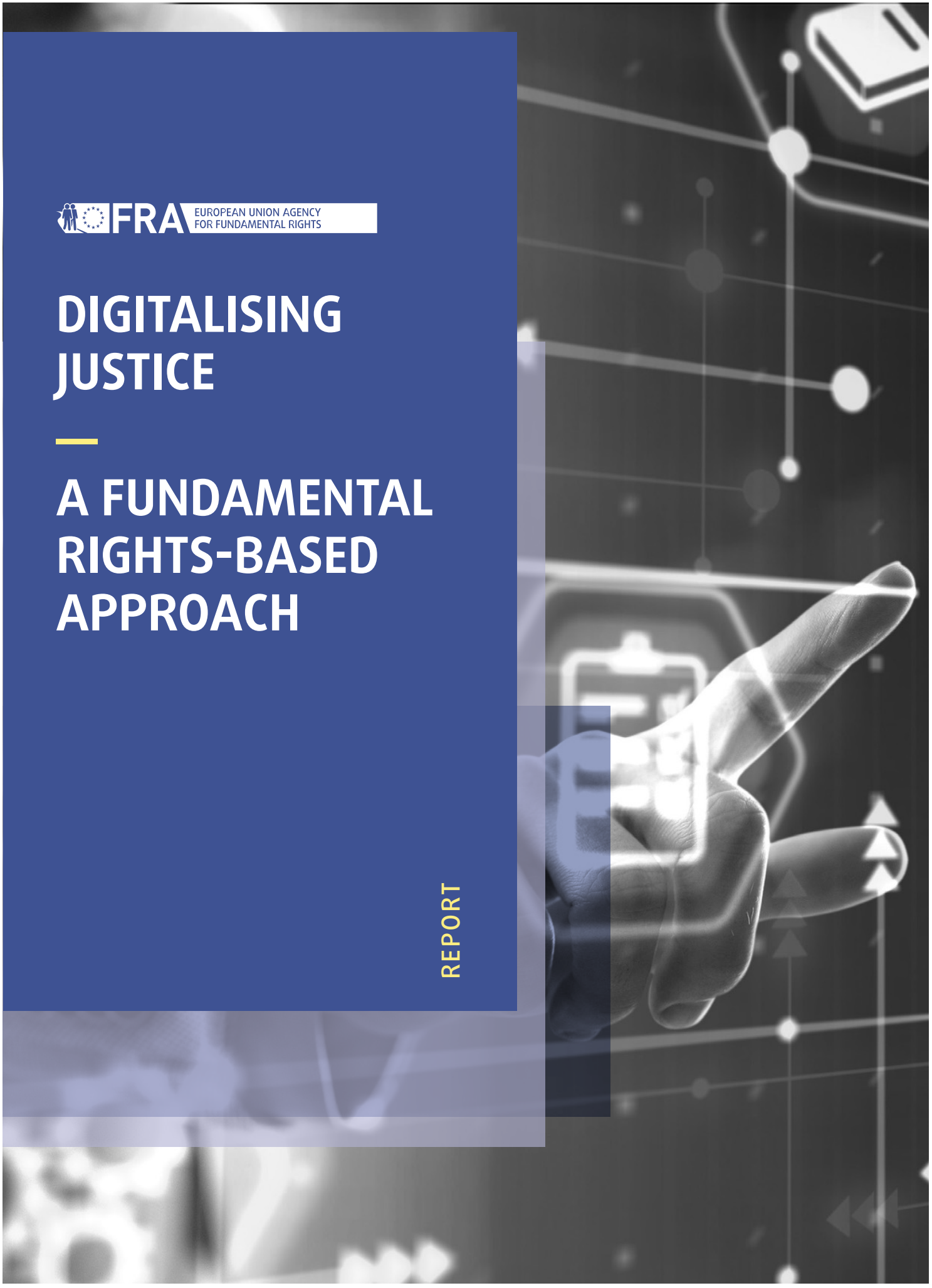

FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

DIGITALISING JUSTICE

A FUNDAMENTAL RIGHTS-BASED APPROACH

REPORT

FRA

Digitalising Justice:
A Fundamental Rights-based Approach

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Key findings and FRA opinions

This report presents the findings of research conducted by the European Union Agency for Fundamental Rights (FRA) on the digitalisation of justice and how it affects the fundamental rights of individuals, for example claimants, victims or defendants. According to Article 51(1) of the Charter of Fundamental Rights of the European Union (hereinafter 'the Charter'), EU Member States must respect the fundamental rights embodied in the Charter when implementing EU law. This applies to the digitalisation of justice just as to any other field. This report sets out to help national justice authorities to embed fundamental rights safeguards in the design and implementation of the digital tools that are gradually replacing traditional processes in the justice sector. It should also assist EU policymakers, by providing data on the state of play of the digitalisation of justice and its implications for fundamental rights.

The report is based on an in-depth fundamental rights analysis of **31 digital tools and systems – 'use cases' – in application in seven Member States (Austria, Estonia, France, Italy, Latvia, Poland and Portugal)**. This analysis involved desk research and interviews with 208 professionals working in the justice field. The use cases variously cover the civil, criminal and administrative branches of justice and are presented and analysed in four 'use case clusters':

1. electronic case management or filing systems,
2. digital tools that facilitate people's access to information or engagement with justice systems,
3. videoconferencing tools/platforms in court proceedings,
4. AI-driven tools or systems.

The key findings and opinions below are divided into two sections. The first section presents five cross-cutting findings and related opinions that apply to all the clusters. The second section contains another four key findings and opinions, one for each cluster.

The findings reveal that justice professionals generally view digitalisation in the justice sector positively, seeing benefits for both their own work and the fulfilment of fundamental rights. However, they also reveal that there are adverse consequences in practice when digital tools have not had fundamental rights considerations adequately embedded in their design and development, as rights may be deeply impacted in justice settings. This can undermine the effective protection of rights such as the right to a fair trial or the right to non-discrimination. Member States also risk incurring costs down the line if litigation arises concerning the use or misuse of digital tools or courts rule that a system must better address fundamental rights risks.

Safeguarding fundamental rights during the development and deployment of digitalised justice tools

Considering fundamental rights impacts broadly and systematically

FRA OPINION 1

Member States should systematically consider the impact and possible risks regarding fundamental rights when designing digital tools for the justice sector. This assessment should not be limited to the right to respect for private and family life (Article 7 of the Charter) and protection of personal data (Article 8). It should also consider, as a minimum, the right to non-discrimination (Article 21), the right to a fair trial and effective remedy (Article 47) and the right of defence (Article 48).

FRA OPINION 2

To maximise the benefits of digitalisation and prevent rights violations, Member States should consult and test digital tools with key stakeholders. Consultation and testing should ideally involve the following groups cooperating to develop digital tools: (1) justice and legal professionals; (2) users of justice systems, including from groups facing barriers to accessing digital tools (e.g. people with disabilities) and organisations that support or represent them; and (3) independent bodies with fundamental rights expertise that could have a role in overseeing or monitoring digital tools or systems (e.g. DPAs or national human rights bodies). Consultations and testing should be repeated to address emerging fundamental rights risks as technology advances.

The use of all 31 digital tools examined across the justice systems of seven Member States brings benefits for and poses risks to people's fundamental rights under the Charter, in particular (but not exclusively) the right to an effective remedy and to a fair trial (Article 47), defence rights (Article 48), the right to non-discrimination (Article 21) and the rights to privacy and data protection (Articles 7 and 8). Systematic assessments of fundamental rights impacts do not take place, with the digitalisation of justice often focusing on technical issues. Any fundamental rights considerations usually focus only on privacy and data protection (e.g. through data protection impact assessments under the General Data Protection Regulation). Findings indicate that insufficient attention is paid to the impact that the digitalisation of justice can have on people's fundamental rights, as guaranteed under EU law. This can lead to barriers in people accessing justice. In addition, insufficient regard for fundamental rights can result in a risk of discrimination or pose risks to data protection and privacy rights, for example through data breaches or misuse.

Despite some positive examples, FRA's research indicates that consultation on and testing of digital tools in the justice area are often sporadic, focus mainly on technical aspects and do not extend beyond immediate or 'direct' users (e.g. justice professionals such as judges, court staff, prosecutors and lawyers). For example, civil-society organisations that help people to access justice are rarely consulted on the needs of those they support. This signals a gap in broad or participatory design and may limit the fundamental rights compliance of digitalised justice tools.

Independent bodies with fundamental rights expertise (e.g. data protection authorities (DPAs) or ombudspersons) have monitoring and oversight tasks that touch on aspects of the digitalisation of justice in some Member States. This is a positive measure for increasing oversight and transparency in the use of digital tools. However, the involvement of such bodies in the design and deployment of digital tools is far from commonplace.

Training justice professionals on digital tools and fundamental rights

The digitalisation-related training of justice professionals focuses on the technical aspects of digital tools, with little or no focus on fundamental rights aspects. Many justice professionals note a clear need for more training and exchanges with other professionals on the fundamental rights risks and benefits of new technologies. For example, while justice professionals can benefit from AI's processing power, they also need to understand and manage its risks, such as threats to privacy and data protection or possible system biases that could lead to discrimination.

Budgetary challenges in some Member States limit the potential advantages of digitalisation, including by reducing the resources available for training and raising fundamental rights awareness.

FRA OPINION 3

Member States' training curricula should include content on both the positive and negative fundamental rights implications of digital tools, based on existing evidence and data. Justice professionals must be trained to navigate digitalised justice systems and have the chance to discuss the risks and purposes of various digital tools and technologies with their peers.

The European Commission should support Member States in their efforts to provide targeted fundamental rights awareness training related to justice and digitalisation. This could include making funding available to support training initiatives carried out by European judicial bar and law societies' training institutions.

Maintaining parallel, non-digital methods of accessing justice services

FRA OPINION 4

Member States should allow for the continued use of non-digital justice avenues (in parallel with digital justice tools) where evidence shows that the absence of such avenues could undermine a person's fundamental rights. This can be an important safeguard to ensure that no one is excluded from participating in legal processes and everyone can enjoy their rights to access to justice and non-discrimination. Examples include where:

1. people are unable to use digital services;
2. there are technical malfunctions;
3. non-digital solutions (e.g. in-person court hearings) are deemed more appropriate to guarantee a person's fundamental rights.

Non-digital alternatives still exist for most of the digital justice tools covered. The findings show that there are several situations in which non-digital alternatives should remain in place to safeguard the rights of individuals, such as the right to effective access to justice.

First, there are many reasons why people may be unable to use digital tools. For example, people may have trouble using certain digital justice tools without legal knowledge or assistance. Many interviewees also point to the risks posed by digital exclusion or the 'digital divide' with regard to population groups that face disproportionate barriers in accessing digital justice tools and services or who may have lower digital skills or resources (e.g. older people, people with disabilities, migrants or economically disadvantaged people).

Second, technical malfunctions or cyberattacks can occur, which can paralyse justice proceedings. Many interviewees report experiencing technical problems and sometimes being required to use digital systems (e.g. electronic case filing systems) professionally, with traditional methods already phased out in some cases. If users of digital tools face delays due to technical malfunctions and have no alternatives until the problem is fixed, this can undermine people's equality of arms and access to justice rights under Article 47 or their defence rights under Article 48 (e.g. a defence lawyer may have less time to prepare their client's defence).

Third, the findings reveal that there are certain circumstances in which the fundamental rights risks associated with the use of a particular digital solution are deemed too great. For example, an in-person hearing may be required where a defendant's fair trial or defence rights may be compromised by using videoconferencing. Adoption proceedings may also be excluded from the digitalisation process in the context of civil (family) law to better protect sensitive information involving children, as is the case in one Member State.

Creating a support system to help people access and use digital tools and improve their digital literacy

In practice, many people – defendants, claimants, witnesses and victims – face barriers in using digital tools due to a lack of internet access, lack of skills or inability to access tools because there are no tailored accessibility features. This may lead to inequality and discrimination. People who are unable to use digital services risk being left behind and experiencing slower and less efficient access to justice. They may be disadvantaged even when non-digital alternatives are available when compared with those who can access speedier justice via digital channels.

On the positive side, desk research reveals that Member States are making efforts to improve access to websites and mobile applications of justice services for people with disabilities. This is in line with their obligations under the Web Accessibility Directive and the United Nations Convention on the Rights of Persons with Disabilities.

Aside from information (e.g. video guides or e-learning) being available on websites, FRA's research did not find any evidence of training sessions on digital tools for parties to proceedings, such as complainants, victims or defendants. Findings also indicate that organisations that support vulnerable groups in judicial proceedings, including by providing legal aid or technical support, receive minimal information about digital initiatives that could support their clients.

As processes increasingly move online, practical assistance should be provided at designated facilities to help people to access and navigate the justice system, interviewees from several Member States suggest. Interviewees signal that the justice system must find a way to avoid leaving people behind, without hurting the process of digitalisation.

FRA OPINION 5

Member States should establish an effective support system to help people to navigate the digital justice environment and improve their digital skills. In setting up such a system, Member States should reach out to representatives from organisations providing people with legal or technical support to ask for their input and ensure that they are informed about initiatives that could support their clients. Member States should also publish clear information and training materials about accessing and using digital tools (e.g. e-learning materials in multiple languages and easily accessible formats).

The European Commission should help Member States in their efforts to support people in using digital justice tools at the national level, including through funding.

To prevent exclusion from accessing justice, Member States should assess all digital tools for 'digital accessibility' in line with existing standards (e.g. the requirements contained in the Web Accessibility Directive) and in compliance with the United Nations Convention on the Rights of Persons with Disabilities, which the EU and all Member States have ratified. The European Commission should support the Member States in these efforts by facilitating the exchange of promising practices and lessons learned or by providing guidance.

Using case-specific fundamental rights safeguards for digitalised justice tools

Ensuring that electronic case management or filing systems are accessible to all intended users and contain robust data protection and privacy safeguards

FRA OPINION 6

Member States should pay particular attention to mitigating the risk of the misuse of data or data breaches by introducing strict controls, safeguards and monitoring to uphold individuals' rights to privacy and data protection. In this regard, they should work closely with national DPAs, which can play an important supporting role when rolling out and maintaining digital tools in the justice system.

When designing and implementing electronic case management or filing systems that include non-professionals as users, Member States should ensure that no one is excluded from accessing justice, in line with their obligations under Articles 47 and 21 of the Charter. In this context, Member States should ensure that, where users of these systems include non-nationals/non-residents, access to such systems, does not require national ID numbers or they should provide suitable alternatives.

FRA findings confirm that the use of **electronic case management or filing systems** (the first use case cluster) helps justice procedures become faster and more efficient, in line with the related principles under Article 47 of the Charter, especially through streamlined document handling and electronic communication. Case management systems keep parties better informed (either directly or indirectly via their lawyers) about the progress of their case in a more transparent way, according to many justice professionals. This benefits the right to access to courts and to an effective defence, in line with Articles 47 and 48 of the Charter.

Interviewees also point to certain challenges and fundamental rights risks, affecting, for example, data protection and privacy rights (Articles 7 and 8 of the Charter) due to a lack of access controls or the inappropriate sharing of sensitive personal data processed or recorded in systems. Interviewees also identify a risk of discrimination (violating Article 21 of the Charter) in accessing justice effectively due to a lack of consideration of different needs or equal access to certain systems designed for use by non-professional users (i.e. all parties to proceedings or the wider public). Several Member States' e-case management or tracking tools appear to be designed without non-nationals or non-residents in mind (e.g. where access to digital systems requires a national ID number or code). Some Member States have ensured that non-nationals and residents can still access the systems (e.g. by using temporary codes). However, FRA's findings indicate that non-professionals or those who support them are often unaware of this information.

Designing digital tools for public use that are tailored to users' needs

FRA's research reveals that Member States have created promising examples of **digital tools to help non-professional users access information or engage with justice systems** (the second use case cluster). These include tools designed for specific groups (e.g. prisoners) and tools aimed at the general population (e.g. enabling them to report crime online or apply for legal aid). Many of these tools provide additional, more convenient ways for people to access justice services, strengthening people's right to effective access to justice, in line with Article 47 of the Charter.

Again, certain challenges and risks emerge regarding fundamental rights. People often need (legal) assistance to access and navigate complex digital justice tools that are not user-friendly or require experience or training to use (which is typically unavailable), some interviewees note. This can discourage people from proceeding with their cases, hampering the right to an effective remedy and to a fair trial under Article 47 of the Charter. The problem can be worse for population groups facing disproportionate barriers to accessing these tools (e.g. non-native speakers, people with certain disabilities or older people), unless specific safeguards are built into such tools.

FRA OPINION 7

When designing and implementing digital tools meant for use by non-professional users, Member States should place a strong focus on user-centred design and introduce safeguards to ensure that digital tools are accessible and beneficial for all users in line with the rights to non-discrimination and effective access to justice under Articles 21 and 47 of the Charter.

Safeguarding fair trial and effective legal representation when using videoconferencing tools/platforms in court proceedings

FRA OPINION 8

The EU and its Member States should ensure that the use of videoconferencing – in particular when conducting video hearings in civil and certain criminal law matters in line with the EU Digitalisation Regulation – does not undermine key elements of the right to a fair trial (Article 47 of the Charter) or, in criminal proceedings, specific defence rights like the right to a defence lawyer (Article 48 of the Charter). In this context and with a view to ensuring compliance with defence and fair trial rights when using videoconferencing in judicial proceedings, the EU and its Member States should consider introducing targeted safeguards to balance efficiency with fair trial and defence rights concerns.

One such safeguard is to maintain judges' discretion to determine whether a hearing (or parts of it) should be conducted remotely. Parties to proceedings and their legal representatives should be able to submit a reasoned request for an in-person hearing, without facing consequences such as the lengthy postponement of a hearing. They should also consider introducing certain technical safeguards, such as only using videoconferencing systems that are available in courts for the security and safety of parties to proceedings, especially in criminal proceedings.

The use of **videoconferencing** (the third use case cluster) is becoming more widespread at the national level. EU legislation such as the EU Digitalisation Regulation provides a legal basis for cross-border videoconferencing. It is crucial to pay close attention to potential fundamental rights issues as use progresses.

Using videoconferencing tools offers several benefits for fundamental rights. Benefits are evident in situations involving the right to trial within a reasonable time and the right to effective access to a court (in line with Article 47 of the Charter), for example when parties have trouble reaching courts or face high costs, especially in cross-border proceedings. Use of videoconferencing also supports defence rights under Article 48 of the Charter, such as when the only alternative is to hold a trial *in absentia*. Videoconferencing can also help to ensure a victim's safety and comfort and prevent secondary victimisation. Videoconferencing can also be used as a recording tool. This helps justice professionals and parties to proceedings obtain a more accurate and thorough perspective on judicial hearings.

However, videoconferencing can harm the right to a fair hearing and, especially in criminal proceedings, the right to effective legal assistance. For example, using videoconferencing can make it harder for the court to understand participants' non-verbal language during hearings. This is especially difficult in cases like cross-border proceedings with non-native speakers or hybrid hearings, where it is important to ensure the equality of arms between those joining remotely and those attending in person. It can also reduce a judge's ability to fully assess the credibility of witness testimony or other statements made during the hearing, especially in criminal cases or in sensitive cases involving vulnerable individuals like children or migrants (e.g. asylum proceedings). The findings reveal that there are other situations in which sensitive issues may be better addressed in person to avoid interfering with the fairness of a trial. These include proceedings with defendants deprived of their liberty, cases requiring an individual assessment of victims' protection needs or hearings involving decisions about serious penalties like imprisonment.

Many interviewees also have concerns about the impact of videoconferencing on the right to effective and confidential communication with a lawyer. Interviewed lawyers do not trust that their communications with clients are private during remote hearings. They note that insisting on in-person participation to exercise one's right to effective legal representation is possible. However, it may bring disadvantages, such as a hearing being postponed, harming a defendant's right to a hearing within a reasonable time. Videoconferencing poses a risk to the right to protection of personal data when the videoconferencing systems rely on privately owned third-party commercial tools, interviewees add. In one Member State, witnesses and victims with specific protection needs are heard via the court videoconferencing tool, not via privately developed tools, to safeguard their safety and protection.

Ensuring appropriate fundamental rights safeguards in AI-driven tools

FRA's research examined the use of several **AI-based anonymisation and transcription tools**. It also looked at broader reflections on AI use in the justice field.

The use of AI in the justice field is gaining increasing attention globally. Since 2024, the use of AI systems – including in the justice field – has been further regulated by the EU Artificial Intelligence Act (AI Act). The AI Act introduces several requirements for 'high-risk AI systems', covering the use of AI in certain areas. It applies several fundamental rights safeguards and requirements for those putting AI systems on the market (providers) and using them (deployers). AI systems used by judicial authorities or on their behalf are considered high-risk if the authorities use them to assist with research and interpretation of facts and the law and the application of the law to a concrete set of facts (Article 6 and Annex III, point 8(a), of the AI Act). Deployers of such systems have to conduct a fundamental rights impact assessment. FRA's upcoming report on assessing high-risk AI could serve as a resource in this context.

In practice, fundamental rights risks also emerge when using AI systems that may not fall under the AI Act's definition of high-risk AI (see recital 61 of the AI Act). This applies to several anonymisation tools examined here.

Interviewees highlight fundamental rights benefits and risks regarding **AI-driven anonymisation or transcription tools** (the fourth use case cluster), subject to their functions and uses. These include access to justice, privacy and data protection, non-discrimination and defence rights. Such benefits and risks can also apply to non-AI-based tools or even manual processes. However, the key difference lies in the increased automation introduced by AI. This can increase the benefits and risks connected with (as discussed in this report) the anonymisation and transcription of judicial files. On the positive side, AI can increase the speed and accuracy of outcomes and consequently free up resources.

FRA OPINION 9

EU institutions and Member States should carefully consider the impact on fundamental rights when introducing and using AI systems in the justice field. Judicial staff should remain responsible for the use of AI and critically engage with its outputs. The applicable AI Act definitions of AI systems and high-risk AI systems regarding the administration of justice should be interpreted broadly to ensure the effective protection of fundamental rights in practice.

Even AI systems that may not fall under the AI Act's definition of high-risk – such as AI-driven anonymisation tools – can impact fundamental rights given the sensitive contexts in which they are deployed. Judicial authorities are obliged to conduct a fundamental rights impact assessment under the AI Act when using high-risk AI systems. However, conducting such assessments for AI systems falling outside this classification is desirable, in line with opinion 1. Some guidance on such assessments is included in FRA's upcoming report on assessing high-risk AI.

