



# SINGLE PROGRAMMING DOCUMENT

Amendment No. 1

2024 - 2026

## B.1.6 Digitalisation of justice: fundamental rights guidance

Area of activity: *Justice, Digital and Migration*Sector: *Justice and Security*Status: *new*

### Policy relevance

On 9 June 2020, the Council adopted conclusions on “Shaping Europe’s digital future”, where it recognises that ‘the digitalisation of the justice systems of the Member States has the potential to facilitate and improve access to justice throughout the EU.’ The October 2020 Council conclusions on “Access to justice – seizing the opportunities of digitalisation” called on the Commission to take concrete action to digitalise justice. In December 2020, the Commission adopted a Communication on the digitalisation of justice in the EU, proposing a set of measures to bring forward digitalisation at both the national and EU level. Subsequently, the Commission adopted several proposals for EU secondary law instruments in this field, including a proposal from 2021 for the Regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters - which seeks to guarantee a common approach towards the use of modern technologies in cross-border judicial cooperation and access to justice. The Commission has also been looking into the effectiveness of national justice systems through the European Semester and the EU Justice Scoreboard. According to the 2023 EU Justice Scoreboard, most EU Member States already use digital solutions in different contexts and to varying degrees in relation to their justice systems, while there is still significant room for improvement in the digitalisation of justice.

The use of digital technologies, including algorithm-based solutions, has the potential to make judicial systems more transparent and efficient for the benefit of all – from businesses to individuals (including both persons suspected or accused of crime, as well as victims). Digital solutions can ease the administrative burden, shortening case processing times, making communication more secure and reliable, making information more publicly accessible and partially automating case handling. At the same time, effective fundamental rights safeguards need to be put in place to ensure that the use of digital technologies in the area of justice does not undermine the right to a fair trial and effective legal remedy, including the equal opportunity for both parties to make their case (equality of arms), the right to have knowledge of/comment on all evidence and observations filed (adversarial proceedings), the right to a public hearing, as well as - in criminal proceedings - the rights of the defence, including access to a lawyer and the case file.

The project – with data collection in 2024 – sets out to provide a balanced assessment of the potential applications of digitalisation in the justice field with respect to its fundamental rights impact, looking at the opportunities and limitations, including ‘red flags’ and minimum safeguards needed. This should include how to ensure that digital justice is accessible for all. In line with established FRA methodologies, the research will consist of desk research complemented by fieldwork in selected Member States by means of targeted qualitative interviews with relevant stakeholders. The project will take into account and build upon the existing relevant work of European and other international actors active in this field; for example, the Council of Europe’s European Commission for the efficiency of justice (CEPEJ) and the Consultative Council of European Judges (CCJE); in particular, exchanges of updated information on cyber-justice with CEPEJ’s Resource Centre on Cyberjustice and AI could be organised on a regular basis.

### Objectives

- Analyse in detail the fundamental rights impact of the digitalisation of justice systems, and assess the minimum fundamental rights safeguards required
- Provide guidance to EU institutions and Member States, in particular their justice authorities, about fundamental rights opportunities as well as risks and necessary safeguards when using digital tools in the justice system

### Activities

- Desk research mapping the practical uses of digital tools/technologies in justice systems
- In-depth field research on selected ‘use cases’
- Two meetings (maximum) with key stakeholders
- Drafting guidance on fundamental rights compliant ‘digital justice’

### Outputs

- Data collection in 2024 (outputs in 2025)

### Financial resources

	1 <sup>st</sup> priority	2 <sup>nd</sup> priority	3 <sup>rd</sup> priority
Equality, Roma and Social Rights	-	-	-
Justice, Digital and Migration	336,000	-	100,000
Communication and Events	-	-	-
Institutional cooperation and networks	-	-	-
<b>Total</b>	<b>336,000</b>	-	100,000

## B.2.1 Online content moderation - supporting implementation of the Digital Services Act

Area of activity: *Justice, Digital and Migration*

Sector: *Data and Digital*

Status: on-going

### Policy relevance

In 2021-2023, FRA carried out a study on online harassment, hate speech and (incitement to) violence targeted at women and selected ethnic and religious minorities to address the pervasive challenge of creating a safer online space.

The project carried out an analysis of incidents of online harassment and hate speech through data collection from selected social media channels. Based on a methodology to systematically search for pre-specified terms in selected countries, the data highlight the extent and nature of harassment and other forms of hatred on various online platforms and in different languages in the EU, focusing on the impact on specific groups.

In 2024, the Digital Services Act enters into force, upgrading the liability and safety rules for digital platforms, addressing several fundamental rights matters in its provisions (the provisions related to very large online platforms and search engines already entered into force in 2023).

In 2024, the project's results will feed into the Commission's work on the implementation of policies and acts on online content moderation, such as the DSA and the code of conduct on illegal hate speech, with a view to informing the on-going development of regulatory and non-regulatory responses to online content moderation. Given the ongoing need for evidence and analysis related to the implementation of the DSA, FRA will provide input based on its research findings, and additional input based on legal analysis and a literature review on fundamental rights protection in relation to online platforms' conduct. FRA will provide an analysis of fundamental rights standards in EU law, including case law, for selected fundamental rights mentioned in Article 34 (1) of the DSA to provide guidance in relation to online platforms' conduct. This will be complemented by an analysis of available empirical evidence and studies on risks to fundamental rights.

### Objectives

- Collection of data on online harassment, hate speech and (incitement to) violence in selected EU member states to increase the understanding of existing online hatred;
- To better support – through the provision of empirical evidence – legislative and policy initiatives to address the fundamental rights implications of hate speech online and online platforms conduct in general;
- Contribute to the development of methodologies for online data collection on fundamental rights related topics

### Activities

- Continuation of in-house background research on policies and laws regulating online content;
- Dissemination of research report;
- Stakeholder/expert consultation.
- Systematic mapping of applicable fundamental rights standards in EU law
- Systematic mapping of available empirical evidence on fundamental rights risks through online platforms' conduct.

### Outputs

- Two meetings (maximum) and presentations of project findings at policy level.
- FRA report in 2025.

### Financial resources

	1 <sup>st</sup> priority	2 <sup>nd</sup> priority	3 <sup>rd</sup> priority
Equality, Roma and Social Rights	-	-	-
Justice, Digital and Migration	115,000	-	100,000
Communication and Events	-	-	-
Institutional cooperation and networks	-	-	-
<b>Total</b>	<b>115,000</b>	-	100,000

## ANNEX XVI: Procurement plan Year 2024

### B. JUSTICE, DIGITAL AND MIGRATION

#### B.1 Justice and Security

##### B.1.6 Digitalisation of justice: fundamental rights guidance

The overall budgetary allocation reserved for procurement contracts in 2024 amounts to EUR 336,000 (1st priority) and EUR 100,000 (3rd priority).

Budget line: B03010 Justice & Security

Subject matter of the contracts envisaged: research

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 7

Indicative timeframe for launching the procurement procedure: 3rd to 4th quarter of the year

#### B.2 Data and Digital

##### B.2.1 Online content moderation - supporting implementation of the Digital Services Act

The overall budgetary allocation reserved for procurement contracts in 2024 amounts to EUR 115,000 (1st priority) and EUR 100,000 (3rd priority)

Budget line: B03000 Data & Digital

Subject matter of the contracts envisaged: research

Type of contract: specific contract based on an existing framework contract

Type of procurement: service

Indicative number of contracts envisaged: 2

Indicative timeframe for launching the procurement procedure: 2nd quarter of the year