the right to privacy.¹⁷⁶

Another significant innovation in Swedish courts is the *introduction of the AI-powered translation application*, which serves a different, yet equally crucial purpose: enhancing linguistic accessibility and reinforcing the right to a fair trial. This development engages key legal principles, notably Art. 6(3) of the ECHR, which guarantees the right of defendants to be informed of the nature and cause of the accusation in a language they understand, and Art.41 (4) of the CFR, which provides the right to communicate with EU institutions in any official language of the Treaties and to receive a reply in the same language. While national courts are not EU institutions, this linguistic right reflects a

¹⁷⁴ Ibid.

¹⁷⁵ Skanska, Modular Finance MFN 'Skanska divests courthouse building in Växjö, Sweden for about SEK 490M' (Press Release, June 2024). < <https://mf.n.se/cis/a/skanska-divests-courthouse-building-in-vaxjo-sweden-for-about-sek-490m-cccfcda> > accessed 9 May 2025

¹⁷⁶ Sveriges Domstolar, 'Ansökan om att vittne ska höras anonymt' (December 2024) <<https://www.domstol.se/om-sveriges-domstolar/for-dig-som-aktor-i-domstol/ansokan-om-att-vittne-ska-horas-anonymt/>> accessed 11 May 2025

broad commitment to multilingualism that can inform best practices at the national level.¹⁷⁷

The right to a fair trial, protected under Art.47 of the CFR, includes *effective access to justice*. Ensuring that legal documents and court decisions are available in a person's own language is essential for meaningful participation in court proceedings and for understanding one's right and obligation.¹⁷⁸

One of the most compelling strengths of the AI-powered translation application developed by the SNCA is its *efficiency and cost-effectiveness*. For instance, by accelerating the translation of court decisions, the application can save up to three weeks in processing time and reduce translation costs by approximately 90%. These gains are particularly significant for the Supreme Court and Supreme Administrative Court of Sweden, which are obliged to publish decisions in multiple languages. AI integration thus supports both institutional transparency and timely access to justice.¹⁷⁹

As discussed in section in 4.1.2, the AI-powered translation application benefits from the consistent and technical nature of legal language, which enhances its accuracy. Trained on multilingual rulings from the CJEU, the application performs exceptionally well in complex domains such as EU law and competition law. In some cases, it even surpasses human translators in speed and consistency, reinforcing legal certainty and supporting access to justice as a core element of fair trial right.¹⁸⁰

However, despite its strengths, the translation application underperforms in criminal law, where linguistic nuance and contextual interpretation are critical. This limitation poses a significant concern: if translations are inaccurate or incomplete in criminal proceedings, they may jeopardize the right to a fair trial and compromise legal clarity, in violation of Art.47 of the CFR. Without

¹⁷⁷ Art.6(4) ECHR & Art.41(4) CFR.

¹⁷⁸ Art.47 CFR.

¹⁷⁹ Karin Lindström, '*AI tar klivet in på svenska domstolar – men inga robotdomare ännu*', (Computer Sweden 2022)

¹⁸⁰ Ibid.

more diverse training data, there is a risk that the translation application may inadvertently undermine the very rights it is intended to uphold.¹⁸¹

In addition to technical limitations, the AI-powered translation application's limited deployment is a key concern. Currently, it is used only in Supreme court and Supreme Administrative court, leaving lower courts, where majority of legal proceedings take place, without access. This restricted deployment undermines the application's broader potential *to enhance access to justice* across the judicial system. Since lower courts handle the vast majority of cases and serve as the primary point of contact for most individuals, the lack of access to such tools perpetuates inequalities in linguistic accessibility and delays the realization of a uniformly inclusive judicial system. For the technology to truly support the right to fair trial and access to justice, its benefits must be extended to the lower courts.¹⁸²

Some critics, such as Johan Lagström and Karin Lindström, have pointed out that the lack of a regulatory sandbox for AI use in Sweden restricts the ability to test emerging AI technologies in a controlled and legally secure environment. While this absence does not prevent innovation, it does limit opportunities for risk-managed experimentation and validation.¹⁸³

However, Sweden has alternative mechanisms and specific legislation for regulating AI. Although there is no AI-specific legislation, a combination of existing laws, such as the GDPR, the Tort Liability Act, and the Product Liability Act, can be applied to regulate various aspects of AI use. Although these laws are not AI-specific, Sweden's long-standing preferences for technology-neutral legislation allows for a degree of legal adaptability.¹⁸⁴

¹⁸¹ Karin Lindström, '*AI tar klivet in på svenska domstolar – men inga robotdomare ännu*', (Computer Sweden 2022)

¹⁸² Sveriges Domstolar, Utveckling och innovation, '*Översättning med AI*', 2024 <<https://www.domstol.se/om-sveriges-domstolar/utveckling-och-innovation/oversattning-med-ai>> accessed 9 May 2025

¹⁸³ Ibid.