Conversely, users can become over-reliant on AI outputs without questioning them. Potential errors or biases inherent in the systems can lead to a negative multiplying effect due to the level of automation and scale of deployment of such systems. The use of AI more generally can present further risks to fundamental rights, including due to the complexity of AI systems or the confirmation bias of their users.

More concretely, AI-driven anonymisation tools can positively impact people's right to receive information, access a court or have a fair trial in accordance with Article 47 of the Charter. Anonymisation tools facilitate the online publication of judgments and allow users to study similar cases, help legal representatives and contribute to the consistency of case-law. AI also facilitates anonymisation and transcription processes by processing larger amounts of data more quickly, expediting proceedings and enhancing ease of access to digital records (further positively impacting people's rights under Article 47).

AI-driven anonymisation and transcription tools could also harm fundamental rights in some instances, interviewees note. For example, the use of anonymisation and transcription of judicial files could risk inaccurate outputs, in addition to the more general risks of data breaches or misuse. This could lead to sensitive personal data of people mentioned in the documents being revealed and violate a person's privacy and data protection rights or indirectly harm their rights to non-discrimination and access to justice.

Interviewees shared their reflections on and experiences of AI use in the field of justice beyond the use cases studied. A key emerging concern relates to the future use and impact of AI on judicial decision-making. Justice professionals should only use AI tools as support and professionals should review and be responsible for AI outputs, according to interviewees. There is a need to respect the independence of judges in their decision-making (in line with Article 47), interviewees stress.

Introduction

'Digitalisation can make the [justice] system more efficient and speed up decisions. That would benefit everyone who turns to [it] to protect fundamental rights. But the risk is that poor digitalisation can instead make it harder to protect those rights.'

Judge, Italy

'I would like the digitalisation of the justice system to move in the right direction. I'd prefer it to take longer, but be done better.'

Lawyer, Poland

Member States are increasingly introducing innovations into their national justice systems, including through the use of technologies such as AI. While digitalisation in the justice field is ramping up across the EU, the European Commission notes that there is significant room for improvement ([1]). Digitalisation efforts are directed towards improving accessibility, efficiency, transparency and data protection, aiming for quicker, more accessible and more objective justice ([2]). However, FRA's research reveals that, for these aims to be realised, digitalisation must be approached with care and people's fundamental rights strengthened in practice.

The European Union Agency for Fundamental Rights (FRA) set out to examine how digitalisation impacts the fundamental rights of people who engage with the justice system (e.g. claimants, victims or defendants). FRA analysed the use of 31 digital justice tools in application across seven Member States (Austria, Estonia, France, Italy, Latvia, Poland and Portugal), covering various branches of justice (civil, criminal and administrative).

Based on the findings, this report sets out to help EU institutions and national justice authorities (e.g. justice ministries) design and develop digital tools and systems in the justice sector that respect fundamental rights. It pinpoints actions Member States can take to mitigate fundamental rights risks and harness the full benefits of digitalisation for fundamental rights, including ensuring equal access to justice and preventing digital exclusion. It should assist policymakers in EU institutions and justice bodies by providing data and evidence regarding the state of play of the digitalisation of justice and its implications for fundamental rights. It can also be helpful for justice and legal practitioners across various areas in the field of justice in their work relating to the administration of justice, experts in international or non-governmental organisations (NGOs) who assist people in accessing justice and various national human rights bodies involved in overseeing or monitoring digital systems or tools.

The report covers seven Member States. However, the findings are relevant to all Member States that are currently designing or planning the development or update of tools and systems with similar purposes to those covered in the four use case clusters.

EU SECONDARY LAW AND POLICY BACKGROUND

The **Council of the European Union and the European Commission** have worked together closely to establish a number of cross-border digital initiatives in the area of justice, including work on multiannual e-justice strategies and action plans since 2009 and the development of the **European e-Justice Portal**. The latest e-justice strategy of the Council of the European Union, the **European e-justice strategy for 2024–2028**, seeks to steer the ongoing digital transformation in the justice domain across the EU. It attaches great importance to the use of technological means and tools in the areas of freedom, security and justice ([3]), in line with the particular emphasis placed on access to justice in the Treaty on the Functioning of the European Union, as protected by the Charter of Fundamental Rights of the European Union (hereinafter 'the Charter') ([4]).

To complement the e-justice strategy, the European Commission will adopt a new digital justice strategy for 2025–2030 in November 2025, together with a new European judicial training strategy (with a strong focus on digitalisation), to support and strengthen Member States' capabilities to deploy and use digital technologies, including AI tools, in their judicial systems ([5]).

The EU has adopted several EU secondary instruments in recent years, such as the AI Act (**Regulation (EU) 2024/1689**) (see Section 4.1 for more on AI law and policy). The Commission proposed 'the digitalisation package' ([6]) in 2021, seeking to guarantee a common approach to the use of modern technologies in cross-border judicial cooperation and access to justice. The package was adopted by the European Parliament and the Council of the European Union in December 2023. This included **Regulation (EU) 2023/2844 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters** (the EU Digitalisation Regulation) and **Directive (EU) 2023/2843 as regards digitalisation of judicial cooperation**. A key outcome of this initiative is that natural or legal persons and their legal representatives will be able to communicate electronically via a European electronic access point that will be operational as of 2028. Authorities will be able to exchange data on civil, commercial and criminal matters with cross-border implications relating to 24 judicial procedures through secure and reliable digital channels ([7]). The EU Digitalisation Regulation also defines rules for the use of videoconferencing or other remote communication technology for the purposes of hearing the parties to the proceedings, and in certain instances of cross-border judicial cooperation procedures in criminal matters for the hearing of a suspect, an accused or convicted person or an affected person (see **Chapter 3** for more information).

Meanwhile, the **2022 e-CODEX Regulation** (Regulation (EU) 2022/850) established a computerised system for the cross-border electronic exchange of data in the area of judicial cooperation in civil and criminal matters.

'The justice system, as a provider of essential public services, embraces digitalisation and the associated challenges. The digitalisation of the justice system aims to facilitate and improve access to justice, [and] make the justice system more effective and efficient, while facilitating the work of justice professionals, and bring it closer to citizens, thus offering better justice services for all.'

European e-justice strategy for 2024–2028, paragraph 4

More broadly, other EU legislation is also relevant to the digitalisation of justice systems. Relevant instruments include the following.

- The **2012 Victims' Rights Directive** (Directive 2012/29/EU) establishes minimum standards for the protection of the rights of victims of crime, including access to justice. **Amendments** propose a revision of this directive to improve its effectiveness. These include obliging Member States to make it possible for victims to exercise their rights to information and access to justice using electronic communication and facilitate the participation of victims who reside abroad in criminal proceedings via videoconferencing and telephone conference calls. Negotiations in the European Parliament and the Council of the European Union are ongoing.
- **Directive (EU) 2024/1385 on combating violence against women and domestic violence** gives victims the right to access to justice, to protection of their dignity and physical integrity and to protection from secondary and repeat victimisation. The use of information and communications technology in proceedings, and in particular the possibility of online reporting and videoconferencing in court, can contribute to this ([8]).
- The **2014 European Investigation Order Directive** (Directive 2014/41/EU) provides for hearings in criminal matters using videoconferencing or other audiovisual transmission of a witness, expert, suspect or accused person by the competent authorities for the purpose of obtaining evidence.
- **Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data** (the General Data Protection Regulation (GDPR)) and the **Law Enforcement Directive** (Directive (EU) 2016/680) protect the right to the protection of personal data. This is important, as the digitalisation of justice implies the collection and processing of personal data for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.
- The **2016 Web Accessibility Directive** (Directive (EU) 2016/2102) obliges all public sector bodies in the EU, including in the justice sector, to make their websites and mobile applications accessible to all, irrespective of abilities.

Both the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) have started developing jurisprudence on the use of digital tools in justice systems, in light of the rights included in the European Convention on Human Rights (ECHR) and the Charter. This report highlights some of the key issues explored and the resulting judgments (from European courts and national-level case-law).

Beyond the EU institutions, many European and international actors are active in the field of digitalisation of justice. See the box below for an overview of some of the key legal and policy initiatives at the levels of the Council of Europe and the UN.

European and international legal and policy initiatives on digitalisation

Council of Europe

- The Council of Europe **Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law**, adopted on 17 May 2024 (aims to ensure that activities within the life cycle of AI systems are fully consistent with human rights, democracy and the rule of law).
- The Consultative Council of European Judges opinion '**Moving forward: The use of assistive technology in the judiciary**' (2023).
- The European Commission for the Efficiency of Justice (CEPEJ) '**Guide on the use and development of remote hearings**' (2025).
- CEPEJ's '**1st AIAB report on the use of artificial intelligence (AI) in the judiciary based on the information contained in the Resource Centre on Cyberjustice and AI**' (2025).
- The CEPEJ document '**Use of generative artificial intelligence (AI) by judicial professionals in a work-related context**' (2024).
- CEPEJ's '**Assessment Tool for the operationalisation of the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment**' (2023).
- CEPEJ's '**Guidelines on electronic court filing (e-filing) and digitalisation of courts**' (2021).
- CEPEJ's '**Guidelines on Videoconferencing in Judicial Proceedings**' (2021).
- The Parliamentary Assembly of the Council of Europe publication '**Justice by algorithm – The role of artificial intelligence in policing and criminal justice systems**' (2020).
- CEPEJ's **European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment** (2018).

UN

- The Office of the High Commissioner for Human Rights **call for input on the application of digital technologies in the administration of justice**, in conjunction with the **Secretary-General's report to the General Assembly** (2024) (the first UN report on this topic; describes how digital technologies and AI impact access to justice).
- The UN General Assembly's **resolution adopted by the General Assembly on 15 December 2022 on human rights in the administration of justice** (2023).
- The United Nations Educational, Scientific and Cultural Organization (UNESCO) ***Recommendation on the Ethics of Artificial Intelligence*** (2023; last updated September 2024).
- The United Nations Development Programme (UNDP) publication ***e-Justice: Digital transformation to close the justice gap*** (2022).
- The UNDP publication ***Toolkit: Strategic transformation through e-justice*** (2022).

SCOPE AND METHODOLOGY

The research encompassed criminal, civil and administrative branches of justice to enhance understanding of how the digitalisation of justice has developed and where gaps may remain. It did not focus on the law enforcement / investigative phase of justice proceedings, apart from two online crime reporting tools. This was due to the need to narrow the research scope and because other FRA research looks at this area ([9]).

Research was conducted in seven Member States: **Austria, Estonia, France, Italy, Latvia, Poland and Portugal**. The selection ensured the incorporation of experiences from across different parts of the EU. All seven pay significant attention to digitalisation in their current laws and policies and are in various

stages of replacing or supplementing traditional judicial processes with digital tools and systems.

This report is based on an in-depth fundamental rights assessment of the following.

- **31 digital tools and systems.** The report covers four or five tools/systems in application across the criminal, civil and administrative justice fields per Member State. The tools are divided into four use case clusters, covered in Chapters **1–4** (see also **Table 1**).
- **208 semi-structured interviews.** Interviews took place with technical experts and justice practitioners with direct experience of developing, deploying or using the tools. Interviews also included professionals with practical experience of representing and supporting people to ensure access to justice. Five or six interviews were conducted per use case (about 30 per Member State). Interviews took place between July 2024 and April 2025 and were anonymous to encourage open critique – both positive and negative – of use cases. Only basic information about interviewees' professions is included to protect respondents' anonymity.
- **Desk research.** Desk research on the state of play of the digitalisation of justice more broadly in each Member State complemented the interviews.

FRA asked interviewees about their experiences of developing and using digital tools and their views on how these tools affect the fundamental rights of those who engage with the justice system (e.g. claimants, victims or defendants). The interviews involved:

- 46 technical experts (e.g. people justice ministries or courts employ to help develop, deploy and maintain digital tools);
- 37 judges (across various branches of justice);
- 37 lawyers (e.g. criminal justice lawyers, pro bono lawyers who provide legal aid);
- 27 court staff (across various branches of justice);
- 15 prosecutors;
- 13 representatives of civil-society organisations in different fields of intervention representing or supporting vulnerable groups (e.g. persons with disabilities, victims of violent crimes, asylum seekers or detainees);
- 7 law enforcement representatives;
- 5 prison staff;
- 21 other professionals (e.g. representatives of data protection authorities (DPAs), court interpreters, legal guardians for adults, academic experts, representatives from judicial training academies).

Research took place via **Franet**, FRA's multidisciplinary research network, which helps FRA to collect in-depth national-level data. During a preparatory expert meeting in November 2023, FRA also received valuable input from a group of experts and practitioners knowledgeable about the digitalisation of justice. FRA staff supervised the work, developed the research questions and methodology and drafted this report based on the findings.

Please see the **relevant country studies** prepared by Franet for more details regarding the Member States covered in this report and a deeper analysis of each of the use cases covered (five per Member State). These reports offer a wealth of additional data beyond those included here.

TABLE 1: OVERVIEW OF USE CASES COVERED UNDER THE FOUR CLUSTERS

Use case cluster	Use cases
Electronic case management or filing systems	• Electronic Criminal Trial Application (Archivio penale del Processo) (APP) (Italy) • Case management of criminal cases (Cassiopée) tool (France) • Prosecution case management (PROK-SYS) system (Poland) • Prosecution Office information system (ProIS) (Latvia) • e-File system (Estonia) • Case management of civil proceedings (Portalis) system (France) • Court information system (TIS) (Latvia) • Case management platform for judges (Magistratus) (Portugal) • Electronic filing in juvenile (family) courts (Italy) • Electronic prison management (eVM) system (Austria) • Random case allocation system (SLPS) (Poland) • Electronic legal communication tool (ERV) (Austria) • Information Portal (Poland) • e-Case portal (Latvia)
Digital tools that facilitate people's access to information or engagement with justice systems	• Digital tablets for detainees (Estonia) • Platform for Alternative Dispute Resolution (RAL+) (Portugal) • Proximity offices (Italy) • Legal aid information system (SIAJ) (France) • Platform for Electronic Legal Aid (Portugal) • Online complaint (*plainte en ligne*) tool (France) • Digital tool for reporting of crimes (Estonia)
Videoconferencing tools/platforms in court proceedings	• Videoconferencing in criminal procedures (Austria) • Multi-videoconferencing system (Italy) • Remote court hearings (Poland) • Videoconferencing in courts (Portugal) • Videoconferencing tool (Latvia) • System for electronic recording of court hearings (e-Protocol) (Poland)
AI-driven tools or systems	• Transcription tool (Estonia) • Decision anonymisation tool (Austria) • Anonymisation tool (Latvia) • Software for automated anonymisation of judicial decisions (Portugal) (not AI but similar purpose)

Source: FRA, 2025.

REPORT STRUCTURE

Chapters **1–4** analyse four use case clusters: (1) electronic case management or filing systems; (2) digital tools that facilitate people's access to information or engagement with justice systems; (3) videoconferencing tools/platforms in court proceedings and (4) AI-driven tools or systems.

Use cases are grouped into four clusters to examine context-specific issues related to the purpose and use of digital tools in the justice field. The report highlights emerging issues that are general or applicable to all use case clusters; readers may be referred to another chapter for more details. Otherwise, readers can treat each chapter as stand-alone and can proceed to the chapter(s) of interest to them.

Each chapter provides a structured analysis of the benefits and risks that digitalisation poses to fundamental rights guaranteed in the Charter ([10]) and further protected by EU legislation. There is a particular focus on five rights seen as being particularly impacted by digitalisation in justice, as confirmed during interviews. These are the:

— right to private life (Article 7 of the Charter);
— right to protection of personal data (Article 8);
— right to non-discrimination (Article 21);
— right to a fair trial and effective remedy (Article 47);
— right of defence (Article 48).

The chapters then summarise key fundamental rights challenges that digitalisation can present to fundamental rights specific to each use case cluster and safeguards that Member States can put in place to protect rights. Each chapter concludes with a table containing examples of such safeguards. **Table 3** in **Chapter 1** is also relevant to **Chapter 2**, while Chapters **3** and **4** have individual tables. Each chapter also covers several broader issues related to how the development and deployment of digital tools can impact fundamental rights, such as how fundamental rights impacts are assessed and how stakeholders are involved in development.

Only **Chapter 4** (on AI-driven tools) deviates from this structure to reflect the current high level of policy focus and the need for particular vigilance in this fast-developing area with respect to fundamental rights. It covers AI law and policy and broader reflections and experiences of interviewees concerning the use of AI. The use cases referred to in **Chapter 4** are classified as AI based where the Franet experts and interviewed experts determined the use case to be so. This is without prejudice to their potential classification under the AI Act.

Endnotes

(1) **Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions – 2025 EU justice scoreboard**, COM(2025) 375 final of 1 July 2025, p. 43.

(2) See, for example, strategies from Austria (Federal Ministry of Justice, *e-Justice Strategy of the Austrian Judiciary 2018–2024* (***eJustiz-Strategie der österreichischen Justiz 2018–2024***), Vienna, 2018 (updated in 2024), p. 9); Estonia (Ministry of Justice, *Ministry of Justice IT Development Strategy* (***Justiitsministeeriumi IT strageegia***)); Poland (Ministry of Justice), 'The 'digital court' programme will change the justice system' ('**Program "Cyfrowy Sąd" zmieni wymiar sprawiedliwości**'), ministry website, 19 March 2025); and Portugal (***Portugal Digital Strategy – Portugal's digital transformation: The key to simplification***, 2024).

(3) **European e-justice strategy 2024–2028** (OJ C, C/2025/437, 16.1.2025).

(4) **Treaty on the Functioning of the European Union** (OJ C 326, 26.10.2012, p. 47), Arts 67–89; **Charter of Fundamental Rights of the European Union** (OJ C 202, 7.6.2016, p. 389), Art. 47.

(5) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - DigitalJustice@2030, COM(2025)802, (forthcoming); Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European judicial training strategy 2025–2030 – Creating a supportive environment for DigitalJustice@2030, COM(2025)801, forthcoming.

(6) **Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation** (OJ L, 2023/2844, 27.12.2023); **Directive (EU) 2023/2843 of the European Parliament and of the Council of 13 December 2023 amending Directives 2011/99/EU and 2014/41/EU of the European Parliament and of the Council, Council Directive 2003/8/EC and Council Framework Decisions 2002/584/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, as regards digitalisation of judicial cooperation** (OJ L, 2023/2843, 27.12.2023).

(7) See **European e-justice strategy 2024–2028** (OJ C, C/2025/437, 16.1.2025), paragraph 12.

(8) Recital 29 of **Directive (EU) 2024/1385 on combating violence against women and domestic violence** states that '[v]ictims should be able to report offences of violence against women or domestic violence and provide evidence easily without being subject to secondary or repeat victimisation', while recital 30 states that 'Member States should, in addition to in-person reporting, provide the possibility to submit complaints online or through other accessible and secure ICT [information and communications technology] for the reporting of violence against women or domestic violence, at least with regard to the cybercrimes of non-consensual sharing of intimate or manipulated material, cyber stalking, cyber harassment and cyber incitement to violence or hatred as defined in this Directive. Victims should be able to upload materials relating to their report, such as screenshots of the alleged violent conduct.'

(9) See FRA, ***Bias in Algorithms – Artificial intelligence and discrimination***, Publications Office of the European Union, Luxembourg, 2022; FRA's project '**Remote biometric identification for law enforcement purposes: Fundamental rights considerations**'; and the ongoing FRA project on the **fundamental rights implications of accessing digital data for criminal investigations**.

(10) Many Charter rights are the same as those set out in the ECHR (**European Convention for the Protection of Human Rights and Fundamental Freedoms**), as amended by Protocol Nos 11 and 14, European Treaty Series, No 5, 4 November 1950. Their meaning and scope must be the same as the corresponding ECHR rights (Article 52(3) of the Charter). However, this cannot prevent EU law from providing more extensive protection. See **Explanations relating to the Charter of Fundamental Rights** (OJ C 303, 14.12.2007, p. 17).

1

ELECTRONIC CASE MANAGEMENT OR FILING SYSTEMS

TABLE 2: OVERVIEW OF CLUSTER 1 USE CASES

Category and purpose	Use case	Justice setting
Electronic systems (used by legal professionals) to streamline and simplify procedures within (certain stages of) justice proceedings	• Electronic Criminal Trial Application (Archivio penale del Processo) (APP) (Italy) • Case management of criminal cases (Cassiopée) tool (France) • Prosecution case management (PROK-SYS) system (Poland) • Prosecution Office information system (ProIS) (Latvia)	Mainly criminal justice (broader for ProIS)
	• Case management of civil proceedings (Portalis) system (France) • Court information system (TIS) (Latvia) • Case management platform for judges (Magistratus) (Portugal) • Electronic filing in juvenile (family) courts (Italy)	Civil and administrative justice
	• Electronic prison management (eVM) system (Austria)	Post-trial/conviction
Electronic systems that both professionals and the public can use to file and track cases or access information	• e-File system (Estonia) • Electronic legal communication tool (ERV) (Austria) • Information Portal (Poland) • e-Case portal (Latvia)	All types of justice and stages of proceedings
Other: digital tool to assign judges to cases	• Random case allocation system (SLPS) (Poland)	Civil and criminal justice

Source: FRA, 2025.

1.1. INTRODUCTION TO USE CASES

Electronic case management or filing systems that streamline administrative processes and reduce the need for paper-based communication increasingly form an integral part of national justice systems, both in the EU and globally ([1]). The Consultative Council of European Judges highlights that such systems can lead to cost-effective and efficient access to case documents by parties and their lawyers and, overall, can help judiciaries to promote greater access to justice. They can also help to inform resource allocation, budget and workflow planning (especially where systems are interoperable across the justice system) and can enhance the accountability of the judiciary vis-à-vis the public (where information from systems is publicly available) ([2]). Electronic case management or filing systems can also facilitate access to information relevant to judicial decision-making (e.g. comparable cases or legal precedents). The digitalisation of case files and the electronic management of cases can also increase the accuracy of documentation and help parties

to proceedings and justice professionals keep track of different stages of proceedings ([3]). At the EU level, these developments should pave the way for effective cross-border electronic exchange of case-related data between competent authorities, in line with the EU Digitalisation Regulation.

The UNDP's strategic plan and digital strategy for 2022–2025 provides a set of human-rights-focused guiding principles for digital transformation in justice ([4]). CEPEJ has also published guidelines that outline measures to help states develop e-filing systems, digitalise courts, and mitigate risks that can occur when transforming/digitalising judicial procedures ([5]). The box below refers to these guidelines within the context of European case-law that highlights potential fundamental rights challenges that can negatively impact people's rights (e.g. the right to a fair trial, in accordance with Article 47 of the Charter).

European case-law relating to the e-filing of documents in judicial procedures

In *Xavier Lucas* v *France* (2022), the ECtHR stressed that digital technologies may contribute to the better administration of justice, as long as the imposition of requirements to lodge documents electronically is proportionate to the legitimate aim pursued. The court found that the requirements imposed on the applicant, coupled with the severe consequences of not complying with them, had violated the applicant's right to access to a court (Article 6(1) of the ECHR). The court found the strict requirements to be disproportionate, disrupting access to justice, and criticised the lack of guidance from the French government on electronic filing.

Applying the same principle, in *Patricolo and Others* v *Italy* (2024), the ECtHR held that Italy had violated the applicants' right to access to a court by rejecting their cases on the grounds that paper copies were not certified as true copies of electronic documents. The applicants had not been given a chance to submit the required attestations and therefore the state had created a barrier preventing them from having their cases examined, the court explained. The judgment cited CEPEJ's guidelines on electronic court filing (e-filing) and digitalisation of courts (CEPEJ(2021)15), which call for flexibility 'to facilitate the various exceptions and specific use cases that might occur while transforming judicial procedures'. An e-filing system 'should also serve the needs of its users, providing the highest level of flexibility to both facilitate the creating and reading of e-documents and limit their administrative burdens'.

Sources: ECtHR, ***Xavier Lucas* v *France***, Application No 15567/20, 9 June 2022; ECtHR, ***Patricolo and Others* v *Italy***, Application Nos **37943/17**, **54009/18** and **20655/19**, 23 May 2024; CEPEJ, '**Guidelines on electronic court filing (e-filing) and digitalisation of courts**', CEPEJ(2021)15, 9 December 2021.

FRA looked at **14 electronic case management or filing systems** across seven Member States (see **Table 2**). Many of these are intended for use by legal professionals such as judges, court clerks, prosecutors, lawyers or prison and probation officers. Parties to proceedings, such as complainants, defendants, victims, witnesses or convicted persons, are not always direct users but may access the systems through intermediaries, such as lawyers. However, some Member States (e.g. Austria, Estonia, Latvia and Poland) have created systems to track and manage cases, which the broader public / parties to proceedings can also use.

1.2. FUNDAMENTAL RIGHTS IMPACT: BENEFITS AND RISKS

'[D]igitalisation certainly improves efficiency, [and] speed, [and] also benefits the dignity of our work … if these procedures become faster, I can invest energy to recover the backlog that the traditional system has created over the years.'

Court clerk, Italy

Professionals interviewed about the fundamental rights aspects of electronic case management or filing systems are generally positive about the benefits digitalisation brings, especially regarding people's right to access to justice, in line with Article 47 of the Charter. Justice procedures are becoming faster and more efficient through streamlined document handling and electronic communication, according to most interviewees. This positively impacts the rights of all parties (defendants, complainants, victims) to a fair trial and access to an effective remedy. Digitalisation can also positively impact the work of judicial practitioners themselves and allow them to devote more time to higher-value-added tasks, as noted by a court clerk speaking about the Electronic Criminal Trial Application (Archivio penale del Processo) (APP) (Italy) ([6]).

Interviewees identified more benefits than risks regarding the impact on fundamental rights. This section will highlight some gaps that challenge the overall effectiveness of such systems in terms of how they can negatively impact fundamental rights in practice.

Privacy and data protection rights (Charter Articles 7 and 8)

'[T]hese are extremely sensitive data, because these are often people who are persecuted in their countries of origin. So it would be very dangerous to their personal safety to have their personal data published.'

Lawyer, Poland

Interviewees often mentioned potentially serious infringements of the rights to data protection and privacy. Interviewees speaking about the prosecution case management (PROK-SYS) system (Poland) ([7]), the electronic legal communication tool (ERV) (Austria) ([8]) and the case management of criminal cases (Cassiopée) tool (France) ([9]) reported risks that ill-intentioned people may use the personal data processed in the system for inappropriate purposes. For example, in Austria, accused persons have published sensitive information from files (as screenshots) on the internet, according to a representative of a victim support organisation.

The disclosure of information gathered in connection with court proceedings (via the Information Portal ([10])) may be particularly harmful for certain individuals, a lawyer in Poland notes. This indicates the need to give special care to complying with the processing of personal data in cases involving migrants seeking international protection.

Several interviewees also mention risks to privacy and data protection rights of legal professionals. For example, a court clerk notes concerns about the case management of civil proceedings (Portalis) system (France) ([11]), specifically that the personal data of judges could be shared on social media, as the future centralised database for publishing rulings would not anonymise judges' names.

Interviewees in all Member States describe safeguards to mitigate risks to privacy and data protection rights, such as the risk that the user of a system could access personal data of parties to proceedings recorded and processed by that system and use the information for improper purposes. Safeguards include monitoring and testing systems for vulnerabilities to data leaks, encrypting data and establishing identity management and auditing/security policies that limit employees' access rights. Interviewees describe how staff using the court information system (TIS) (Latvia) ([12]) can be asked to explain why they have accessed certain material and can face disciplinary action for unjustified use. The DPA and the Council of State (Conseil d'État) perform robust monitoring of the Cassiopée tool and Portalis system, according to judges interviewed in France. Administrators receive user guides with systematic reminders of what should and should not be entered in the application's fields (as defined in the data protection impact assessment) to help ensure that processed data comply with fundamental rights. Cassiopée users are made aware of the seriousness of infringements and of possible disciplinary or legal consequences.

Right to non-discrimination (Charter Article 21)

Interviewees often mention the importance of digital tools being accessible, in line with the right to non-discrimination and to ensure equal access to tools. Features of certain digital tools can improve accessibility and mitigate possible discriminatory impacts, some professionals note. For example, in Italy, the Agency for Digital Italy (Agenzia per l'Italia Digitale) has developed and implemented guidelines on the accessibility of public administrations' digital services for people with disabilities, including in relation to APP ([13]).

Access to e-case management and tracking systems that can be used by the wider public, such as those in Austria (the ERV), Estonia (the e-file system) ([14]), Latvia (the e-Case portal) ([15]) and Poland (the Information Portal), can be limited by restrictive requirements, according to interviewees in several Member States. People who do not have a national ID number often cannot access such systems, undermining their rights to non-discrimination and access to justice.

A national ID number assigned to citizens and foreigners residing in Poland (PESEL) is needed to access Poland's Information Portal, three lawyers note. A lawyer who works with migrants notes that this causes issues all about Poland/information portal. In practice, the Information Portal is not used by people but rather their lawyers, the lawyer notes. It is only available in Polish and there is no foreign language interface or automatic translation function. Professionals make similar observations about the ERV (Austria). In Austria, the general public needs training and assistance to facilitate access to 'Justice Online' (the public portal for accessing the ERV), a legal guardian notes.

National IDs (for citizens or residents) are also needed to connect to Estonia's e-file system and Latvia's e-Case portal. In Latvia, a solution was found in 2024 to allow foreigners without national identifiers to access the portal by requesting a special username and password (temporary access code) from the court administration office. However, a representative from an NGO representing asylum seekers and migrants had no information about this solution when interviewed in early 2025. The solution is rarely used, according to a technical expert in a separate interview.

'I … have not encountered a situation where I am aware that any person to whom I am providing legal assistance has an account on this portal … I suppose you have to provide a PESEL, and these people don't usually have a PESEL.'

Lawyer, Poland

Non-digital alternatives are available to the wider public in all cases. However, people who cannot access the systems have a narrower range of possibilities and are disadvantaged compared with people who can access them, several interviewees in Estonia, Latvia and Poland stress. In Poland, people receive more detailed information via the portal, according to a lawyer. For example, information such as the content of the court decision will not be provided by phone. Decisions are visible in the portal before they are served via post, so users of the digital system have longer to prepare an appeal, posing a risk to the right to equality of arms. In Latvia, paper-based applications are still generally possible. Nevertheless, certain applications can only be filed through the portal, like applications for the non-contested enforcement of an obligation and applications of enforcement by way of notice, some lawyers report.

Right to a fair trial by an independent and impartial tribunal (Charter Article 47)

Interviewees note an impact on the overall fairness of the trial. As a positive example, some interviewees speaking about APP (Italy) note that the standardisation of judicial documents reduces the discretional – potentially discriminatory – power of justice professionals, strengthening the right to a fair trial. Conversely, two interviewed judges speaking about the case management platform for judges (Magistratus) (Portugal) ([16]) note a concern about judicial independence and oversight. They criticise the fact that the Ministry of Justice manages the database at the heart of the system, calling for judges to have control instead. There are no known cases of the ministry or its institutions illegally accessing the system. However, the judges argue that there is a risk that sensitive data could be accessed if a future government decided to increase its control over the judicial system ([17]).

Case study 1 – How Poland's random case allocation system affects judicial independence and transparency

The digital random case allocation system (SLPS) was introduced in Poland in 2018. It aims to ensure transparency and fairness in assigning judicial cases to judicial panels and replaces the manual allocation system, where court presidents or department heads assigned cases. The system is used in civil and criminal proceedings across all regional, district and appellate courts. Court staff manage case allocation, ensuring that case categories, judicial workloads and absences are correctly recorded. The system is based on an automated (but not AI-driven) algorithm, with parameters such as judges' workload, absences and court-specific distribution rules.

Legal professionals see both the benefits of and the risks posed by the system. It has improved workload distribution for some judges, helping speed up case processing and potentially access to justice for the parties involved. The SLPS could eliminate the risk of human bias in judicial assignments, one lawyer observes.

Other interviewees and independent observers raise concerns about algorithmic decision-making and the lack of external review mechanisms. The algorithm governing case allocation remains undisclosed, limiting external scrutiny. An interviewee involved in the system's development identified potential vulnerabilities, including manual data entry errors that could be exploited to manipulate allocations. Speaking about transparency, the expert notes: 'The process of a single draw itself is completely unverifiable, unauditable, and there's no way of repeating the sequence to see that the draw was fair.' One judge notes that a notable disruption in 2021 resulted in some judges being erroneously classified as new, leading to incorrect case assignments. Some lawyers report cases where certain judges seemed to receive similar cases repeatedly, leading to concerns that the system's parameters might have been manipulated or misconfigured.

Overall, interviewees believe that the SLPS has the potential to reinforce trust in the judicial system by removing human discretion from case allocation, addressing past accusations of biased case distribution. However, the interviewees generally call for a more open development process with greater transparency.

Source: FRA, interviews with professionals about the digitalisation of justice, 2025.

Effective access to justice (Charter Article 47)

Case management systems keep parties better informed about the progress of their cases in a more transparent way and enable easier access to hearing dates and decisions, some interviewees highlight. One prosecutor describes the Prosecution Office information system (ProIS) (Poland) ([18]) as 'an expansion of the rights of victims and suspects', as it gives them an alternative form of familiarisation with case files. Facilitating easier access allows the system to contribute to strengthening the principle of the equality of arms in proceedings and the quality of legal assistance. Recent reports, including a 2024 UN report on human rights in the administration of justice, also highlight this advantage. However, they stress the particular importance of the defence benefiting from full access to digital case management systems and case files to ensure the equality of arms ([19]). Several legal professionals note that the TIS (Latvia) and the system for e-filing in family courts (Italy) ([20]) facilitate access to case-law and materials, enabling professionals to better assist parties. In France, the introduction of the Cassiopée tool and a single point of contact for victims who take part in proceedings has benefited victims' rights and procedural guarantees, as they can now more easily get information (e.g. about scheduled hearings), judges explain. An alert mechanism helps to ensure personalised follow-up in certain cases – for example, signalling the need to provide an interpreter for a victim's assessment when a victim does not speak French or has impaired hearing.

Two lawyers note a gap in Italy's civil family matters filing system ([21]) that may hinder the right to effective access to justice: local social services – key stakeholders in family cases – cannot access the system and must send documents via certified email. This can cause delays and lead to less efficient justice, since their reports are often mandatory in family law proceedings. Parents of children involved in proceedings need legal assistance to access the system in practice, as also noted by the lawyers. Many clients, especially those in disadvantaged situations, are unable to navigate the digital system, which can be detrimental to their effective access to justice, according to a lawyer who provides pro bono legal assistance.

'You are not talking about corporate law or bankruptcy; you are talking about children and families who are [often] disadvantaged.'

Lawyer, Italy

Interviewees in France and Italy also mention risks regarding this right, but mainly in relation to systems malfunctioning and the risk of legal proceedings becoming paralysed. Several interviewees in Italy report that, the transitions to new systems – such as APP – have caused several malfunctions and consequent slowing of judicial procedures, thus compromising the overall positive potential impact of digitalisation on the efficiency of the justice.

Defence rights (Charter Articles 47 and 48)

Some professionals mention certain advantages for defendants and their defence rights. For example, the TIS (Latvia) and its effect on the accessibility of case materials positively impacted the right to adversarial proceedings and defence rights by allowing easier and speedier access to case files, interviewees note.

Other interviewees are more critical. One criminal lawyer criticises the APP (Italy), as defendants are charged a fee for obtaining digital copies of judicial documents, impeding their right to access case files. In Italy, when lawyers are unable to carry out a judicial procedure due to technical problems, they must prove it (e.g. via a screenshot of a message signalling the problem) and implement the judicial procedure (e.g. filing of documents) using certified emails addressed to judicial offices. If defendants and their lawyers encounter difficulties in accessing judicial documents and lodging documents, they have less time to prepare an effective legal defence. In one case, a client was automatically identified as an accused person – rather than a suspect – because they could not upload the necessary document to the digital system due to technical problems, a lawyer explains.

1.3. KEY FUNDAMENTAL RIGHTS CHALLENGES AND POSSIBLE SAFEGUARDS IN THE PLANNING, DEVELOPMENT AND DEPLOYMENT OF DIGITAL TOOLS

Interviewees were asked about how fundamental rights aspects were considered during the planning, development and deployment of digital tools. This section outlines some key challenges and the practices and safeguards some Member States use to address those challenges.

'They thought about technical sides of the matter; they did not think about the … impact this would have directly on people.'

Lawyer, Italy

Fundamental rights impact assessments

A general finding (applying to all use case clusters) is that developers of digital tools and systems do not systematically or formally assess how digital processes and tools impact fundamental rights. One lawyer in Italy summed up an opinion many interviewees expressed: that the focus during the design and development of digital tools in the justice sphere is on technical issues. Fundamental rights' impacts are rarely explicitly considered, according to the lawyer.

The ministries of justice mainly oversee the digitalisation of justice processes in all Member States covered. However, other entities can have monitoring or oversight tasks that touch on aspects of the digitalisation of justice. For example, these may be DPAs (in France, Italy, Poland and Portugal), ombudspersons (in Estonia and Italy), special committees (in Estonia and Poland) or auditing authorities (in France and Poland). Interviewees provide positive examples of how some fundamental rights were considered during the development and roll-out of digital tools. However, such considerations or assessments did not typically go beyond privacy and data protection aspects. In this regard, the box below outlines the role that DPAs in particular play.

The role of data protection authorities (DPAs)

DPAs frequently provide opinions and suggestions regarding digital tools, including in relation to possible fundamental rights risks, through open consultations or on their own initiative.

- In Poland, the DPA has intensified its cooperation with the Committee for Digitalisation of the Council of Ministers since 2024, an interviewee from the Polish Personal Data Protection Office explains. As a result, the committee now recommends that all IT projects relating to the judiciary be subjected to a 'privacy test', including two specific GDPR assessments, before receiving funding. The interviewee highlights a 2024 opinion concerning the Information Portal, which identified some deficiencies in the current model of data processing in criminal proceedings.
- In France, the Ministry of Justice consults their national DPA about new digital tools, an interviewee from the DPA explains. When an experimental system is introduced (as happened with the Portalis system, for example), the Ministry of Justice conducts a comprehensive data protection impact analysis and issues a report after the trial phase. Once a system has been assessed, the National Commission on Informatics and Liberty (the French national DPA) is generally not called on again. Those in some regulated professions, like court commissioners and lawyers, also now ask the DPA to ensure the compliance of the digital processes they plan to implement.

Despite these examples, referrals to DPAs tend to be sporadic and take place mostly only before the launch of the digital tools.

Sources: Poland, Personal Data Protection Office, 'Comments of the personal data protection authority on the draft amendment to the Criminal Code and the Code of Criminal Procedure' ('**Uwagi PUODO do projektu nowelizacji Kodeksu karnego i Kodeksu postępowania karnego**'), Personal Data Protection Office website, 31 December 2024; FRA, interviews with professionals in France and Poland, 2025.

Stakeholder consultations

Another general finding is the poor consultation of users during the development of some systems. This can negatively impact the efficiency of digital systems and undermine fundamental rights such as the right to effective access to justice. For example, some professionals interviewed in Italy criticise the insufficient consultation and involvement of justice professionals regarding APP. This lack of consultation was partly due to a tight timetable for implementing new legislation obliging the use of APP, which prevented the solid consideration of the needs of Italian criminal courts, according to some interviewees. Several Portuguese interviewees had been consulted during the development of digital tools (e.g. Magistratus). They believe that digitalisation puts government officials under political pressure to achieve rapid results at times in the name of boosting efficiency, which can compromise the quality of justice. In Portugal, the judicial system encompasses some complex and human-centred aspects that ought not to be entirely digitalised, one judge stresses.

'At some point, we may come to the conclusion that certain public activities cannot be digitalised like others. This story that everything has to be digitalised in the same way to be all 'simplex' and automated can have limits.'

Judge, Portugal

A lawyer in Latvia speaking about the e-Case portal suggests that developers and those overseeing digital tools work to create more effective communication channels for users to report problems in using the system, as such channels are available only to a very limited group of system users. The interviewee suggests that a competent lawyer advise the system administrator regarding fundamental rights risks, especially based on the reported experiences of different groups of users.

Call for more careful planning and consultation in digitalisation in Latvia

Latvia's Supreme Court convened an extraordinary plenary session on 9 December 2021 to address issues that arose due to the transition to digital case handling without ensuring the adequate functionality of the TIS and the technical equipment of the courts.

It criticised the lack of judicial involvement in the development and testing of the system and warned of risks posed to fair trial rights as a consequence. It urged the Ministry of Justice not to roll out untested technical solutions and to improve collaboration with legal professionals. The Supreme Court decided that all case materials were to be maintained as paper files. The deadline for the full transition to a digital examination of cases was extended to May 2026.

Source: Latvia, Supreme Court, 'The Plenary of the Supreme Court finds significant shortcomings in the implementation of the e-Case portal and decides on measures to protect the interests of litigants' ('**Augstākās tiesas plēnums konstatē būtiskus trūkumus e-lietas ieviešanā un lemj par pasākumiem lietu dalībnieku interešu aizsardzībai**'), Supreme Court website, 9 December 2021.

FRA's research also uncovered positive examples of stakeholder consultation. Some interviewees describe the positive impact this has had on improving the quality of the system and its potential for strengthening people's rights.

- Technical experts interviewed about the electronic prison management (eVM) system (Austria) ([22]) describe how the tool underwent several test phases and validations with practitioners. The cautious roll-out helped to mitigate fundamental rights risks, according to a prison officer involved in the testing who had been trained on the system.
- Prosecutors were very involved in the development of ProIS in Latvia. Sharing responsibility for developing the system with users led to a product that suits their needs and enjoys near-universal use, according to four interviewed prosecutors.
- The initial launch of Magistratus failed because it did not incorporate functionalities that judges deemed important for their work and judges were not consulted, interviewees in Portugal explain. An informal working group has since been established comprising judges from common, administrative and tax courts and the technicians from the Ministry of Justice who maintain the system. System updates are tested by a pool of judges, who suggest improvements to the system to IT staff.

'Then there are your experts who say: 'Look, this is already a good creation for the disabled' – have they ever even been exposed to disability? Have they asked whether this is actually a good tool for you? Or is it just a thought in your healthy … mind that: 'Disabled person, look, we have made a tool for you, use it!'

NGO representative, Latvia

Despite these positive examples, another general finding is that stakeholder consultation does not generally extend beyond immediate or direct users, such as justice professionals. Civil-society organisations that help particular population groups to access justice are rarely consulted, signalling a lack of broad or participatory design and/or testing ([23]). For example, an interviewee from a Latvian NGO representing people with disabilities emphasised that their clients had not been involved in the development of digital tools used in the justice field and these tools had not been tested with respect to their accessibility. Experts often assume that digital tools are more accessible for people with disabilities, without considering how this could be possible without seeking their input, in the interviewee's experience.

This can result in digital systems that are not accessible for everyone and could undermine a person's rights to access to justice and non-discrimination. The Validity Foundation – formerly known as the Mental Disability Advocacy Centre – highlights this in its 2025 research on facilitating access to information and support for victims of crime with disabilities. It includes interviews with people with disabilities, victims of crime and experts in Croatia, Romania, Slovenia and Spain, and reveals that discrimination against people with disabilities is often embedded in digital systems that fail to account for their needs and the barriers that they face. People with disabilities have diverse needs that cannot be addressed through one-size-fits-all solutions. Digital systems should follow universal design principles and include diverse participation from people with disabilities to overcome this ([24]).

'[P]ractitioners who work on these things should be listened to or included … [T]hey would be able to give practical examples, so that we can make some decisions based on those examples.'

Victim support organisation representative, Estonia

In addition to ensuring the participation of people with disabilities in the development of digital tools, including practitioners in development could lead to more user-friendly tools, one interviewee explains.

Maintaining non-digital methods and offering a support system

'If you don't have a computer, you don't know anything. If you don't have a phone, you don't know anything. If you don't have email, you don't receive anything.'

Lawyer, Latvia

FRA's findings reveal a clear need for regulatory frameworks that allow for the continued use of traditional paper-based or non-digital methods in certain circumstances and in parallel with digital solutions. This ensures that individuals who cannot use the digital system are not excluded from participating in legal processes. The intended beneficiaries of these safeguards include all participants in legal proceedings, but especially those in vulnerable situations – older adults, individuals with disabilities and those lacking digital skills or financial resources – who may require alternative methods to ensure equal access to justice. Many interviewees note this in relation to various electronic case management or filing systems.