¹⁸⁴ Maria Eiderholm, John Nyberg, Elin Sandin och Kristofer Vördgren, 'En guide om AI och de legala aspekterna', (Glimstedt, August 2024) <<http://www.glimstedt.se/publikationer/en-guide-om-ai-och-de-legala-aspekterna/>> accessed 10 May 2025

Conclusion:

The “redaction service” aligns with the principles of privacy and data protection, as it manages information without exposing it to risks of data leakage; the SNCA processes data solely in response to specific requests from individual courts. The AI model employed in this context is trained exclusively on anonymised datasets.

The translation application enhances access to justice by increasing efficiency and improving linguistic accessibility within Sweden’s highest courts, thereby advancing the right to a fair trial as enshrined in Art.47 of the CFR. However, its limited application, restricted to the highest judicial instances in Sweden, and its reliance on comparatively weaker datasets, particularly in the area of criminal law, present potential risks to certain aspects of the fair trial guarantee and may ultimately undermine the effective realization of access to justice.

7. Conclusion

The redaction service developed by the SNCA exemplifies a deliberate institutional effort to safeguard privacy and data protection, in accordance with Arts.7 and 8 of the CFR. Conceived by an innovation team composed of AI specialists, legal scholars, and practitioners with expertise in judicial procedures, the tool integrates both legal and operational considerations, ensuring compliance with key frameworks such as the CFR, GDPR and the EU AI Act.

Significantly, the redaction service functions through an *Agile Development Method*, promoting transparency and enabling continuous improvements in the safeguarding of personal data. A central safeguard is the incorporation of human oversight, as the final decision regarding document disclosure is consistently made by a judge, thereby ensuring a “human-in-the-loop” system that aligns with the requirements set forth in the EU AI Act. Furthermore, the SNCA does not independently collect, process, or store personal data, which further mitigates privacy risks.

Taken together, these features indicate that the redaction service is compatible with the privacy and data protection rights enshrined in the Art.7,8 of the CFR.

In parallel, the AI-powered translation application, currently utilized exclusively by the Supreme Courts and Supreme Administrative Courts, aims to enhance access to justice, particularly for non-native speakers, thereby supporting the right to a fair trial as enshrined in Art.47 of the CFR. By facilitating the translation of court rulings into over 60 languages, the tool significantly promotes multilingual accessibility within the judicial system.

Nevertheless, its prospective application in criminal proceedings introduces substantial risks. Challenges such as low-quality input data or inadequately trained models have the potential to compromise the fairness and accuracy of legal outcomes, thereby jeopardizing the guarantees associated with the right to a fair trial set out in Art.47 of the CFR.

Both tools offer the potential for substantial improvements in administrative efficiency and cost reduction. However, their alignment with fundamental rights is not uniform. While the redaction service, owing to its robust safeguards, appears to be well aligned with the right to privacy, the translation application's compatibility with fair trial guarantees remains conditional, largely dependent on the oversight and implementation strategies adopted at lower courts.

Looking ahead, it is essential to consider how these tools might be effectively and responsibly integrated into judicial practice. Extending the deployment of the redaction service to lower courts own buildings appears both feasible and advantageous, particularly if court staff receive adequate training to manage redaction processes internally. Such an approach would help ensure that sensitive information remains within the jurisdiction of the requesting court, thereby enhancing data protection in line with GDPR principles and reducing reliance on external service providers.

Regarding the translation application, Sweden's linguistic diversity presents a compelling rationale for broader implementation. Expanding its use to lower courts could enhance access to justice by minimizing procedural delays and alleviating administrative burdens, particularly in cases involving supplementary documents or appeals submitted in languages other than Swedish. However, any such expansion must be accompanied by sustained human oversight to ensure translation accuracy and uphold a fair trial guarantee. Involving experts with legal and multilingual expertise could improve contextual accuracy and cultural sensitivity, while enhancing the quality of training data quality, particularly in underrepresented domains such as criminal law, would strengthen the tool's reliability and applicability.

Finally, establishing a regulatory sandbox specifically designed for the judicial sector could provide a structured environment in which to test and evaluate emerging AI tools prior to full-scale implementation. Such a framework would facilitate innovation while ensuring legal compliance and effective risk mitigation, thereby offering a promising pathway for Swedish courts to advance their digital transformation in a manner that safeguards fundamental rights within the evolving landscape of digital justice.

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