Technical malfunctions can also hamper efficient justice. In some cases – for example use of the ERV in Austria and APP in Italy – the use of e-case management systems is now mandatory for legal professionals. Some interviewees have experienced difficulties in accessing non-digital 'traditional' methods in such cases, having to justify why they are not using the electronic system (e.g. in Italy; see Section 1.2).

In addition to accessibility issues, other barriers to access or technical concerns, there may be situations or circumstances in which the fundamental rights risks (e.g. to a person's safety) associated with the digital solution are deemed too great and the non-digital solution should be preferred. Two examples of such situations emerged from the findings for this use case cluster.

- Proceedings for protective measures in domestic violence cases were mentioned as cases where care is needed to avoid prematurely alerting defendants that proceedings have started. A technical expert deemed this to be a risk in relation to the TIS (Latvia).
- Some courts have decided to exclude specific judicial proceedings – such as adoption proceedings – from the digitalisation process to better protect children's sensitive information, according to a technical expert and a judge speaking about Italy's system for e-filing in juvenile (family) courts.

Interviewees in Estonia, Latvia and Poland call for the creation of a support system where practical assistance would be provided at designated facilities for people needing help to navigate digital justice tools. In Latvia, one administrative court has a computer available for people to consult case materials and listen to recordings of their hearings, interviewees from the court note when speaking about the TIS. However, people largely need to navigate the digital system themselves. In Estonia, people who are unable to use digital tools such as the e-file system can make use of court assistance to scan documents into the system, interviewees indicate.

'[I]n 20 years' time [we] will work differently. People should start at the Centre for Judicial Studies to be trained not only to be able to use the tools but to be aware of the risks of using them in the wrong way.'

Judge, Portugal

Training

Justice ministries and courts usually take the lead in organising and providing training on digital tools. Universities and professional associations (e.g. of judges or lawyers) also provide training through conferences, webinars, field trips or practical guidelines. Training typically focuses on the technical aspects of the digital tools, with little focus on fundamental rights aspects. Training should be provided as early as possible and cover the risks of new technologies, a judge in Portugal emphasises.

FRA's research also indicates that older professionals find the transition to digital tools particularly challenging and they often rely on more digitally savvy (typically younger) colleagues to help them. Some interviewees report receiving insufficient training before the roll-out of digital tools. The roll-out sometimes seems to happen too quickly and without sufficient guidance, interviewees in France, Italy and Latvia mention. This can undermine the efficiency of judicial processes and the digital transition as a whole.

Another recurring theme is that training is commonly lacking for lawyers, who often have to organise their own training and sometimes even pay for technical support when they face problems using digital systems. For example, lawyers sometimes have to pay for technical support related to digital systems such as APP (especially where private providers are involved), while judges and court staff can get support from the court IT staff, a criminal lawyer in Italy explains.

Representatives of NGOs who support various vulnerable groups in judicial proceedings, including by providing legal aid or technical support, maintain that they do not receive much information about digital justice initiatives. They were sometimes unaware of the digital solutions available to support their clients.

Peer training or learning is a frequent solution to help professionals with the transition to using digital tools, whereby specific groups receive training and are then responsible for providing training and instructions to their peers. In France, they are called 'digital transformation ambassadors' and, although limited in numbers, they travel the country delivering training and support. Portugal has a similar practice, whereby judges are selected as focal points in each court to provide training to colleagues, according to interviewed two judges speaking about Magistratus.

Selected safeguards that national justice authorities can apply when managing electronic case management or filing systems

To reflect the fundamental rights impact of the tools discussed in this chapter, **Table 3** outlines selected safeguards that national justice authorities can apply when designing and implementing electronic case management or filing systems to address some of the key fundamental rights risks emerging from FRA's research. These risks are without prejudice to the many benefits of these tools identified in FRA's research and should be read alongside the key findings and opinions in this report. They relate to:

- the risk of the fair and efficient administration of justice being compromised;
- the risk of data breaches or the misuse of data;
- the risk of affecting non-discrimination rights and introducing barriers to accessing justice.

TABLE 3: SELECTED SAFEGUARDS TO ADDRESS FUNDAMENTAL RIGHTS RISKS OF ELECTRONIC CASE MANAGEMENT OR FILING TOOLS

Risk	Fundamental rights likely to be impacted (articles of the Charter)	Fundamental rights safeguards for electronic case management or filing tools
Fair and efficient administration of justice being compromised	Articles 21, 47 and 48 of the Charter	• Consider rights impact beyond privacy and data protection • Consult users (justice professionals, parties to proceedings and their representatives), test tools with them, implement feedback and monitor satisfaction
Misuse of systems or data breaches where systems collect and store personal information about third parties	Articles 7 and 8 of the Charter	• Comply with data protection law / carry out data protection impact assessments • Ensure a high level of cybersecurity (e.g. through encrypted data storage and access restrictions) • Closely monitor/audit systems (including user access) and ensure sensitive data are not inappropriately shared • Impose disciplinary sanctions or penalties for unjustified use • Train staff (including on fundamental rights risks) • Implement reporting and complaint mechanisms for affected persons • Ensure regular updates (and repeat testing with users)
Affecting non-discrimination rights and introducing barriers to accessing justice (e.g. caused by a lack of digital access or skills)	Articles 21, 24, 25, 26, 47 and 48 of the Charter	• Allow the use of non-digital methods • Provide support at physical locations (e.g. in courts) • Provide easily accessible information about the tool and how to use it • Make systems accessible to people with disabilities • Include 'digital accessibility' assessments in line with existing law and standards (e.g. requirements in the Web Accessibility Directive and in line with United Nations Convention on the Rights of Persons with Disabilities obligations) • Offer case information and digital templates in languages other than national languages (e.g. English) or enable built-in automatic translation • Ensure that no one is excluded from accessing tools (e.g. where access requires national ID numbers, issue temporary numbers or other workarounds) • Consider allowing special access to those who represent/assist people (e.g. in family law proceedings, for legal guardians)

Source: FRA, 2025.

Endnotes

(1) See **Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions – 2025 EU justice scoreboard**, COM(2025) 375 final of 1 July 2025, p. 35; and UN Secretary-General, '**Human rights in the administration of justice – Report of the Secretary-General**', A/79/296, 7 August 2024, p. 12.
(2) Consultative Council of European Judges, '**Moving forward: The use of assistive technology in the judiciary**', Opinion No 26, 1 December 2023, paragraphs 32–36, pp. 7–8.
(3) Centre for European Policy Studies (CEPS), Carrera, S., Mitsilegas, V. and Stefan, M., ***Criminal justice, fundamental rights and the rule of law in the digital age***, report of CEPS and Queen Mary University of London (QMUL) Task Force, Brussels, 2021, p. 46.
(4) See the UNDP web page '**Digitalization and e-justice**' for more information.
(5) CEPEJ, '**Guidelines on electronic court filing (e-filing) and digitalisation of courts**', CEPEJ(2021)15, 9 December 2021.
(6) APP is a single platform that digitalises and centralises judicial procedures and documents. It has been operating since 2023. For more information, see Italy, Savio, V., '**APP, cronaca necessaria di un annunciato ma utile flop**', *Questione Giustizia*, 31 January 2024', or the Italian country report.
(7) The system has been operational in all common organisational units of the prosecutor's office since December 2021. The system digitises files of criminal pretrial proceedings and makes them available to authorised parties. For more information, see the **Prosecutor's Office portal** or the Polish country report.
(8) The ERV has been operating since 1990. It enables secure communication for legal submissions between all courts, legal professionals and parties to proceedings. It is interoperable across all branches of justice. People can make electronic submissions via the **JustizOnline** platform, which is part of the ERV. For more information, see the Austrian country report or the **government web page on the ERV**.
(9) Cassiopée is a case management tool launched in 2009. It is compulsory for all first-instance judicial courts. It centralises and secures the management of criminal cases and enables case tracking and interjurisdictional communication. For more information, see the **Ministry of Justice web page on Cassiopée** or the French country report.
(10) The portal has been operating since 2024. It allows legal professionals and parties to view case information and documents, receive notifications about case progress and access court schedules. It also supports the electronic delivery of documents, ensuring timely and secure communication between courts and involved parties. See the **Information Portal** or the Polish country report for more information.
(11) Portalis is a tailor-made system for the management of civil proceedings. It aims to overhaul the eight business applications currently used in civil courts to become the common basis for the civil application chain. For more information, see the **Ministry of Justice web page on Portalis** or the French country report.
(12) The TIS has been the judiciary's main e-filing, document exchange and case management system since 1998 for courts of all instances and types of jurisdictions (except the Constitutional Court). For more information, see the **TIS** or the Latvian country report.
(13) Agency for Digital Italy (Agenzia per l'Italia Digitale), *Guidelines on Accessibility of IT Tools* (***Linee Guida sull'accessibilità degli strumenti informatici***), Rome, 2022.
(14) The e-file system is a centralised, web-based database that has been operating for 15 years. It collects data from various sources, like the police, and prosecution, court and misdemeanour portals. It facilitates electronic document submission and access to case materials, streamlining judicial processes. For more information, see the **e-file system website** and the Estonian country report.
(15) The e-Case portal has been operating since 2021. The portal takes information from the TIS and ProIS and makes it accessible to participants of proceedings and the general public. It contains information on most types of judicial proceedings and for all levels of jurisdiction. Authorised users can use 'My e-Case' to access case details, documents and court schedules and to submit applications. Unauthorised users can view anonymised rulings, the case-law database, a court fee calculator and general court information. See the **e-Case portal** and the Latvian country report for more information.
(16) Magistratus is a case management platform for judges in common, administrative and tax courts in Portugal. For more information, see Portugal, Justiça, ***Justice Digital Transformation: Two years of the recovery and resilience plan*** (***A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência***), Lisbon, 2024; or the Portuguese country report.
(17) Público, 'Judges don't accept the government having access to cases through Citius' ('**Juízes não aceitam que o Governo tenha acesso aos processos através do Citius**'), Público website, 3 October 2014; Correio da Manhã, 'Judges want to manage the Justice platform' ('**Juízes querem gerir plataforma da Justiça**'), Correio da Manhã website, 30 November 2018.
(18) ProIS is an e-filing, document exchange and case management system for the Prosecution Office, developed in 2016. It is mostly for criminal proceedings, although it also supports work in civil and administrative cases. For more information, see Latvia, Regulation No 177 of the Cabinet of Ministers – Rules of the information system of the Prosecutor's Office (**Ministru kabineta noteikumi Nr. 177 – Prokuratūras informācijas sistēmas noteikumi**), Protocol No 28, §19, Riga, 18 March 2021; the **ProIS website** and the Latvian country report.
(19) See UN Secretary-General, '**Human rights in the administration of justice – Report of the Secretary-General**', A/79/296, 7 August 2024, p. 14; and CEPS, Carrera, S., Mitsilegas, V. and Stefan, M., ***Criminal justice, fundamental rights and the rule of law in the digital age***, report of CEPS and QMUL Task Force, Brussels, 2021, p. 46.
(20) It is a system for electronic filing in family courts in Italy. The system has been compulsory since mid 2023. See Italy, National Association of Magistrates (Associazione Nazionale Magistrati), 'Urgent interventions for juvenile justice' ('**Interventi urgenti per la giustizia minorile**'), National Association of Magistrates website, 9 September 2023; Italy, Ministry of Justice, 'Telematic process – Communication for software houses: Juvenile Court – Communication for filing documents' ('**Processo telematico – comunicazione per le software house: Tribunale per i minorenni – comunicazione per deposito atti**'), ministry website, 26 June 2023; and Servicematica, 'Minor SICIDs: Anomalies in the PCT', ('**SICID minori: anomalie nel PCT**'), Servicematica website, 7 July 2023.
(21) Such civil judicial proceedings generally concern civil matters involving children (e.g. adoptions, limitation of parental responsibility, assessment of the possible abandonment of children by holders of parental responsibility).
(22) Austria, Federal Ministry of Justice, ***IT Applications in the Austrian Justice System***, Vienna, 2023 (revised 2025); see the Austrian country report for more information.
(23) This is based on FRA's desk research and requests for information sent to various civil-society organisations, for example, in addition to interviews for this fieldwork.
(24) Doyle Guilloud, S. and Monteiro, B., ***Universal Design for Inclusive Justice Systems: Policy brief***, Validity Foundation, Budapest, 2025. All project materials are available on the project coordinator (**Victim and Witness Support Service Croatia**) website.

2

DIGITAL TOOLS THAT FACILITATE PEOPLE'S ACCESS TO INFORMATION OR ENGAGEMENT WITH JUSTICE SYSTEMS

TABLE 4: OVERVIEW OF CLUSTER 2 USE CASES

Category and purpose	Use case	Justice setting
Digital tools to file and track applications for legal aid	• Legal aid information system (SIAJ) (France) • Platform for Electronic Legal Aid (Portugal)	Civil, criminal and administrative justice
Digital tools to report crimes	• Online complaint (*plainte en ligne*) tool (France) • Digital tool for reporting of crimes (Estonia)	Criminal justice
Digital tools that provide access to justice systems and procedures	• Platform for Alternative Dispute Resolution (RAL+) (Portugal) • Proximity offices (Italy)	Civil justice
Digital tools that provide specific groups of people with access to legal resources	• Digital tablets for detainees (Estonia)	Criminal justice

Source: FRA, 2025.

2.1. INTRODUCTION TO USE CASES

The second use case cluster looks at seven examples of digital tools in Estonia, France, Italy and Portugal that aim to improve people's access to information or engagement with justice systems (see **Table 4**). They fall under the following categories.

— **Digital tools enabling national litigants to file and track applications for legal aid.** For example, the legal aid information system (SIAJ) in France, launched in 2023, allows people to file and track requests for legal assistance ([1]). A similar example is the digital Platform for Electronic Legal Aid launched in Portugal in 2023, through which people can apply for legal aid online and track the status of their requests. The platform is interconnected and interoperable for the Institute for Social Security, the courts and the Portuguese Bar Association, ensuring that all institutions with a role in processing cases can get updates on the status of requests ([2]).

— **Digital tools that enable people to report crimes and receive updates, reports or decisions.** For example, an online complaint (*plainte en ligne*) tool deployed in France in 2024 enables victims to file property crime-related complaints (the tool excludes personal injury claims) and submit them to the police using an online form available in both English and

French. The police in turn send updates via email and report to the victim through a 'digital vault', where the file is accessible for six months ([3]). Estonia has been running an online platform for people to report crime since 2014, with information available in English, Estonian and Russian. Reports cannot be filed anonymously, and people must digitally sign them. Police will contact victims once they receive reports and may invite them to the police station for further discussions ([4]).

- **Digital tools that provide individuals and legal professionals with direct digital access to justice systems and procedures.** For example, the single digital Platform for Alternative Dispute Resolution (RAL+) launched in Portugal (in a pilot phase) in 2023 and is for legal professionals and non-professional users ([5]).
- **Digital tools aiming to provide specific groups of people with digital access to legal resources.** For example, digital tablets introduced in Estonia in 2023 provide detainees and prison staff with access to legal resources and allow them to submit requests and communicate with legal representatives ([6]).

2.2. FUNDAMENTAL RIGHTS IMPACT: BENEFITS AND RISKS

FRA's findings point to several benefits arising from the use of digital tools designed for wider public use, in particular improved access to justice, as many of these tools provide ways for people to access justice services from the comfort of their own homes, alongside existing non-digital channels. However, fundamental rights challenges can weaken the potential of such tools, interviewees note. For example, accessibility issues and other barriers to access can potentially harm the right to non-discrimination.

Privacy and data protection rights (Charter Articles 7 and 8)

Several interviewees point to features of the digital tools in this use case cluster that protect rights to privacy and data protection. For example, the digital tablets in prisons (Estonia) have robust measures protecting data privacy, such as encryption and access controls, ongoing monitoring and training, and system updates, technical experts explain.

Interviewees also mention risks to privacy and data protection rights, such as data breaches or unauthorised access to sensitive data stored within the system. For example, judges and technical experts in Portugal interviewed about RAL+ criticise the fact that individuals or their legal representatives can upload sensitive data that are unnecessary for the case (e.g. mediators uploading information about what happened during mediation). While the

platform may be designed with data protection principles in mind, its use must be closely monitored to ensure that confidential data are not shared inappropriately or accessed through hacking, they stress. Work is under way to improve data encryption to enhance security, one technical expert notes. Clear guidelines and tutorials on using the platform are also important.

In practice, people need legal support to make legal aid requests due to the complexity of the process involved for people without legal expertise, according to most interviewees asked about Portugal's Platform for Electronic Legal Aid. When providing support, these professionals have access to private data and information about the individuals and their families, such as social benefits and sources of income. One lawyer admitted to filling out electronic forms on behalf of several individuals. This means that the lawyer had access to the area reserved on the social security portal for those individuals, risking the individuals' right to the protection of private data and family life. To solve this problem, it could be helpful to allow specific access to legal representatives so that they could support their clients without having access to such data, lawyers suggest.

Right to non-discrimination (Charter Article 21)

Interviewees discussed the ability of digital tools designed for wider public use to prevent non-discrimination and ensure equal access to justice.

Regarding positive measures in Estonia, both the digital tablets for detainees and the digital tool for reporting of crimes focus on user-friendliness and enhanced accessibility features to ensure effective access to justice and the right to non-discrimination, technical experts highlight. Both the Estonian and French crime reporting tools allow for reporting in other languages, which makes the tools more accessible to those beyond just the citizens of the Member State and reduces the risk of discriminatory language barriers. France's online complaints tool also mitigates the risk of digital exclusion for visually impaired users by generating a summary, available as both PDF and HTML files, allowing text-to-speech functionality. It also avoids using high-contrast colour schemes that could be problematic for colour-blind users.

Some interviewees see a risk that the increasing use of digital tools could perpetuate the digital divide between technologically proficient users and those lacking digital literacy or access. A 2022 UNDP report also notes this risk in relation to new online methods of engagement, including online dispute resolution or electronic filing ([7]). For example, using RAL+ is difficult for individuals with limited digital skills or certain disabilities, judges in Portugal stress. The platform's authentication process relies on the 'digital mobile key' – a state-certified authentication and digital signature method – which could be an obstacle, as many individuals do not yet use it, according to an IT expert. Findings show that other tools in this use case cluster also require national IDs or codes, such as Estonia's online reporting tool or France's SIAJ (as with the use of e-case management platforms; see Section 1.2). There is an additional gap in access to the SIAJ, a French lawyer from the National Bar Associations Council highlights. The SIAJ is not accessible to people under guardianship or curatorship, as guardians and curators cannot submit requests on behalf of a third party.

'The [digital form] is more rigid. It's not intuitive. It often blocks, and people can't get to the end for submission. You give up in the middle, and people choose to fill in [the paper version].'

Civil-society representative (lawyer), Portugal

Lawyers and legal professionals speaking about the legal aid tool (Portugal) also identify barriers to use for people with low digital skills or for anyone without legal knowledge or the support of a legal professional. The tool places an undue burden on people in vulnerable situations, such as victims of domestic violence, to provide a lot of (sensitive) information (that the authorities already know) when completing applications, the lawyer adds. They propose simplifying the request in such cases, allowing victims to provide

minimum information. In cases of violence against women or children ([8]), there is a legal presumption of financial insufficiency, meaning that legal aid is automatically provided to victims. However, victims must still make a request for legal aid, even when the public prosecution is already investigating the case.

Efficient and transparent access to information and justice (Charter Article 47)

Most interviewees mentioned improved access to justice for users as a key fundamental rights benefit when asked about the digital tools in this cluster. Digitalising access to information, submission of claims and necessary files and communications within the justice sector makes it easier for both the public and legal professionals to access information and engage with the justice sector. Digitalisation contributes to improving transparency, as digital processes can make the exchange of information and documents more reliable and easier to monitor. Victims' rights are also enhanced through the availability of new digital tools. For example, France's online complaint tool enables victims of property offences to report offences online, which can be faster and more comfortable for victims. Victims can also save their complaint as a draft for seven days and gradually complete it. There are many benefits to this, as a technical expert working in law enforcement explains.

There are challenges and risks in relation to this right in practice, interviewees note. One example highlights the potentially adverse effects that introducing digital tools may have on physical access to justice. A lawyer from a victim support NGO in France recalled a case where their client had been turned away from the police and told that they had to report online instead, although this was not obligatory.

An interviewee from law enforcement in France advocates for avoiding a 'digital only' approach to the online complaints tool. They say that 'the goal is not to create a closed system that forces people to file their complaints online'. It should serve as an additional resource and not become a constraint for victims or law enforcement, they say.

'The person can make their statement at any time of the day or night … Where some people would be discouraged, because they'd say to themselves, 'I've got to wait for four hours in a police station before someone takes my complaint', here they can do it in 20 minutes at home.'

Technical expert, France

'[L]ike many recent digital tools, users are pushed to use them without necessarily being told that … there are other ways. In practice, police stations often refer people to the [*plainte en ligne* tool], without explaining that this is not compulsory.'

Victim support organisation representative (lawyer), France

Digitalisation of residence permit application procedures

Foreign nationals in France wishing to access residence permit application procedures must navigate the new Digital Administration Platform of Foreign Nationals in France (*Administration numérique pour les étrangers en France*).

There are often technical malfunctions and complexities in accessing the tool, including linguistic challenges (it is only available in French) and documentation requirements, two interviews with lawyers highlight. The lack of a document prevents the application from being approved, one lawyer explains. If a person's situation does not fall into a category predefined in the tool, the system freezes. Foreign nationals often ask social workers or their lawyers to fill in the information, which requires them to give up sensitive data such as login details. The widespread sharing of such sensitive data exposes foreign nationals to major risks due to potential hacks, interviewed lawyers explain. These challenges are all the more serious as there is no offline alternative, which can impact immigration proceedings and their outcomes (e.g. leaving foreign nationals unable to renew their residence permits on time).

Similar difficulties affect the SIAJ. It is unacceptable for a lawyer to hold the login details enabling them to access clients' tax or health data, one lawyer stresses. This issue could also affect privacy and data protection rights under Articles 7 and 8 of the Charter.

Source: FRA, interviews with professionals about the digitalisation of justice, 2025.

Defence rights (Charter Article 48)
The digital tablets used in the Estonian prison system significantly improve the principle of the equality of arms and thereby the right of defence as protected under Article 48 of the Charter. Detainees, due to their incarceration, experience difficulties receiving information regarding their cases or booking appointments with their lawyers, an interviewed prison officer and a technical expert explain. The digital tablets provide detainees with direct access to legal information on their rights or judicial procedures. The tablets allow them to communicate with legal representation to obtain advice or decide on a defence.

2.3. KEY FUNDAMENTAL RIGHTS CHALLENGES AND POSSIBLE SAFEGUARDS IN THE PLANNING, DEVELOPMENT AND DEPLOYMENT OF DIGITAL TOOLS

FRA's findings show that justice authorities and technical professionals have implemented positive measures and safeguards during design, development and deployment that can strengthen the protection of the fundamental rights of non-professional users of digital tools in the justice area. These include effective stakeholder consultation and training. Interviewed professionals also reported several challenges relating to funding, fundamental rights impact assessments and in-house development.

Fundamental rights impact assessments and stakeholder consultations
Formal fundamental rights impact assessments did not take place during the development of the tools examined in this use case cluster, similar to findings for other clusters. Any such assessments or considerations of fundamental rights usually took place in informal settings and without adequate involvement of users to determine their needs prior to development or gauge their satisfaction after deployment. There is a need for some kind of fundamental rights impact assessment or meaningful consultation when developing and implementing digital tools, according to several interviewees. Professionals could highlight fundamental rights issues if tool developers asked for their input, interviewed lawyers in Italy stress.

FRA's research also reveals some positive examples of how justice authorities and their technical teams take fundamental rights impacts into consideration during design and development. For example, in France, the teams that test SIAJ's implementation include feedback on the application's potential impact on fundamental rights regarding lawyers' access to the platform or personal data protections, interviewees state. France provides other good examples of practices that exemplify meaningful engagement with professionals and other users in the development phase. A panel of users was asked to test the online complaints tool and provide feedback during its development. Police officers and gendarmes also provided input. This dual consultation of users and professionals was considered essential to meet both users' needs and operational constraints.

Testing during implementation of digital tools
Some interviewees note the importance of testing and seeking regular feedback after the deployment of tools. As the justice system develops, it is critical to maintain a focus on accessibility and user experience, one technical expert stresses, speaking about the Estonian online reporting tool. Ongoing assessments of systems must be part of the development process to ensure that digitalisation does not unintentionally restrict the rights of or access for certain groups in society.

Introduction of support services to help people access digital tools

There is a need to support people in accessing digital tools and systems in certain cases, interviewees note. For example, public services could protect people's fundamental rights and safeguard against digital exclusion by offering a support system to help non-professional users to navigate digital systems at a physical location, a lawyer in France stresses.

Italy has such an initiative in place, interviewed technical experts add. 'Proximity offices' ([9]) work to bring justice closer to people facing difficulties in accessing it. People can visit proximity offices for help to file case documents online, for example.

Training and information about digital tools

Member States typically inform both professionals and the wider public about digital tools and processes through websites or e-learning platforms featuring guidance. This includes various written and video materials or helplines – for example, on how to submit e-forms or access videoconferencing platforms. These are published on the web pages of national ministries of justice, court administrations or supreme courts ([10]). Some Member States (e.g. Austria and Portugal) have introduced AI-driven chatbots to provide people with information about certain judicial procedures (see **Chapter 4**). However, barriers exist to accessing some materials – relating to language, for example, or a lack of accessibility features, such as screen reader compatibility to facilitate access for people with certain disabilities. Despite such gaps, desk research reveals that many Member States have recently made efforts to improve access to the websites and mobile applications of public services for people with disabilities, in line with the Web Accessibility Directive (Directive (EU) 2016/2102) ([11]).

FRA's research did not uncover any evidence of dedicated training on digital tools for parties to the proceedings, such as complainants, victims or defendants.

'Ideally, this would be something like an office in every town hall or municipal annex … where people could go without needing an appointment … [I]f such a resource existed, staffed by people trained to help all users – citizens, foreign nationals, people seeking legal aid – it could significantly reduce the barriers to exercising fundamental rights, especially those caused by digital illiteracy.'

Lawyer, France

'[Proximity offices] allow you to balance this digitalisation process … while keeping an eye on those people, such as elderly people, who are still unfamiliar [with it] and are in difficulty.'

Technical expert, Italy

Funding

A lack of steady funding can undermine digitalisation, also impacting the resources Member States must focus on aspects such as securing sufficient human resources, technical equipment or training provision. Both RAL+ and the Platform for Electronic Legal Aid in Portugal rely on funding from the EU recovery and resilience plan. When this funding comes to an end, there is a real need for public bodies to invest in specialised human resources so that the platforms' internal management can prevent any failures and adverse fundamental rights impacts.

In Italy, there is a need for stronger investment to ensure sufficient staffing, training and up-to-date technology in courts, justice professionals and technical experts emphasise.

Selected safeguards that national justice authorities can apply when managing digital tools that facilitate people's access to information or engagement with justice systems

Similar to **Chapter 1**, the key risks to fundamental rights and corresponding safeguards relating to this use case cluster are:

- the risk of the fair and efficient administration of justice being compromised;
- the risk of data breaches or the misuse of data;
- the risk of affecting non-discrimination rights and introducing barriers to accessing justice.

See **Table 3** in **Chapter 1** for issues and safeguards at a glance that are also valid for this use case cluster.

Endnotes

(1) France, National Bar Associations Council (Conseil national des barreaux A French colleague confirms this as correct.), 'Some points of reference on the SIA'J ('**Quelques repères sur le SIAJ**'), National Bar Associations Council website, 2 May 2023.
(2) Portuguese government, 'Government launches electronic legal aid' ('**Governo lança Apoio Judiciário Eletrónico**'), government website, 28 February 2023.
(3) See France, Service-Public.fr, 'Victim of a property crime: You can now file a complaint entirely online' ('Victime d'une atteinte aux biens: vous pouvez désormais porter plainte intégralement en ligne'), Service-Public.fr, 5 November 2024 (created 21 October 2024).
(4) For more information, see Estonian Police and Border Guard Board, '**Submission of offence report**', Police and Border Guard Board website.
(5) Portugal, Decree-Law 26/2024, which creates and regulates the RAL+ Platform (**Decreto-Lei 26/2024, que cria e regula a Plataforma RAL+**), 3 April 2024.
(6) Estonia, Ministry of Justice and Digital Affairs, 'A look back at 2023 in the field of justice' ('**Tagasivaade 2023. aastale justiitsvaldkonnas**'), ministry website, 29 December 2023.
(7) UNDP, ***e-Justice: Digital transformation to close the justice gap***, New York, 2022, p. 10.
(8) Portugal, Law No 130/2015, of 4 September (**Lei n.º 130/2015, de 4 de setembro**), 4 September 2015, which approves the statute of the victim, establishing rules on the rights, support and protection of victims of crime.
(9) For more information, see the websites of the **national operational programme governance and institutional capacity** and of the **Agency of Territorial Cohesion** or the Italian country report.
(10) For example, see Latvia, Court Administration, 'How to submit e-forms on manas.tiesas.lv?' ('**Kā iesniegt e-veidlapas portālā manas.tiesas.lv?**'), Court Administration website, 21 May 2021; the **e-Case portal video guide**; or the **CloudStudy** platform. See also Portugal, Directorate-General for Justice Administration, *Quick Guide – Webex access* (***Guia Rápido – Acesso Webex***), Lisbon.
(11) **Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies** (OJ L 327, 2.12.2016, p. 1).

3

VIDEOCONFERENCING TOOLS/ PLATFORMS IN COURT PROCEEDINGS

TABLE 5: OVERVIEW OF CLUSTER 3 USE CASES

Category and purpose	Country	Justice setting
Systems that facilitate remote hearings	Portugal	All types of proceedings
	Poland	All types of proceedings
	Italy	All types of proceedings (focus in interviews on criminal proceedings)
	Latvia	All types of proceedings (focus in interviews on criminal proceedings)
	Austria	Many types of proceedings (focus in interviews on criminal proceedings)
System for electronic (audio and video) recording of court hearings	Poland (e-Protocol)	Civil, misdemeanour and administrative cases

Source: FRA, 2025.

Note: In Portugal, a videoconferencing tool is used for audio recording. In Italy, a videoconferencing tool is used for video and audio recording.

3.1. INTRODUCTION TO USE CASES

FRA fieldwork covered videoconferencing use cases in Austria, Italy, Latvia, Poland and Portugal (see **Table 5**). Videoconferencing allows judges, court staff, lawyers, prosecutors or parties to proceedings to participate in cases remotely. In some Member States, videoconferencing is also used to audio (e.g. Portugal) and video (e.g. Italy) record all hearings, even those held in person. In Poland, a separate system for electronic recording of court hearings (e-Protocol), which FRA's research also investigated, is used to record hearings.

— In **Portugal**, videoconferencing is used nationwide in all types of proceedings to hear experts, witnesses, victims and, under specific conditions, those deprived of their liberty ([1]). Videoconferencing in court proceedings is used in two ways. The first is via voice over internet protocol, utilising the courts' intranet. The second is via privately developed videoconferencing services/tools using an internet protocol network, which can be used from any computer with a stable internet connection, anywhere in the world. Voice over internet protocol is the main way of setting up videoconferencing. However, privately developed videoconferencing tools became the preferred method during the COVID-19 pandemic and are still used upon request and with the approval of all parties, interviewees explain.

- In **Poland**, videoconferencing is used nationwide in all types of proceedings, including cross-border cases. In criminal proceedings, courts may permit the remote participation of defendants, including those detained, and private or auxiliary prosecutors if it does not compromise procedural fairness. Privately developed videoconferencing services/tools are used ([2]).
- In **Austria**, videoconferencing is used to hear witnesses, parties, interpreters and expert witnesses in civil proceedings. In the criminal justice context, it is used to hear witnesses and defendants in preliminary criminal proceedings, and witnesses at trials ([3]). FRA interviewed justice professionals who use videoconferencing in criminal proceedings. As in Portugal, there are two ways of establishing videoconferencing in criminal proceedings: via the court's videoconferencing technology (requiring people to go to the closest court equipped with a videoconferencing system) or via Zoom. The use of videoconferencing directly at courts helps to ensure the availability of technical support and verification of the identity of the person summoned by the authorities of the given court. Interviewing witnesses and victims via Zoom became common during the COVID-19 pandemic and has remained in use since then. Judges have the discretion to decide on the appropriate interview method, considering the associated costs.
- In **Latvia**, a private global technology company's videoconferencing tool was adapted for the national Court Administration, the police and the Latvian Prison Administration. It is used in all types of proceedings, including complex criminal cases and closed hearings, and in cross-border settings. All levels of jurisdiction (with the exception of the Constitutional Court) use it. FRA interviewed justice professionals who use videoconferencing in criminal proceedings ([4]).
- In **Italy**, videoconferencing is used nationwide in all types of judicial proceedings. FRA interviewed justice professionals who use it in criminal proceedings ([5]). Using videoconferencing ensures the safety and protection of vulnerable parties in proceedings, such as children or particularly exposed witnesses, according to interviewees. Videoconferencing also avoids physical transfers of detained defendants to courtrooms. Recordings are stored in a specific cloud environment hosted in the EU and are available to judges, prosecutors and lawyers.

At the international level, a 2024 UN report on human rights in the administration of justice stresses the many benefits of online hearings. They can facilitate the participation of some or all parties and thus have the potential to increase access to justice, among many other benefits. At the same time, online hearings should only occur when regulations are in place to ensure the protection of human rights, fair trial guarantees and the existence of safeguards, the report stresses ([6]).

Both the ECtHR and the CJEU have examined issues relating to hearings via video link from the perspective of the right to a fair trial and, specifically in relation to criminal proceedings, the right of defence (Article 6 of the ECHR and Articles 47 and 48 of the Charter). The existing European jurisprudence provides some guiding principles in relation to a defendant's participation in a hearing via videoconference during criminal proceedings. A defendant's participation in criminal proceedings using videoconferencing is not as such contrary to the Charter or ECHR, the CJEU and ECtHR confirm. This chapter highlights some of the key issues explored and resulting judgments (from both European courts, and some national-level case-law), such as the defendant's right to be present at trial and the defendant's right to effective and confidential communication with a lawyer (see the boxes below on case-law).

The EU Digitalisation Regulation provides a legal basis for cross-border videoconferencing, as mentioned in this report's introduction. Specifically, Article 5(1) provides for the possibility of participating in a hearing remotely in proceedings concerning civil and commercial matters where one of the parties or a representative is in another Member State. Similarly, Article 6(2) provides for the possibility of a suspect, an accused or convicted person or an affected person in criminal matters participating remotely, with their consent. However, this is limited to certain hearings in the context of judicial cooperation under the six EU instruments listed under Article 6(1) ([7]). The rules under that regulation should not apply to hearings undertaken through videoconferencing or other remote communication technology for the purposes of taking evidence or holding a trial that could result in a decision on the guilt or innocence of a suspect or an accused person in criminal matters, the corresponding recitals clarify. Aside from the rules in Articles 5 and 6, the EU Digitalisation Regulation relies on national law to set out procedures for conducting videoconferencing ([8]). However, the non-existence of national rules on videoconferencing should not be used as a ground for refusing videoconferencing (recital 33). The EU Digitalisation Regulation acknowledges and strengthens, but does not affect, existing procedural guarantees in criminal matters, such as the right to access to a lawyer.

In the specific context of obtaining evidence in cross-border criminal proceedings, Article 24 of the European Investigation Order Directive allows a Member State to issue a European investigation order to conduct hearings of witnesses, legal experts and suspected or accused persons in the territory of another Member State using videoconferencing, in order to obtain relevant evidence ([9]). The 2016 **directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings** (Directive (EU) 2016/343) deals with certain aspects of the right to be present at trials. It does not provide for the right to be present via videoconferencing. However, it does not prohibit exercising this right by such means. The directive does not preclude the accused from participating in a trial remotely, at their request, provided that their fair trial rights are guaranteed, the CJEU has **ruled**.

CJEU case-law: defendant's right to be present at trial

The CJEU looked at the use of videoconferencing in criminal proceedings in Case **C-760/22**. It was asked to address whether the participation of an accused person in a criminal trial via videoconferencing – at their express request – is precluded by EU law, in particular Article 8(1) of **Directive (EU) 2016/343**. The directive does not govern whether an accused person can participate in trial hearings via videoconferencing if they request to do so, the CJEU confirmed. Therefore, this provision cannot preclude accused persons who make such a request from being allowed to participate in their trial remotely, provided that their right to a fair trial is guaranteed. While EU law sets certain minimum standards for procedural rights, Member States can use different methods, such as videoconferencing, as long as defendants' fundamental rights are protected, the CJEU therefore confirmed.

Source: Judgment of the CJEU (first chamber) of 4 July 2024, ***FP and Others* v *Sofiyska gradska prokuratura***, C-760/22, EU:C:2024:574.

National case-law: compulsory videoconferencing during the COVID-19 pandemic in France

In France, the Constitutional Council ruled on the use of videoconferencing in the context of COVID-19. The council deemed it unconstitutional for the investigating chamber to extend pre-trial detention via videoconferencing, without the detainee's ability to oppose it. Such usage allowed for too many situations without key rights guarantees.

Source: France, Constitutional Council, ***M. Krzystof B.***, Case No 2020-872 QPC, 15 January 2021.

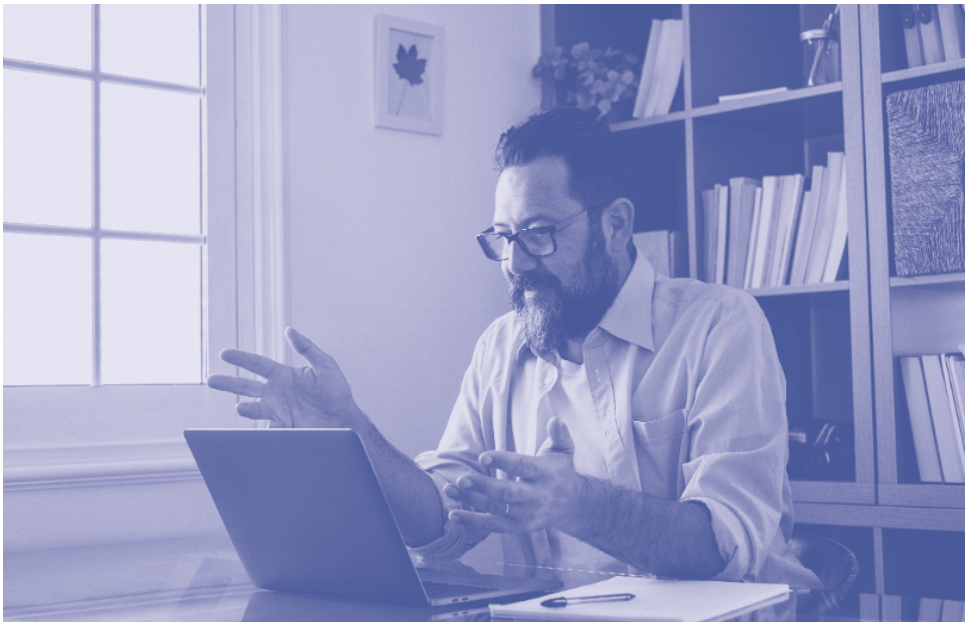
The French Constitutional Council concluded that provisions allowing for the use of audiovisual telecommunication before all criminal courts and for appearances before prosecutors, without the need to obtain the consent of the parties, were unconstitutional. This was because, although the provisions stipulate that the judge can use videoconferencing, they 'do not subject its exercise to any legal condition and do not frame it by any criteria'.

Source: France, Constitutional Council, ***M. Wattara B.***, Case No 2021-911/919 QPC, 4 June 2021.

3.2. FUNDAMENTAL RIGHTS IMPACT: BENEFITS AND RISKS

FRA's findings show that videoconferencing brings several fundamental rights benefits, especially regarding the right to a trial within a reasonable time and the right to effective access to justice. If videoconferencing is used only when needed and with the specific needs and characteristics of the case in mind, it can benefit fundamental rights more than harming them, interviewees generally believe. Videoconferencing tools are very useful for saving witnesses' and experts' time and reducing costs (as they can testify in or near their own homes), interviewed lawyers and judges in most Member States stress.

There are also potential fundamental rights risks that courts/judges should consider before deciding to hold a remote hearing or hear defendants, victims, experts or witnesses via videoconferencing, interviewees point out. The risks relate to issues such as presence at trial, the right to a lawyer (especially the confidentiality of client–lawyer communications) and the right to the protection of personal data.



In 2025, complementing its previous guidelines from 2021 ([10]), CEPEJ issued data and guidance on the use of remote hearings to help Council of Europe member states strike a balance between efficiency, access to justice and respect for procedural rights as they increasingly use videoconferencing. There is flexibility in some jurisdictions that indicates recognition of the need to adapt to the specific circumstances of each case when deciding whether to use videoconferencing, CEPEJ observes ([11]) and FRA's findings support.

Right to the protection of personal data (Charter Article 8)

There is a potential risk to the right to the protection of personal data in cases where videoconferencing systems rely on privately owned third-party commercial tools, interviewees in Poland and Portugal note. A government-controlled videoconferencing system should be implemented to improve security, a technical expert in Poland suggests. Austria appears to use such a safeguard in certain cases. Witnesses and victims with specific protection needs are questioned using the court videoconferencing tool, not privately developed videoconferencing services/tools, to ensure their safety and protection, judges explain.

In Poland, interference with privacy and data protection rights is possible in the context of recording hearings (via videoconferencing or a specific recording tool like e-Protocol), lawyers stress. Recordings capture much more information from the hearing than would be recorded in non-digital minutes, where the judge would decide what to deem relevant. In addition, a wider range of people can access this information.

On the positive side, some safeguards are built into systems to protect privacy and data protection rights, interviewees note. This is in line with CEPEJ's 2021 videoconferencing guidelines and 2025 CEPEJ research and recommendations, which call for robust cybersecurity safeguards in remote hearings, such as implementing secure communication channels, using encrypted videoconferencing tools and establishing strict authentication protocols for participants. These help to ensure the integrity, confidentiality and availability of the judicial process and maintain public trust in the judicial system ([12]). For example, in Italy there are operational guidelines to safeguard the data protection rights of trial parties, ensuring that only authorised individuals can access system recordings, one judge explains. The president of each court has access to personal and sensitive data. Court staff only have access to some personal data and technical staff cannot access any personal data. In Austria, technical arrangements are in place to ensure that videoconferencing is protected from improper access (hacking). Other examples include an encryption system for personal data exchanged between parties participating in trials from different physical places, a different connection link for each remote hearing that is not transferable to third parties, and measures to ascertain the identities of those connecting to remote hearings, according to a technical expert in Austria and a data protection expert in Italy.

Right to non-discrimination (Charter Article 21)

Using videoconferencing offers benefits and risks regarding the right to non-discrimination, several interviewees note. On the positive side, allowing defendants and victims to participate remotely can prevent discrimination on economic and social grounds (due to the costs of attending hearings in person), a prosecutor in Italy says.

However, inequality or discrimination could arise in cases where some people cannot use videoconferencing options, professionals (including lawyers working with vulnerable groups) in Italy, Latvia and Poland note. For example, people may lack internet access, a suitable device or the necessary skills.

They may have certain disabilities like hearing or visual impairments that the videoconferencing tool does not accommodate.

Right to a hearing before a court within a reasonable time (Charter Article 47)

All interviewees agree on certain benefits of remote hearings for access to justice rights. These hearings generally save time and reduce travel costs for parties to proceedings – especially those who live abroad. They reduce hearing times, improving procedural efficiency. This is especially useful for large court case backlogs or in cross-border proceedings. Remote hearings can be useful in securing the presence of valuable expert witnesses, whose lack of availability often causes scheduling delays, interviewees in Portugal specify.

At the same time, remote hearings have frequent technical problems such as poor internet connectivity, inadequate equipment, technical malfunctions or insufficient IT support, most interviewees note. This can lead to delays in judicial proceedings and undermine the quality of testimony and recorded audio for future proceedings or appeals. It can also limit judges' capacity to assess the testimony's credibility, especially in criminal cases or very sensitive cases involving vulnerable individuals like children. This could harm the efficiency of the judicial process and length of proceedings.

Right to a fair trial (Charter Article 47)

The risk of the negative impact of videoconferencing on the right to a fair trial is interviewees' most common concern.

Judges, lawyers and prosecutors in Austria, Italy and Poland believe that videoconferencing reduces the likelihood of the court understanding the non-verbal language of parties to proceedings. This could interfere with the principle of the equality of arms in cases using hybrid hearings, where some participants attend remotely and others are present at the court, a lawyer in Poland explains. One risk of hearings undertaken using some privately developed videoconferencing tools/systems is that they do not allow judges to see whether there are other (unauthorised) people present in the room, additional (unauthorised) documents are in use or a witness is influenced by other means during the hearing, a lawyer in Austria points out. A lawyer in Latvia gave an example of how videoconferencing could enable malicious conduct. They had experienced a defendant broadcasting a remote hearing to a witness who had yet to testify.

Interviewees are concerned about fair trial rights regarding using videoconferencing in criminal proceedings. For example, the use of videoconferencing may not be suitable for all circumstances in which people need to appear or give evidence

ECtHR case-law: the defendant's participation in remote hearings

A defendant's participation in criminal proceedings using videoconferencing is not necessarily contrary to the Charter or the ECHR, both the CJEU and the ECtHR confirm. In *Marcello Viola* v *Italy*, the ECtHR specified that recourse to this measure in any given case must serve a legitimate aim. The arrangements for giving evidence must be compatible with the requirements of the respect for due process, as laid down in Article 6 of the ECHR. At the same time, there is a need to ensure the relevant procedural safeguards, the ECtHR stresses. In particular, defendants must be able to follow the proceedings, be heard without technical impediments and have effective and confidential communication with a lawyer (ECtHR, ***Grigoryevskikh v Russia***, Application No 22/03, 9 July 2009, paragraph 83).

Source: ECtHR, ***Marcello Viola* v *Italy***, Application No 45106/04, 5 January 2007.

in court, interviewees in Portugal state. Videoconferencing is even discouraged in cases involving more severe penalties such as imprisonment.

Various technical failures could impact fair trial rights, as interviewees' examples show. Technical issues could be invoked maliciously with the purpose of attaining a postponement, for example. If a connection drops mid testimony, one party may unintentionally gain an advantage, as they have more time to refine their argument while waiting for reconnection, a representative of an association of judges in Poland notes. In one incident in Latvia, a technical failure during a witness testimony gave an attorney time to advise the witness on how to answer questions, a lawyer recalls.

Several judges and legal practitioners in Poland believe that cases involving legal interpretation are particularly well suited for remote hearings, as they do not require direct courtroom interactions. However, providing interpretation for somebody whose body language is not fully visible on screen is also challenging in practice. In Latvia, the type of technical equipment used for interpretation – for example, equipment that only allows for one audio track – presents a new challenge, one interviewee notes. As a result, interpretation mostly takes place consecutively, meaning that the interpreter waits until the speaker has finished speaking before translating, rather than translating simultaneously.

National case-law: use of videoconferencing and the procedural rights of defendants in France and Poland

Videoconferencing undermines the fair trial rights of the defence, as it fails to comply with the guarantee of the physical presence of the litigant before the judge, particularly in remand detention proceedings, according to the Constitutional Council (Conseil constitutionnel) in France. The use of videoconferencing without the detainee's consent in hearings for requests for release in the context of pre-trial detention was unconstitutional, it concluded. Such use could lead to the detainee in criminal matters being prevented, for an entire year, from appearing physically before the judge ruling on their detention.

Source: France, Constitutional Council, ***M. Abdelnour B.***, Case No 2019-802 QPC, 20 September 2019.

A technical failure in a virtual hearing was deemed a serious violation of fair trial rights in a 2023 ruling. This led to the Supreme Administrative Court in Poland annulling the original decision. Remote hearings must guarantee the same level of fairness and access to justice as traditional in-person hearings, the court ruled.

Source: Poland, Supreme Administrative Court (Naczelny Sąd Administracyjny), ***Case III FSK 567/22***, 19 October 2023.

Access to justice for vulnerable groups (Charter Article 47)

Videoconferencing may create more favourable conditions allowing vulnerable groups to access and be heard by the court, many interviewees across all use cases note. The UN also stresses this benefit in a 2024 report. Videoconferencing benefits vulnerable complainants, such as those affected by gender-based violence, and prosecution witnesses, the report notes. The UN Human Rights Committee recommends videoconferencing for all cases in which it is necessary to safeguard the rights of both the accused person and the victim or the victim's relatives, particularly in cases where any party's physical presence would endanger their life ([13]). Videoconferencing has a positive impact on access to justice, interviews with representatives of NGOs and lawyers working with migrants and with people with disabilities in Latvia confirm. It makes many procedural aspects more convenient and

saves time and resources for those they represent. Videoconferencing often offers greater flexibility not only in the scheduling of proceedings but also in the reception of witnesses with certain physical or mental impairments or who might feel otherwise intimidated by appearing in person in court, lawyers and judges in Poland and Portugal also note.

However, people still need to have access to a computer and a stable internet connection, or to travel to a court with videoconferencing equipment. In Latvia and Poland, some courts have made efforts to mitigate the challenges facing individuals with limited digital literacy or internet connections, interviewees highlight. One prosecutor in Latvia notes a case where an elderly accused person with limited mobility was set to participate in a hearing remotely, but they had no internet. A technical employee from the court went to the person's house and provided the equipment for video participation. In Poland, participants can join from designated court locations, where technical assistance is available. In particular, in administrative proceedings, they can take part in a remote hearing while sitting in a designated room in a court (but not in a courtroom). However, this requires the party to the proceedings to give prior notice.

Despite advantages in facilitating access to justice for vulnerable groups, videoconferencing should always be carefully assessed for possible drawbacks, according to some interviewees. For example, some aspects (e.g. a person's psychological state) can only be properly assessed in person, a lawyer in Latvia representing people with mental impairments stresses.

In Italy, the videoconferencing system can challenge a judge's ability to read parties' non-verbal language and conduct an adequate psychological assessment when requested, a psychologist working for a local juvenile (family) court stresses. This might compromise the right to a fair trial, since psychological assessments of defendants and victims, including of victims' specific protection needs, are key to collecting relevant evidence in judicial proceedings. Migrants face particular challenges in proceedings related to asylum applications, a prosecutor in Italy emphasises.

In France, using videoconferencing to hear migrants in administrative detention centres at first instance before the liberty and custody judge (where videoconferencing is now used by default) and before appeal courts poses various risks, lawyers note. Videoconference hearings in detention centres can undermine the principle of the equality of arms due to the poor sound quality, the layout of the hearing room within the detention centre,

'[A]s soon as it is related to the assessment of a person, the assessment of a person's abilities [...] there should not be a videoconference. Generally, [...] there must be this direct impression. [...] And I do not see the possibility that a person can be assessed through a videoconference. It ... it will be incomplete.'

Lawyer, Latvia

'I believe that ... migrant interviews conducted online do not guarantee the ability to fully express oneself or fully understand the situations the judge is dealing with.'

Prosecutor, Italy

and the lack of human contact and perceptible emotion, some claim. This could influence the ruling, to the person's detriment. Videoconferencing can also make it more difficult for foreign nationals to understand proceedings, especially if they do not speak the national language and their lawyer is not at their side. These people are already in vulnerable situations, interviewees explain. They may be detained and they often come across various officials without knowing who does what. The National Bar Council in France has issued guidance outlining the minimum conditions required to ensure that a videoconference hearing for a foreign national takes place under acceptable conditions.

'The reproduction of any document [...] costs about EUR 260.''

Lawyer, Italy

Right to a public hearing and the transparency of proceedings (Charter Article 47)

Using videoconferencing to audio or video record hearings benefits the right to a public hearing and the overall transparency of proceedings, interviewees across the use cases generally agree. Such use can allow the public to participate from anywhere in the world. Recordings also provide an objective record of what happened during the hearing, which can contribute to the overall fairness of proceedings. However, the high cost of accessing recordings in this context is a possible drawback, one lawyer in Italy points out.

Poland has created a separate system for audio and video recordings of hearings in civil, misdemeanour and administrative cases. The resulting e-Protocol file is a recording and summary of the hearing. This is made available to the parties to the proceedings, free of charge, via the Information Portal (covered in **Chapter 1**).

A limitation of e-Protocol is that it does not offer automatic audio transcription, several interviewees point out. Full transcriptions are often needed when parties request corrections or clarifications due to errors or ambiguities in the summary minutes. This is equally important for ensuring a fair trial, as audio recordings can total hundreds of hours. It may compromise fairness and transparency if only the reporting judge thoroughly reviews the case files, while the other members of the judicial panel rely on that judge's assessment and the summary minutes.

'If someone can't speak directly in front of people about a topic for shame or other reasons, maybe it's that distance that makes them talk about it a bit more openly ... [I]n the case of rape, it's very difficult to talk about it with a stranger. It takes a lot of trust and maybe this boundary, this internet boundary, if the person is somewhere else, maybe with a trusted person nearby, maybe that makes it a bit easier.'

Interpreter, Austria

Right of victims to protection against secondary victimisation (Charter Article 47)

Videoconferencing has a positive impact on safeguarding victims' right to be protected from secondary victimisation, especially in cases involving domestic violence, sexual violence or child victims, lawyers, prosecutors, judges and representatives of victim support organisations interviewed in Austria, Italy, Latvia and Portugal highlight. Conducting interviews via videoconferencing reduces fear and emotional stress for victims, an interpreter in Austria notes.

In Austria, witnesses and victims with specific protection needs are questioned using the court videoconferencing tool, not privately developed videoconferencing tools, to ensure their safety and protection, judges explain.

Videoconferencing is an effective tool to safeguard victims' right to be protected against secondary victimisation. However, the use of videoconferencing for other purposes – such as individual assessments of victims' specific protection needs – may be unsuitable and harm a person's right to access to justice (see the section 'Access to justice for vulnerable groups (Charter Article 47)').

Right to access to a lawyer (Charter Article 48)

One of the most frequently raised impacts of the use of videoconferencing in judicial proceedings concerns the right of access to a lawyer. The vast majority of interviewed lawyers raise this issue.

In all Member States, videoconferencing could hinder a defendant's ability to communicate with lawyers during hearings and could compromise the confidentiality of such communication, lawyers note. Several lawyers do not trust that their communications with clients are private during video calls, even if other participants leave the room and the call. Lawyers mention the possibility of insisting on in-person participation. However, in practice, this can bring other disadvantages, like the postponement of a hearing, they note. In Latvia, the time limitations on the use of specially equipped hearing rooms challenge the quality of legal representation, one lawyer highlights. Judges must estimate the length of hearings when booking rooms, and arguments can be cut short if they exceed the time limit. Apparently, there is no time limit when booking rooms for in-person hearings.

A balance is needed between remote and physical hearings to guarantee respect for the right to a lawyer, lawyers confirm. Lawyers can better 'read the room', observe people's reactions or adjust their presentations during in-person hearings, to the benefit of their clients, they note.

'I certainly prefer in-person hearings .... [T]hen I can really see the people I'm talking to, and then I can make decisions about whether it's worth continuing to talk ... whether anyone is listening to me at all, or [if] they expect something more from me ... In a videoconference, I cannot assess and notice such things.'

Lawyer, Latvia

ECtHR case-law: effectiveness of legal representation for a detainee using a video link

The Grand Chamber in ***Sakhnovskiy* v *Russia*** was asked to assess whether communication between a lawyer and their detained client using a video link had offered sufficient privacy, and hence, the effective legal assistance that Article 6(1) and (3) of the ECHR requires. Transporting the applicant to Moscow for a meeting with their lawyer would have been a lengthy and costly operation, the ECtHR accepted. The ECtHR had to examine whether, in view of this particular geographical obstacle, the government had undertaken measures that had sufficiently compensated for the limitations of the applicant's rights, while emphasising the central importance of effective legal assistance.

Nothing had prevented the authorities from organising at least a telephone conversation between the applicant and the lawyer further in advance of the hearing, the ECtHR held. Nor had anything prevented the authorities from appointing a lawyer from the town where the applicant was held who could have visited the applicant in the detention centre and been with them during the hearing. Furthermore, the Supreme Court could have adjourned the hearing on its own motion so as to give the applicant sufficient time to discuss the case with the new lawyer. Therefore, the Supreme Court's arrangements had been insufficient and had not secured effective legal assistance for the applicant during the second set of appeal proceedings, the ECtHR concluded.

Source: ECtHR, ***Sakhnovskiy* v *Russia***, Application No 21272/03, 2 November 2010.

3.3. KEY FUNDAMENTAL RIGHTS CHALLENGES AND POSSIBLE SAFEGUARDS IN THE PLANNING, DEVELOPMENT AND DEPLOYMENT OF VIDEOCONFERENCING SYSTEMS

There is minimal stakeholder consultation and little, if any, assessment of fundamental rights impact during the development and roll-out of videoconferencing systems, according to interviewees, as seen in all use case clusters. The use of technologies like videoconferencing must be carefully assessed in criminal justice environments to avoid breaching rights, including rights to privacy, access to court and effective defence, legal experts warn ([14]).

A good practice outside the digitalisation context is organisations that work with people with disabilities and victims of violent crime cooperating with justice professionals on specific training and guidelines for judges and court staff that cover the perspectives of victims of violence and people with disabilities in criminal proceedings. This cooperation should be expanded to cover digital solutions (e.g. when introducing and using videoconferencing in courts), according to representatives of these organisations. It is difficult to redesign solutions that have been developed without sufficient consideration of accessibility issues and other barriers to access, one NGO representative emphasises. The lack of consultation on or consideration of fundamental rights impacts has impeded videoconferencing tools' implementation and functionality and undermined fundamental rights, some interviewees believe.

See Section 1.3 for some more general insights and cross-cutting findings on fundamental rights impact assessments, stakeholder consultations, the need for maintaining non-digital alternatives and training.

Selected safeguards that national justice authorities can apply when managing videoconferencing tools/platforms in court proceedings

To reflect the fundamental rights impact of the tools discussed in this chapter, **Table 6** outlines selected safeguards that national justice authorities can apply when designing and implementing videoconferencing tools/platforms to address some of the key fundamental rights risks emerging from FRA's research. These risks are without prejudice to the many benefits of these tools identified in FRA's research and should be read alongside the key findings and opinions in this report. They relate to:

- the risk of the fair and efficient administration of justice being compromised;
- the risk to the right to a fair trial or to defence rights in criminal proceedings, in particular the right to a lawyer;
- the risk of introducing barriers to accessing justice;
- the risk of data breaches or the misuse of data.

TABLE 6: SELECTED SAFEGUARDS TO ADDRESS FUNDAMENTAL RIGHTS RISKS OF VIDEOCONFERENCING TOOLS

Risk	Fundamental rights likely to be impacted (articles of the Charter)	Fundamental rights safeguards for videoconferencing tools
Fair and efficient administration of justice being compromised	Articles 21 and 47 of the Charter	• Provide minimum standards for technical set-ups to ensure the full participation of all persons involved in court proceedings • Ensure the remote court performs identity checks and relevant court staff are present during interrogations • Ensure judges obtain consent from all persons involved in proceedings if an external videoconferencing application is to be used • Consider more than reducing backlogs or cutting costs to decide if videoconferencing is beneficial to fair and efficient administration of justice, considering in particular: — how videoconferencing can affect fundamental rights — consulting (from the design stage) justice and legal professionals and also users of justice systems, including those from groups facing barriers in accessing digital tools and organisations that support or represent them and independent bodies with fundamental rights expertise — testing tools with these people, implementing feedback and monitoring satisfaction
Fair trial and defence rights in criminal proceedings	Articles 47 and 48 of the Charter	• Balance efficiency with accessibility concerns or other barriers to access and maintain discretion for judges to decide whether to use videoconferencing • Provide guidelines on when a judge should assess/handle certain issues in person (e.g. in cases involving vulnerable individuals, for individual assessments of victims' specific protection needs or when deciding on serious penalties) • Ensure parties can submit reasoned requests for in-person hearings • Consider additional safeguards/guidance to guarantee the equality of arms in cases using hybrid hearings, where some participants attend remotely while others are present at the court (*) • Implement targeted measures for victims and vulnerable witnesses to participate in hearings in a private setting without coercion or undue influence (e.g. hearing victims via the court videoconferencing tool and not via commercial platforms) • Ensure parties to proceedings can submit binding requests to examine witnesses/victims in the courtroom if in doubt as to whether they can testify free from third-party influence • Allow defence lawyers to report procedural errors and request a repetition of the hearing (e.g. in person or via a court videoconferencing system) • Implement specific measures to safeguard the confidentiality of client–lawyer communications • Implement reporting and complaint mechanisms for affected persons
Introducing barriers to accessing justice (e.g. caused by a lack of digital access or skills)	Articles 21, 24, 25, 26, 47 and 48 of the Charter	• Ensure parties can submit reasoned requests for in-person hearings • Balance efficiency with accessibility concerns or other access barriers and maintain discretion for judges to decide whether to use videoconferencing • Provide support to access remote hearings • Have accessibility measures in place (e.g. for people with disabilities who need tailored features or people who need interpretation) • Include 'digital accessibility' assessments in line with existing law and standards (e.g. requirements in the Web Accessibility Directive and in line with United Nations Convention on the Rights of Persons with Disabilities obligations) • Implement reporting and complaint mechanisms for affected persons
Misuse of systems or data breaches where systems collect and store personal information about third parties	Articles 7 and 8 of the Charter	• Same safeguards as in **Table 3** in **Chapter 1**

(*) CEPEJ, ***Guide on the use and development of remote hearings,*** CEPEJ(20025)3, Strasbourg, 5 June 2025, pp. 43–45.

Source: FRA, research on the digitalisation of justice, 2025.

Endnotes

(1) See, for example, Portugal, Justice Officers, 'New videoconference' ('**As novas teleconferências**'), *Digital Journal of the Justice Officers of Portugal*, 3 January 2017; Portugal, Code of Civil Procedure (**Código de Processo Civil**), Law No 41/2013, 26 June 2013; European Judicial Network, '**Taking evidence by videoconference**', e-Justice website, 27 March 2024; e-Portugal, '**Courts with video call service**', e-Portugal website, 22 January 2021; and Portugal, Justiça, ***Justice Digital Transformation: Two years of the recovery and resilience plan*** (***A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência***), Lisbon, 2024. See also the Portuguese country report for more information.
(2) For more information, see the Polish country report.
(3) Austria, Federal Ministry of Justice, ***IT Applications in the Austrian Justice System***, Vienna, 2023 (revised 2025); see the Austrian country report for more information.
(4) Latvia, Saeima, **Criminal Procedure Law** (Kriminālprocesa likums), 1 October 2005, Articles 140 and 382; Latvia, Saeima, **Law on Administrative Liability** (Administratīvās atbildības likums), 1 July 2020, Articles 139 and 219. For more information, see the Latvian country report.
(5) For more information, see the Italian country report; Italy, Ministry of Justice, Multi-videoconferencing service (MVCI) – Clarifications (**Servizio di multivideoconferenza (MVCI) – Precisazioni**), 29 August 2020; and Italy, Falcone A., 'Videoconferencing in Italian criminal proceedings: Reflections on the recent Cartabia reform on remote participation' ('**La videoconferenza nel procedimento penale italiano: riflessioni a margine della recente riforma Cartabia In materia di partecipazione a distanza**'), *La Legislazione penale*, 6 September 2023.
(6) UN Secretary-General, '**Human rights in the administration of justice – Report of the Secretary-General**', A/79/296, 7 August 2024, p. 15.
(7) **Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA)** (OJ L 190, 18 July 2022, p. 1), in particular Article 18(1)(a); **Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union** (OJ L 327, 5.12.2008, p. 27), in particular Article 6(3); **Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions** (OJ L 337, 16.12.2008, p. 102), in particular Article 17(4); **Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention** (OJ L 294, 11.11.2009, p. 20), in particular Article 19(4); **Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order** (OJ L 338, 21.12.2011, p. 2), in particular Article 6(4); **Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders** (OJ L 303, 28.11.2018, p. 1), in particular Article 33(1).
(8) **Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation** (OJ L, 2023/2844, 27.12.2023), Articles 5(4) and 6(9) and recitals 36 and 42.
(9) The European investigation order was subject to a 10th round of mutual evaluations. This looked at strengths and weaknesses in national authorities' practical application and developed recommendations for improvements. See the draft final report: General Secretariat of the Council of the European Union, '**Draft final report on the tenth round of mutual evaluations on the implementation of the European investigation order (EIO)**', 14321/1/24, 29 October 2024.
(10) CEPEJ, ***Guidelines on Videoconferencing in Judicial Proceedings***, June 2021.
(11) CEPEJ, ***Guide on the use and development of remote hearings***, CEPEJ(20025)3, Strasbourg, 5 Strasbourg, 2025, p. 11.
(12) CEPEJ, ***Guide on the use and development of remote hearings***, CEPEJ(20025)3, Strasbourg, 5 June 2025, p. 40.
(13) UN Secretary-General, '**Human rights in the administration of justice – Report of the Secretary-General**', A/79/296, 7 August 2024, p. 15.
(14) CEPS, Carrera, S., Mitsilegas, V. and Stefan, M., ***Criminal justice, fundamental rights and the rule of law in the digital age***, report of CEPS and QMUL Task Force, Brussels, 2021, p. 63.

4

AI-DRIVEN TOOLS OR SYSTEMS

4.1. LAW AND POLICY ON AI

The use of AI in the justice field has been gaining increasing attention globally ([1]). Various legislative and policy initiatives at the EU and international levels aim to regulate or align approaches on AI use. AI use brings new challenges to fundamental rights due to the opacity and complexity of AI systems and their impact on decision-making. This requires legislative implementation and oversight and agile policy responses in a rapidly developing field.

The EU adopted the AI Act in 2024. This is a horizontal regulation that establishes rules for the development and use of AI, including in the justice field. It complements other applicable EU and national law in this field, such as the EU data protection *acquis* ([2]). The Council of Europe also adopted the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law in 2024. This underlines the importance of ensuring respect for judicial independence and access to justice when using AI systems ([3]). CEPEJ has issued four key documents addressing the use of AI in the justice field: the 2018 **European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment**, complemented in 2023 by the **Assessment Tool for the operationalisation of the European Ethical Charter**; the 2024 information note '**Use of generative artificial intelligence (AI) by judicial professionals in a work-related context**'; and a 2025 **report on the use of AI in the judiciary**. In addition, the Parliamentary Assembly of the Council of Europe issued a report on the role of AI in policing and criminal justice systems ([4]).

At the international level, the UN Secretary-General submitted a 2024 report on human rights in the administration of justice to the UN General Assembly. It points to AI's potential to improve access to justice, for example through digital case management or chatbots that facilitate access to legal information. It also underlines the risks that the use of AI can pose to human rights – notably to those on non-discrimination, liberty and security, equality before courts and fair trials – and to the independence of the judiciary ([5]). UNESCO has issued a global toolkit that provides guidance on AI and the rule of law to those in the judiciary ([6]).

Initiatives addressing the use of AI in the justice field are also emerging at the national level. For example, in Portugal, the 2023 GovTech justice strategy was introduced to accelerate the digital transformation of the justice system. Some projects launched under it looked into the use of AI for different purposes, such as the provision of information. In Poland, the Ministry of Digital Affairs' Working Group on AI Ethics and Law developed recommendations on the integration of AI into the justice sector ([7]).

What is AI?

The FRA project followed the definition of an 'AI system' contained in Article 3(1) of the AI Act. The act defines it as '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 receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments'. This is based on the Organisation for Economic Co-operation and Development (OECD) definition of an AI system.

The identification of AI use cases in this report depended to some extent on how the stakeholders involved in the use cases interpreted the definition of AI. While some might have excluded certain technologies from the scope, others might have included them. FRA's 2020 report on AI and fundamental rights and a forthcoming FRA report on assessing high-risk AI also identify this issue, with interviewees giving different views on what constitutes AI.

The European Commission published guidelines on the definition of an AI system in February 2025. They explain in more detail when systems should be considered as AI to try and provide clarity and narrow the definition. The definition of an AI system should be interpreted broadly, covering systems with lower levels of complexity and automation, in order to ensure the effective protection of fundamental rights in practice and reduce legal uncertainty around the development and use of AI, FRA claims. Such systems can profoundly impact fundamental rights too, especially when used in high-risk areas such as for the administration of justice, as FRA research shows.

Note: The use cases referred to in this chapter are classified as 'AI based' where the Franet experts and interviewed experts determined the use case to be so. This is without prejudice to their potential classification under the AI Act.

Sources: **Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act)** (OJ L, 2024/1689, 12.7.2024); OECD, '**Explanatory memorandum on the updated OECD definition of an AI system**', *OECD Artificial Intelligence Papers*, March 2024, No 8, p. 4; FRA, ***Getting the Future Right – Artificial intelligence and fundamental rights***, Publications Office of the European Union, Luxembourg, 2020, p. 19; **Communication from the Commission – Commission guidelines on the definition of an artificial intelligence system established by Regulation (EU) 2024/1689 (AI Act)**, C(2025) 5053 final of 29 July 2025, annex to the Communication to the Commission – Approval of the content of the draft Communication from the Commission – Commission guidelines on the definition of an artificial intelligence system established by Regulation (EU) 2024/1689 (AI Act), C(2025) 924 final of 6 February 2025.

Regulation of AI systems used for the administration of justice under the EU AI Act

The development and use of AI systems for the administration of justice in Member States have to comply with the AI Act, which follows a risk-based approach to regulating AI. The AI Act defines high-risk AI systems as those that are either (1) products (or safety components of products) covered by EU product safety legislation listed in Annex I of the AI Act and requiring a third-party conformity assessment or (2) systems that fall under the use cases listed in Annex III of the AI Act, including in the area of administration of justice. In the justice field, AI systems used by judicial authorities (or on their behalf) are considered high risk if the authorities use them to assist with research and interpretation of facts and the law and the application of the law to a concrete set of facts (Article 6 and Annex III, point 8(a)). While the Commission will provide guidance on this provision, a broad reading of this provision can help to ensure enhanced fundamental rights protection in practice. Recital 61 of the AI Act underlines that humans must continue to make final decisions in the justice field, and that AI systems can support, but not replace, the decision-making power of judges and judicial independence. At the same time, AI systems intended for purely ancillary administrative activities, such as anonymisation or pseudonymisation tools, should not be considered high risk, according to the recital.

Article 6(3) contains a derogation clause from the high-risk AI requirements for systems that do not pose a significant risk of harm to health, safety or fundamental rights. These include systems performing narrow procedural tasks. Some AI systems used in the justice field could also fall under other high-risk AI areas under the AI Act, for example if used for certain biometric purposes. The assessment of whether a system used in the justice field amounts to a high-risk AI system under the AI Act therefore depends on several factors.

The AI Act also prohibits certain practices that pose unacceptable risks to EU values and fundamental rights, such as manipulative and exploitative AI practices and individual predictive policing (recital 28 and Article 5). It also contains transparency requirements for certain systems, for example if they are intended to interact directly with individuals or are used to manipulate public information texts without human review (Article 50), and additional requirements for general-purpose AI (Chapter V). An example of such practices in the justice field is the use of chatbots to provide information to service recipients, which is a practice emerging in some Member States, as this chapter highlights. In such cases, appropriate steps should be taken to ensure that the chatbot does not unintentionally work in a way that could amount to manipulative or exploitative practices, and that individuals interacting with the system are aware that it uses AI. Another example is anonymisation tools used to publish judgments without human review. The deployer needs to disclose that the text has been artificially manipulated. The providers of the underlying general-purpose models also need to comply with the relevant AI Act requirements.

Sources: **Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act)** (OJ L, 2024/1689, 12.7.2024); **European Commission, Commission guidelines on prohibited artificial intelligence practices established by Regulation (EU) 2024/1689 (AI Act)**, C(2025) 5052 final of 29 July 2025, pp. 12–13; see also pp. 17–48.

The CEPEJ Resource Centre on Cyberjustice and AI

The CEPEJ Resource Centre on Cyberjustice and AI provides an overview of AI systems and other advanced cyberjustice tools used by judiciaries in Europe and beyond. A 2025 CEPEJ report analyses 125 of the tools. The report observes a rise in generative AI systems in the justice sector. They appear to be more commonly available to lawyers than to judges. A broader trend towards responsible AI use was observed in 2023–2024, CEPEJ notes.

Sources: CEPEJ, '**Resource Centre on Cyberjustice and AI**', Council of Europe Portal; CEPEJ, '**1st AIAB report on the use of artificial intelligence (AI) in the judiciary based on the information contained in the Resource Centre on Cyberjustice and AI**', CEPEJ-AIAB(2024)4Rev5, 28 February 2025.

4.2. INTERVIEWEES' REFLECTIONS ON THE USE OF AI IN THE JUSTICE FIELD

'AI is certainly a helpful tool for research, at best also for drafts, concepts, whatever. The question is always, 'where does it end, the AI?' I think that will be the crucial point.'

Lawyer, Austria

Many interviewees, including those who spoke about the digital tools discussed in Chapters **1–3**, reflected on the benefits and risks of using AI in the justice field in national, EU and international settings. In Poland, for example, the use of AI was the most frequently raised issue during interviews in the context of the opportunities and challenges that the digitalisation of justice can bring. In Portugal, most interviewees consider the use of AI in the judicial system as inevitable. However, many emphasise the need to regulate it and define limits for its use. One lawyer in Austria has a similar concern.

General opportunities and challenges

Interviewed lawyers and judges in Austria acknowledge the overall benefits of AI. They use AI to support their work through summarising the facts and documents in a case or use it as a transcription tool. The use of AI could, subject to appropriate safeguards, increase efficiency and improve accuracy, interviewees in Estonia believe.

The use of AI in the justice field can also pose fundamental rights risks in light of its complexity, potential errors and harms, the scale of its deployment and the level of automation its use introduces, as FRA research shows ([8]). A 2022 FRA report demonstrated how biases in an AI system (which can lead to discrimination) can occur and increase over time ([9]). Some of these concerns are also clear in interviews for this research. Technical experts in Estonia are cautiously optimistic about AI. However, they are concerned about the potential for bias in AI. A lawyer in Austria has similar concerns that AI might take various protected characterises into account when evaluating the evidence in an individual case. Similarly, the use of AI tools for evidence assessment and the identification of suspects could lead to discrimination, especially if facial recognition is only carried out in certain parts of cities or targets specific social groups, according to a criminal lawyer in Italy. This may then confirm social expectations concerning threats to public security. The potential for bias is unclear, a lawyer in Poland stresses. It ultimately depends on how the system is developed and what kinds of data are used for it.

Challenges may also arise when it comes to guaranteeing privacy and data protection, as AI systems often process large amounts of data during their development and use. There are challenges concerning the processing of sensitive data and hosting solutions when it comes to AI use in the justice field, one representative of a DPA points out.

Another important issue is how the use of AI affects the right to an effective remedy and to a fair trial. Previous FRA research shows that upholding these rights can be challenging if systems are not used in a transparent way and the people the systems affect are unaware that AI is being used. AI systems may also be opaque, which hinders the understanding of their outputs ([10]). AI use may also affect the right to access to a court, the fairness of the hearing, the independence of the judiciary (as explained further in the section 'Impact on judicial decision-making') and the right to a lawyer.

AI systems can, subject to their purpose and context of use, impact many other fundamental rights. In the justice field, they could particularly affect the right to human dignity (Article 1 of the Charter), the right to liberty and security (Article 6 of the Charter) and the presumption of innocence and right of defence (Article 48 of the Charter). FRA's 2020 report *Getting the Future Right – Artificial intelligence and fundamental rights* analyses the impact of AI on selected Charter rights and provides further analysis in this area ([11]). A recent UN Secretary-General report also provides an in-depth look at the risks of AI use in the justice field with respect to non-discrimination, liberty and security, equality before courts, fair trials and the independence of the judiciary ([12]).

'The huge issue of databases and AI applied to law for decision predictability is that it becomes increasingly difficult for a judge – facing ever more trained machines – to recognise new rights, to deviate from precedent in an authoritative and courageous way.'

Prosecutor, Italy

The use of AI can also present broader challenges for human relations and the advancement of law. An immigration lawyer in Italy hopes that AI will not be heavily used in the Italian justice system in the future, since it might compromise and reduce empathy and the human contact that is needed to deal with judicial cases. The standardisation potential of AI could also lead to more conformist judicial systems that are less capable of shifting views, a public prosecutor in Italy considers.

It can also impact judicial professionals. In Austria, interviewees are concerned about the impact that the advancement of AI and its increased use in the judicial system may have on qualified jobs in the legal justice system.

Assessment of the fundamental rights impact of AI systems

Due to the potential risks that the use of AI can pose to fundamental rights, it is crucial to carefully consider this impact in light of the specific purpose and context of a given system's use. FRA's research did not identify any specific fundamental rights impact assessments of the AI-based anonymisation and transcription tools examined. However, Austria has a promising practice where a self-assessment is conducted during the development of AI systems in the justice field. The assessment applies the Independent High-Level Expert Group on Artificial Intelligence ethics guidelines for trustworthy AI ([13]). Such assessments can be complemented by stakeholder consultations. These consultations are important, a lawyer in Austria emphasises, stressing that lawyers should be consulted where AI is introduced into judicial proceedings.

Article 27 of the AI Act sets out that certain deployers of high-risk AI, including authorities that deploy AI systems for the administration of justice (Annex III, point 8, of the AI Act), will have to conduct fundamental rights impact assessments of such AI systems in the future. This means that judicial authorities will have to conduct such assessments when using AI systems to provide assistance with (1) research and interpretation of facts and the law and (2) the application of the law to a concrete set of facts. Several uses of AI in the justice field may fall outside the scope of this provision. This may be because they are not used for such assistance or, when they are used for such assistance, they may be considered to 'not pose a significant risk of harm to the health, safety or fundamental rights of natural persons, including by not materially influencing the outcome of decision making' pursuant to the filtering provisions contained in Article 6(3) of the AI Act. Nevertheless, conducting some sort of formal or informal assessment of a system's impact on fundamental rights is desirable. Even lower-risk systems, such as anonymisation and transcription tools, can impact several fundamental rights, FRA research demonstrates. This also applies to the digital systems examined in Chapters **1–3**.

Impact on judicial decision-making

A key concern related to the use of AI in the justice field relates to its impact on judicial decision-making. While such decision-making remains in the power of judges, AI tools can be used to support it ([14]). This means that the use of AI can influence judicial decision-making, which could in some instances lead to automation bias, that is the tendency of users to automatically rely or over-rely on the outputs of a system ([15]). The use of AI could also result in pressure to conform with outputs of AI systems ([16]) or in ways that interfere with decision-making and the external dimension of judicial independence – for example, where the executive branch develops the tools ([17]). The UN Secretary-General ([18]), the UN Special Rapporteur on the Independence of Judges and Lawyers ([19]), UNESCO ([20]) and experts from academia ([21]), among others, have raised concerns about the impact of AI on judicial independence.

AI systems should only be used as a support tool for professionals, interviewees frequently stress. A legal professional should always check the outputs of AI, interviewed lawyers and judges in Austria agree. The professional should then also be accountable for the output. One of the IT guidelines (IT-Leitlinie-02) of the Austrian e-justice strategy emphasises this. Judicial and official decisions should not be replaced, but rather optimally supported by technology, it states ([22]). A lawyer in Austria has concerns about budget-cutting measures in the judicial system, as decreased resources could lead to increasing use of AI in decision-making. Budget cuts, combined with increasing use of AI, could lead to the human monitoring of AI outputs being neglected, some interviewees fear. An interviewed legal guardian in Austria has concerns about the risk of AI-generated guardianship decisions and contracts being used due to budget constraints. Such decisions can, by their very nature – deciding for example about the representation of adults with mental disabilities – significantly interfere with fundamental rights. Therefore, AI must be used very carefully. Another lawyer is concerned about the potential use of AI for evaluating evidence and assessing witnesses' credibility in criminal proceedings.

There is a potential lack of impartiality in the administration of justice if AI is used, some interviewees in Poland note. The use of AI could theoretically lead to more objective decisions, two lawyers agree. However, it remains unknown how rulings will actually be made, they stress. In Portugal, judges generally accept technological advances and new software, a recent survey on judges' use of technology shows. However, respondents were cautious about using AI to replace key judicial functions and competencies ([23]).

The anonymisation and transcription tools this chapter discusses (see Sections 4.3–4.5) do not (directly) impact judicial decision-making, according to interviewees. Anonymisation tools indirectly support judicial decision-making by enabling faster and easier anonymisation, facilitating swifter access to and dissemination of anonymised case-law for research and working as reference tools for judges and other legal and judicial professionals, judges in Portugal believe. Similarly, in Estonia, the availability of precise, timely transcripts significantly influences the process of judicial decision-making, several interviewees suggest. This enables better-informed legal arguments and judgments.

Ensuring appropriate AI use among judicial officials and other professionals

Judicial officials need to be trained on the risks and limitations of AI, as its improper use can have negative consequences for those involved in justice proceedings. CEPEJ has issued an information note on the use of generative AI by judicial professionals. This includes key criteria for deciding when and how to apply such tools in a work-related context ([24]). In France, the Ministry of Justice was preparing a charter on the proper use of AI at the time of writing ([25]). It is important to prevent AI tools from being adopted by individual users outside of the institutional framework, the CJEU's AI strategy emphasises. Such adoption could lead to issues in relation to security, data protection and intellectual property, among others ([26]).

Litigants can also use AI. This poses specific fundamental rights challenges. In Italy, the use of large language models (LLMs) is widespread among justice professionals to speed up and support their work, five experts confirm. As there are no common guidelines on this, professionals use LLMs autonomously. This could impact the privacy of defendants and victims if lawyers and other judicial professionals give their personal data to LLMs. In France, the Bar Association published a guide on the use of generative AI systems, to flag their risks and benefits to lawyers ([27]). Judicial professionals and litigants including AI-generated, inaccurate information in judicial files is another emerging issue ([28]). The Portuguese High Council of Judiciary was, for example, investigating a case of alleged AI use in judicial decision-making at the time of writing. The disputed judicial decision allegedly included references to non-existent sources, according to media reports ([29]). The ongoing disciplinary procedure will also aim to establish recommendations on the use of AI tools in courts and by judges, the council announced ([30]).

4.3. INTRODUCTION TO USE CASES

This report looks at several AI-related systems in use as of 2024 in the justice systems of the Member States covered. These provide more depth and context for the findings presented in Section 4.2 (see **Table 7**) ([31]). Austria and Latvia have AI-based anonymisation tools that aim to remove personal data from a file so that the data subjects mentioned are not or are no longer identifiable ([32]). Estonia has a transcription tool. This section also examines an anonymisation tool used in Portugal that is not currently based on AI. This tool is looked at briefly to add further insights into the fundamental rights impact of anonymisation tools, which are not always AI specific.

TABLE 7: OVERVIEW OF CLUSTER 4 USE CASES

Category and purpose	Use case	Justice setting
AI-based transcription tool	• Transcription tool (Estonia)	Civil, administrative and criminal proceedings
AI-based anonymisation tool	• Decision anonymisation tool (Austria) • Anonymisation tool (Latvia)	Civil, administrative and criminal proceedings
Non-AI-based anonymisation tool	• Software for automated anonymisation of judicial decisions (Portugal) (not AI based, but used AI in the past according to some interviewees)	Civil and criminal proceedings

Source: FRA, 2025.

The Estonian AI-based transcription tool Salme ([33]) is used in civil, administrative and criminal proceedings to generate transcripts from court hearings based on audio recordings. The court staff then review the transcripts. Some courts still use manual transcription alongside the digital tool. It appears that the manual process will remain in place for the foreseeable future, to ensure backups and accuracy.

The AI-based Austrian and Latvian anonymisation tools and the Estonian transcription tool were introduced into justice systems primarily to improve efficiency and – in the case of the transcription tool – accuracy of outputs, according to interviewees. In Austria, the decision anonymisation tool was introduced to enable the publication of more court decisions online and to replace the previous manual process, for example ([34]).

The Austrian decision anonymisation tool can be used to anonymise decisions published in the Federal Legal Information System or the internal justice database ([35]). A staff member checks the outcome of the tool when publication in the Federal Legal Information System is mandatory, according to the higher courts' decision-making bodies. Only decisions published in the internal justice database of judicial staff are anonymised automatically. Manual anonymisation remains prevalent in practice, interviews with legal professionals indicate.

In Latvia, all judicial proceedings have used an anonymisation tool since 2016 to anonymise rulings that have to be published online. A new, AI-based version of the tool launched in June 2024. It is now used for anonymising rulings from administrative offence proceedings. The tool analyses and adjusts the text of the ruling, which the user ultimately needs to check, a technical expert explains. The new AI-based version of the tool will gradually phase out the old one ([36]).

The research also covers an anonymisation tool in Portugal that the Supreme Court of Justice uses. The tool became available to all courts of common jurisdiction in 2024 ([37]). The High Council of the Judiciary was not using AI at the time of the interviews. However, the council recently created a working group composed of judges and IT professionals to improve the tool with AI.

Other AI systems (in use or planned) in the Member States

Member States are using or planning to introduce several other AI tools, which this report does not explore in depth. For example, Austria's digitalisation strategy, 'Justiz 3.0', introduced various AI-based applications. These included tools for the optimisation of incoming mail, management of digital files, analysis and processing of investigation data, speech recognition and the use of a chatbot to reply to citizen service enquiries ([38]). In France, public prosecutors use an AI tool called Clepsydre to determine the statute of limitations for misdemeanours and crimes against minors, as two interviewees note. In Latvia, the Prosecution Office integrated an AI-based tool for detecting atypical activity, such as an unusual number of searches, into ProIS (covered in **Chapter 1**) ([39]). Another example is the Practical Guide to Justice (GPJ) in Portugal. It is an AI-based chatbot that provides legal information. AI is also used in Portugal for task automation within the platform for citizenship applications ([40]). A digital judge's assistant in Poland is another example of planned or piloted AI use in the field of justice. The Ministry of Justice is testing the use of the assistant in cases on loans denominated in Swiss francs ([41]). In Portugal, there are plans to integrate AI into the case management software Magistratus to enhance research capabilities (see **Chapter 1** for more on this tool) ([42]).

AI-based justice chatbots in Austria and Portugal

In Austria, the Ministry of Justice established the chatbot Justitia in 2020 to help users navigate the JustizOnline platform. The chatbot provides information on the justice system and helps users who have questions about their legal procedures. It provides an overview of the user's status and navigates to file inspection and submissions for ongoing procedures. It also offers a searchable glossary, enabling users to find definitions for legal terms. The technology should support the detection of the content of requests and provide prepared answers based on this.

The Portuguese GPJ chatbot launched in 2023 under the coordination of the Directorate-General for Justice Policy. It aims to provide information on various justice topics in English and Portuguese in simple, conversational language, thus making legal information more accessible to non-specialists. The chatbot initially focused on questions relating to divorce and marriage. However, it now covers topics such as the starting of a company, online criminal records and alternative dispute resolution mechanisms. It is expected to cover all Portuguese justice services by 2026. The chatbot is based on OpenAI and Microsoft's Generative Pre-trained Transformer (GPT) 4.0 language model. It includes a mechanism for collecting feedback on responses, allowing for the tool's continuous improvement.

Such chatbots provide legal information in a more accessible way and promote people's effective participation in legal procedures. This may positively impact the rights to information, a fair trial and an effective remedy. However, their use also presents challenges when it comes to the accuracy and curation of information provided, among other things. Therefore, the Portuguese GPJ website, for example, includes a warning that the chatbot is not intended to provide advice and does not replace legal counselling. The replies may not be entirely accurate or complete, as the system is only a beta version, it warns. Therefore, users should also consult the national justice portal.

Sources: Austria, **JustizOnline** platform; Austria, Federal Ministry of Justice, '**Zadić: "Der neue digitale Zugang zur österreichischen Justiz"**', ministry website, 25 November 2020; Essig, A., 'Zugang zum Recht & Inklusion durch Legal Tech', *Österreichische Zeitschrift für Wirtschaftsrecht*, 3/2023, 2023, p. 85; Portugal, Justiça.gov.pt, '**Guia prático da Justiça**', Justiça.gov.pt; Portugal, Justiça, ***Justice Digital Transformation: Two years of the recovery and resilience plan*** (***A Transformação Digital da Justiça: Dois anos de Plano de Recuperação e Resiliência***), Lisbon, 2024.

4.4. FUNDAMENTAL RIGHTS IMPACT: BENEFITS AND RISKS

There are both fundamental rights opportunities and risks regarding anonymisation and transcription tools, subject to their function and use, as interviewees highlight. These affect access to justice, privacy and data protection, non-discrimination and defence rights.

Protection of private and family life and data protection (Charter Articles 7 and 8)

Protecting private and family life and data protection by concealing sensitive data in publicly available rulings is a key benefit of the anonymisation tools, all interviewees in Austria and Latvia agree. However, there are risks to privacy and data protection, such as mistakes leading to the reveal of (sensitive) personal data of people mentioned in documents (when using anonymisation tools), interviewees frequently stress. Similarly, the transcription tool in Estonia raises concerns about data security and misuse (as the tool processes personal data), some interviewees note.

How to balance protecting privacy and personal data with ensuring the transparency of proceedings is a broader issue regarding the anonymisation tools. A person could also be identified through indirect data (e.g. information showing that they come from a small village or a detailed description of a legal event), a technical expert from Latvia notes. This implies the need to redact further details from judgements. The greater anonymity of court decisions better protects the privacy of the parties involved, legal practitioners in Austria observe. However, it also leads to less useful decisions for judicial staff. The personal characteristics of a party to proceedings (e.g. their ethnic origin or sexual orientation) can constitute relevant factual elements, a lawyer explains. Published decisions could miss out personal characteristics relevant to the

case. This could result in a failure to draw special attention to certain groups in case-law, which may be minimal in the beginning but increase over time due to the way AI systems work, according to the lawyer ([43]).

Right to non-discrimination (Charter Article 21)

Anonymisation tools can prevent discrimination by protecting personal data, some interviewees in Austria and Portugal point out. In Austria, the increased publication of judicial decisions enabled by the tool could improve the understanding of discrimination and strengthen the rights of groups who face discrimination, one judge highlights. The online availability of anonymised court decisions could help people with visual impairments access court decisions more easily via translation tools like reading software, a court counsellor in Austria also notes.

The transcription tool in Estonia can help to reduce bias by standardising record-keeping, several interviewees note. A digital system can provide a uniform translation and transcription protocol, preventing the discrepancies that could arise from personal interpretation, one lawyer explains.

The non-AI-based anonymisation tool in Portugal could indirectly help to prevent discrimination, a court clerk and two technical experts point out. It helps to remove people's personal information from published decisions. This could reduce the risk of subsequent bias in the analysis of the decisions.

Interviewees often raise worries over risks of discrimination. First, biases in a system could lead to discrimination. While the Austrian system is good at anonymising typical Austrian or German names, it struggles to recognise names that are uncommon in Austria, a technical expert notes. This may pose a risk of discrimination against people with foreign names. Discrimination could occur if the language models used are biased, a technical expert in Estonia notes (although unaware if such issues have occurred).

Second, people who speak less clearly (e.g. children, older people, people with disabilities, people with accents or non-native speakers) could face discrimination or other problems if AI-based transcription tools transcribe their testimonies badly, several interviewees in Estonia point out.

Last, in Portugal, use of the non-AI-based anonymisation tool could lead to indirect discrimination if not carefully managed, a court clerk says. Removing excessive information may make it more difficult to identify and address existing biases and discrimination. This could hinder future legal research or the understanding of case precedents. For example, redacting information about a minority ethnic group could make it harder to detect patterns of discrimination within judicial decisions. This is also a risk with AI-based systems.

Facilitation of access to justice (Charter Article 47)

The use cases can have benefits for access to justice, as interviewees frequently point out. In Latvia, the anonymisation tool positively impacts the right to receive information, all interviewees note. The tool also has benefits for the right to access to a court and the right to a fair trial, as it facilitates the online publication of judgements and allows users to study similar cases, aids legal representatives and contributes to the consistency of case-law.

In Austria, the publication of court decisions is linked to the fairness and public nature of hearings, interviewees point out. The anonymisation tool indirectly supports the harmonisation of court decisions, they add. At the same time, the independence of judges in their decision-making (also protected by Article 47) must be respected, they stress. Publishing court decisions is essential to ensure the harmonisation of legal opinions, one lawyer points out, calling for the mandatory publication of lower court decisions in the Federal Legal Information System.

In Estonia, the transcription tool can expedite proceedings, contribute to significant time savings and enhance the accessibility of digital records, all interviewees emphasise. This can ultimately help to ensure the right to effective access to a court, the right to a lawyer and the right to defence, as some interviewees also note.

Anonymisation tools can foster the transparency of the justice system through the increased publication of court decisions, some interviewees point out. It is important to include the names of the deciding bodies to support accountability, legal certainty and transparency, according to some interviewees in Austria. An interviewee in Latvia views the anonymisation tool as having a positive impact on the impartiality of tribunals, because the publication of documents puts pressure on judges to adjudicate without bias.

There are risks regarding access to justice, as interviewees point out. Use of the transcription tool in Estonia poses the risk that inaccuracies in transcriptions could undermine the right to a fair trial, some interviewees note. This may particularly affect non-native speakers or those with a speech impediment. The loss of critical pieces of information or nuances in the testimony during the transcription process could breach a defendant's right to a fair trial, one lawyer highlights. Biased or incomplete records could unintentionally influence judicial outcomes, undermine the court's perceived neutrality and impede the right to effective legal representation. Errors in the transcript could challenge a lawyer's ability to provide comprehensive and informed advice to their clients. Such errors would necessitate additional clarifications or corrections. This could delay the legal process and possibly compromise the effectiveness of legal counsel. Technical errors (e.g. corrupted files, missing segments) could also negatively affect a fair hearing.

Right of defence (Charter Article 48)
Anonymisation and transcription tools can have a positive impact on defence rights, as they can help with defence preparation, several interviewees point out. For example, the Estonian transcription tool helps to ensure that all aspects of a defence case are formally documented, protecting the rights of the accused, one prosecutor notes. Conversely, errors in the transcript could negatively impact the defence's ability to argue their case effectively, the prosecutor adds.

4.5. KEY FUNDAMENTAL RIGHTS CHALLENGES AND POSSIBLE SAFEGUARDS IN THE PLANNING, DEVELOPMENT AND DEPLOYMENT OF AI TOOLS

FRA's research shows that no specific fundamental rights impact assessments take place for the AI-driven use cases, beyond assessments relating to data protection aspects or technical aspects of the tools, as with the other use case clusters. Findings also point to limited consultations with different stakeholders prior to the launch of the tools. In Estonia, the transcription tool needs inclusive feedback mechanisms to facilitate a deeper understanding of real-world implications, one lawyer argues. Practitioners could highlight areas needing attention, such as linguistic inclusivity and the management of sensitive information. This could help improve the system's efficacy and rights compliance. A collaborative approach between developers and practitioners would help refine digital tools, ensuring they meet the practical needs of users and uphold the integrity of legal proceedings.

See Section 1.3 for some more general insights and cross-cutting findings on fundamental rights impact assessments, stakeholder consultations, the need to maintain non-digital alternatives and training.

Selected safeguards that national justice authorities can apply when managing AI-driven anonymisation or transcription tools
To reflect the fundamental rights impact of the tools discussed in this chapter, **Table 8** outlines selected safeguards that national justice authorities can apply when designing and implementing AI-driven tools to address some of the key fundamental rights risks FRA's research identifies. These risks are without prejudice to the many benefits of these tools identified in FRA's research and should be read alongside the key findings and opinions in this report. They relate to:

- the risk of data breaches or the misuse of data;
- the risk of the under- or over-removal of personal data from court decisions;
- the risk of inaccurate or incomplete transcripts;
- the risk of introducing barriers to accessing justice.

TABLE 8: SELECTED SAFEGUARDS TO ADDRESS FUNDAMENTAL RIGHTS RISKS OF ANONYMISATION AND TRANSCRIPTION TOOLS

Risk	Fundamental rights likely to be impacted (articles of the Charter)	Fundamental rights safeguards for anonymisation and transcription tools
Misuse of systems or data breaches where systems collect and store personal information about third parties	Articles 7 and 8 of the Charter	• Same safeguards as in **Table 3** in **Chapter 1**
Under- or over-removal of personal data from court decisions, including due to bias in the system	Articles 7, 8, 11, 21, 24, 25, 26, 47 and 48 of the Charter	• Comply with data protection law • Consult users during development • Provide guidelines with criteria for publication (consider the legal relevance of the decision, including whether it sets a precedent, and the public interest) • Do not publish certain rulings delivered in closed proceedings • Test tools prior to deployment, including for bias based on protected characteristics • Ensure the high quality of system inputs • Train staff (including on fundamental rights risks) • Ensure the human review and approval of anonymised documents • Ensure additional oversight to assess errors, including randomised checks of published decisions and feedback mechanisms for users • Implement reporting and complaint mechanisms for affected persons • Ensure regular improvements, including via the retraining of the AI tool
Inaccurate/incomplete transcripts, including due to bias in the system	Articles 21, 24, 25, 26, 47 and 48 of the Charter	• Consult users during development • Test tools prior to deployment, including for bias based on protected characteristics • Gather timely and streamlined feedback on tool performance to help detect issues and improve the tool • Provide guidance on the use of the tool • Ensure the high quality of system inputs • Train staff (including on fundamental rights risks) • Ensure the human review and approval of transcripts • Ensure additional oversight to assess errors, including randomised checks of transcripts and feedback mechanisms for users • Implement reporting and complaint mechanisms for affected persons • Ensure regular improvements, including via the retraining of the AI tool
Introducing barriers to accessing justice (e.g. caused by a lack of digital access or skills)	Articles 21, 24, 25, 26, 47 and 48 of the Charter	• Ensure the accessibility of outputs and related files in an alternative, non-digital format • Provide support with obtaining access to and using tools • If outputs of tools are available online, conduct 'digital accessibility' assessments in line with existing law and standards (e.g. requirements in the Web Accessibility Directive and in line with United Nations Convention on the Rights of Persons with Disabilities obligations) and develop formats and features that are accessible to people with disabilities

Source: FRA, 2025.

Endnotes

(1) For an overview of the systems used, see CEPEJ, '**Resource Centre on Cyberjustice and AI**', Council of Europe Portal. The 'Justice, fundamental rights and artificial intelligence' (JULIA) project handbook on artificial intelligence, judicial decision-making and fundamental rights notes, for example, that AI systems are rarely used in the justice field in most countries. However, trials are under way in some countries. See JULIA project, ***Artificial Intelligence, Judicial Decision-making and Fundamental Rights***, handbook, 2nd edition, School for the Judiciary, Rome, 2024, p. 16.
(2) See recitals 9 and 45 and Articles 2(5), (7), (9) and 5(8) of the AI Act.
(3) Council of Europe, **Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law**, Council of Europe Treaty Series, No 225, 5 September 2024. Article 5(1) of the framework convention stipulates the following: 'Each Party shall adopt or maintain measures that seek to ensure that artificial intelligence systems are not used to undermine the integrity, independence and effectiveness of democratic institutions and processes, including the principle of the separation of powers, respect for judicial independence and access to justice.'
(4) Parliamentary Assembly of the Council of Europe, '**Justice by algorithm – The role of artificial intelligence in policing and criminal justice systems**', Doc. 15156, 1 October 2020.
(5) UN Secretary-General, '**Human rights in the administration of justice – Report of the Secretary-General**', A/79/296, 7 August 2024, pp. 5–8.
(6) UNESCO, ***Global toolkit on AI and the rule of law for the judiciary***, Paris, 2023.
(7) Poland, Ministry of Digital Affairs, Working Group on AI Ethics and Law, Recommendations on the use of artificial intelligence in the judiciary and prosecution (***Rekomendacje w zakresie zastosowania sztucznej inteligencji w sądownictwie i prokuraturze***), Warsaw, 2023, pp. 40–41.
(8) FRA, ***Getting the Future Right – Artificial intelligence and fundamental rights***, Publications Office of the European Union, Luxembourg, 2020, p. 96.
(9) FRA, ***Bias in Algorithms – Artificial intelligence and discrimination***, Publications Office of the European Union, Luxembourg, 2022.
(10) FRA, ***Getting the Future Right – Artificial intelligence and fundamental rights***, Publications Office of the European Union, Luxembourg, 2020, pp. 75–78.
(11) FRA, ***Getting the Future Right – Artificial intelligence and fundamental rights***, Publications Office of the European Union, Luxembourg, 2020, pp. 75–78.
(12) UN Secretary-General, '**Human rights in the administration of justice – Report of the Secretary-General**', A/79/296, 7 August 2024, pp. 5–9.
(13) Gesek, C., 'Status and outlook of judicial applications with AI technology to support jurisprudence' ('**Stand und Ausblick von Justizanwendungen mit KI-Technologie zur Unterstützung der Rechtsprechung'**), *Österreichische Richterzeitung*, 2024, p. 10. See also European Commission: Independent High-Level Expert Group on Artificial Intelligence, ***The assessment list for trustworthy artificial intelligence (ALTAI) for self assessment***, Publications Office of the European Union, Luxembourg, 2020.
(14) Recital 61 of the AI Act.
(15) Article 14(4)(b) of the AI Act.
(16) CEPEJ, **European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment**, adopted at the 31st plenary meeting of CEPEJ, Strasbourg, 3–4 December 2018, p. 48.
(17) Casarosa, F., 'Regulation by the European Parliament and of the Council laying down harmonized rules on artificial intelligence (Artificial Intelligence Act): An analysis', in: JULIA project, ***Artificial Intelligence, Judicial Decision-making and Fundamental Rights***, handbook, 2nd edition, School for the Judiciary, Rome, 2024, p. 72; Garofalo, A. M., 'Fundamental principles in the use of "artificial justice" tools', in: JULIA project, ***Artificial Intelligence, Judicial Decision-making and Fundamental Rights***, handbook, 2nd edition, School for the Judiciary, Rome, 2024, pp. 80 and 81.
(18) UN Secretary-General, '**Human rights in the administration of justice – Report of the Secretary-General**', A/79/296, 7 August 2024, pp. 8–9.
(19) UN General Assembly, Human Rights Council, Satterthwaite, M., '**Reimagining justice: confronting contemporary challenges to the independence of judges and lawyers**', report of the Special Rapporteur on the Independence of Judges and Lawyers, Margaret Satterthwaite, A/HRC/53/31, 13 April 2023, pp. 7–8.
(20) UNESCO, ***Global toolkit on AI and the rule of law for the judiciary***, Paris, 2023, p. 58.
(21) See Garofalo, A. M., 'Fundamental principles in the use of "artificial justice" tools', in: JULIA project, ***Artificial Intelligence, Judicial Decision-making and Fundamental Rights***, handbook, 2nd edition, School for the Judiciary, Rome, 2024, pp. 80–81.
(22) Austria, Federal Ministry of Justice, ***e-Justice Strategy of the Austrian Judiciary 2018–2024*** **(*eJustiz-Strategie der österreichischen Justiz 2018–2024*)**, Vienna, 2018 (updated in 2024), p. 26 *et seq*.
(23) Casaleiro, P., Veiga, G., Dias, J. P. and Branco, P., ***Judicial Perceptions and Use of Technology – Portuguese survey report***, Centre for Social Studies of the University of Coimbra and Permanent Observatory for Justice, Coimbra, 2023.
(24) CEPEJ, '**Use of generative artificial intelligence (AI) by judicial professionals in a work-related context**', CEPEJ-GT-CYBERJUST(2023) 5 final, 12 February 2024.
(25) France, Senate, 'Generative artificial intelligence and legal professions: Take action rather than suffer' ('**L'intelligence artificielle générative et les métiers du droit : agir plutôt que subir**'), *Information Reports*, No 216 (2024–2025), 18 December 2024; France, Ministry of Justice, ' Developing artificial intelligence (AI) for justice : Between innovation and safety' ('**Developper l'intelligence artificielle (IA) pour la justice : entre innovation et sécurisation**'), press release, Justice.gouv.fr, 10 February 2025 (created 6 February 2025).
(26) CJEU, Directorate-General for Information, ***Artificial Intelligence Strategy***, Luxembourg, 2023, p. 22.
(27) France, National Bar Associations Council (Conseil national des barreaux The name is Conseil national des barreaux), Practical Guide – Using generative artificial intelligence systems (***Guide pratique – Utilisation des systèmes d'intelligence artificielle générative***), Paris, 2024.
(28) O'Donnell, J., '**How AI is introducing errors into courtrooms**', *MIT Technology Review*, 20 May 2025.
(29) Observador, 'Articles and case-law "that don't exist" – Judgment of the Court of Appeal generates controversy: Lawyers say it was made by artificial intelligence' ('**Artigos e jurisprudência "que não existem" – Acórdão da Relação gera polémica: Advogados dizem que foi feito por inteligência artificial**'), Observador website, 25 November 2024.
(30) Público, 'Alleged use of AI in court judgment subject to enquiry process' ('**Alegado uso de IA em acórdão da Relação alvo de processo de averiguação**'), Público website, 11 February 2025.
(31) The research did not aim to comprehensively map the AI systems used in national justice systems. There were eight identified systems/tools, presumed to be based on AI. FRA did not research them all due to, for example, the systems not being deployed yet or the limited feasibility of research.

([32]) The process of pseudonymisation is related to anonymisation. This is where personal data are removed from a file so that they are no longer attributable to the data subject without additional, separate information. See recital 26 and Article 4(5) of the GDPR for a definition.
([33]) For more information, see Estonia, Ministry of Justice and Digital Affairs, 'Speech recognition software saves court working time' ('**Kõnetuvastustarkvara hoiab kokku kohtute tööaega**'), ministry website, 19 November 2021; or the Estonian country report.
([34]) Austria, Federal Ministry of Justice, ***IT Applications in the Austrian Justice System***, Vienna, 2023 (revised 2025).
([35]) Terzidou, K. '**Automated anonymization of court decisions: Facilitating the publication of court decisions through algorithmic systems**', International Conference on Artificial Intelligence and Law 2023, 19–23 June 2023, Braga; see the Austrian country report for more information.
([36]) For more information, see the Latvian country report.
([37]) Portugal, Supreme Court of Justice (Supremo Tribunal de Justiça), 'Presentation of the IRIS project – Application of artificial intelligence techniques in the STJ' ('**Apresentação do Projeto IRIS – Aplicação de Técnicas de Inteligência Artificial no STJ**'), Supreme Court of Justice website, 29 September 2023. For more information, see the Portuguese country report.
([38]) Austria, Federal Ministry of Justice, ***IT Applications in the Austrian Justice System***, Vienna, 2023 (revised 2025).
([39]) Information the Latvian Court Administration provided via email, 10 January 2025.
([40]) Portugal, Justiça.gov.pt, 'Application for Portuguese nationality can now be made online' ('**Pedido de nacionalidade portuguesa já pode ser feito online**'), press release, Justiça.gov.pt, 20 February 2023. The platform can be accessed **here**.
([41]) Poland, Ministry of Justice, presentation displayed at the seminar 'Efficient functioning of the justice system: Dialog, participation, broad consultations', Ministry of Justice, 15 November 2024.
([42]) OECD, ***Modernisation of the Justice Sector in Portugal***, OECD Publishing, Paris, 2024, p. 58.
([43]) The 2022 FRA report on bias in algorithms also showed how feedback loops can form in an algorithm: FRA, ***Bias in Algorithms – Artificial intelligence and discrimination***, Publications Office of the European Union, Luxembourg, 2022.

Conclusions

It is essential for Member States to effectively embrace digitalisation in the justice field so that everyone in the EU can benefit from improved access to justice, efficient court proceedings and hearings conducted within a reasonable time. This can only be achieved if justice authorities are made aware of its possible negative impacts on the rights of people – from claimants and victims to defendants and convicted persons – and adopt measures to mitigate them. If courts find that the use of digital tools in the justice field has violated people's fundamental rights (e.g. to a fair trial) as protected by the Charter, this may lead to the costly redesign or delayed roll-out of tools crucial to the smooth administration of justice. In addition, people may lose confidence in the justice system as a public service.

Findings from this research reveal that each digital system comes with both fundamental rights benefits and risks, including relating to the rights to privacy and data protection, non-discrimination, an effective remedy and a fair trial, and also defence rights. Examining 31 digital tools and systems that are currently applied in the justice field in seven Member States, this report aims to help EU policymakers and Member States mitigate fundamental rights risks associated with digitalising justice and harness the full potential of digitalisation to enhance the enjoyment of rights. In this regard, and drawing on practical solutions and lessons learned across various clusters of digital tools, this report points to several ways forward relating to specific use case clusters and the following cross-cutting issues:

- the systematic consideration of fundamental rights impact (beyond privacy and data protection aspects),
- multi-stakeholder collaboration,
- training for justice professionals that includes a focus on fundamental rights risks,
- the maintenance of non-digital methods to access justice,
- the introduction of a support system to ensure that digitalisation leaves no one behind.

Digitalisation in the justice sector is beneficial to the work of interviewees and to the effective realisation of people's fundamental rights, provided it is implemented properly, according to almost all interviewees (even those with reservations or concerns). Much remains unknown about digital tools' fundamental rights impact (both positive and negative), several interviewees note. The digitalisation of justice (including the use of AI) is still in a transitional period and further issues may need to be resolved in future, they stress. This perspective reinforces the timeliness of FRA's report. Many people still face issues arising from the digital divide, accessibility and other access barriers. Therefore, this report can help guide policymakers and national justice authorities to take targeted action from an early stage to ensure that digitalisation – in both national and cross-border settings – works to promote the rights of all.

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PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

Countries across the EU are gradually digitalising their justice systems. They are increasingly using tools such as video conferencing and audio recordings for remote hearings, as well as AI-driven tools and systems. These advances offer significant opportunities to make justice more efficient, accessible and user-friendly. At the same time, digitalisation needs to go hand in hand with safeguards to uphold fundamental rights and ensure equal access to justice, regardless of users' circumstances and capabilities.

The EU Agency for Fundamental Rights (FRA) analysed 31 digital tools and systems across seven EU Member States, exploring potential positive and negative effects on victims, claimants and defendants. By identifying risks early, investing in skills and training, and embedding protections from the outset, policymakers and practitioners can build effective and inclusive justice systems. This report provides practical suggestions to help ensure that digitalised justice systems are accessible and deliver fair outcomes for all.

FRA – EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS
Schwarzenbergplatz 11 – 1040 Vienna – Austria
Tel. +43 158030-0 – Fax +43 158030-699

fra.europa.eu

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