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Sweden

National Approach to Artificial Intelligence

In May 2018, Swedish announced the National Approach to Artificial Intelligence. The national approach to AI reflects the government’s goal “to make Sweden a leader in harnessing the opportunities that the use of AI can offer, with the aim of strengthening Sweden’s welfare and competitiveness.”⁸⁶⁵

Sweden emphasized that a “cross-cutting theme should be sustainable AI, meaning that AI applications should be ethical, safe, secure, reliable and transparent” more specifically regarding “the use of AI algorithms.” When referring to the potential threats, the Government refers to “challenges related to rule of law procedures and the automation of agency decisions,” “the risks to both society and individuals,” “fundamental needs for privacy”, “discrimination, loss of trust,” and the consequences for the functioning of democracy.

Accountability is not mentioned. The emphasis is on responsible design and use of AI. For example, “it is important that AI systems are carefully designed to prevent them from doing harm. It is therefore important that companies and public institutions collaborate with relevant academics, for example through joint projects or staff exchanges.”

The Swedish National Approach to AI should also be read against the background of a 2020 joint response to the European Commission’s White Paper on AI.⁸⁶⁶ In this “non-paper,” Sweden and 13 other EU member states, describe human-centric and trustworthy AI “as a competitive advantage.” According to the non-paper, Sweden supports the use of hard law tools for “creating a genuinely single market for AI.” Sweden also favors the use of “soft law solutions such as self-regulation, voluntary

⁸⁶⁵ Government Offices of Sweden, *National Approach to Artificial Intelligence*, (May 2018), <https://www.government.se/4a7451/contentassets/fe2ba005fb49433587574c513a837fac/national-approach-to-artificial-intelligence.pdf>

⁸⁶⁶ *Non-paper - Innovative and trustworthy AI: two sides of the same coin* (Aug. 10, 2020), <https://www.permanentrepresentations.nl/binaries/nlatio/documents/publications/2020/10/8/non-paper---innovative-and-trustworthy-ai/Non-paper+-+Innovative+and+trustworthy+AI+-+Two+side+of+the+same+coin.pdf>.

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labelling and other voluntary practices as well as robust standardisation process.” As for risks to individuals or to society stemming from the use of AI, Sweden advocates for an evidence-based and “well-calibrated and proportionate approach.”

The original National Approach to AI states “Sweden must create the enabling conditions.” The Government defines the “key conditions for realising the potential of AI as 1) education and training, (2) Research, (3) Innovation, and (4) Framework and infrastructure. In relation to education and training, “the Government’s assessment is that

- Swedish higher education institutions need to provide a sufficient number of people with AI education and training, particularly in continuing and further education for professionals with a university degree or equivalent.
- Sweden needs a strong AI component in non-technical programmes to create the conditions for broad and responsible application of the technology
- Sweden needs a strong link between research, higher education and innovation in the field of AI.”⁸⁶⁷

In the “Sweden AI Strategy Report,”⁸⁶⁸ the European Commission noted that “Swedish universities have started proposing bachelor’s and master’s programmes in AI fields,” with some courses tackling ethical aspects of AI.⁸⁶⁹ The same goes for continuing and further education for professionals and citizens “rolled out in an effective policy in the form of a course on the Elements of AI”, financed by Vinnova, Sweden’s innovation agency.

⁸⁶⁷ Government Offices of Sweden, *National Approach to Artificial Intelligence*, (May 2018),

<https://www.government.se/4a7451/contentassets/fe2ba005fb49433587574c513a837fac/national-approach-to-artificial-intelligence.pdf6>.

⁸⁶⁸ European Commission, *Sweden AI Strategy Report*, (Feb. 2020),

https://knowledge4policy.ec.europa.eu/ai-watch/sweden-ai-strategy-report_en

⁸⁶⁹ See Uppsala University, Master's Programme in Data Science, [Syllabus for Data, Ethics and Law](#), [Syllabus for artificial intelligence](#); Stockholm University, Master’s Programme in Artificial Intelligence, [Course on Open and big data management](#) tackling Ethical aspects of big data and open data; Chalmers University, [Data Science and AI, MSc](#), the Wallenberg Artificial Intelligence, Autonomous Systems and Software Program (WASP) Graduate School offers an [AI-track mandatory course](#) tackling ethical aspects.

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In relation to research, the Government's assessment⁸⁷⁰ is that

- Sweden needs both strong basic research and strong applied research in AI to ensure knowledge and skills supply in the field.
- Sweden needs strong relations with leading international AI research environments.
- Sweden needs to exploit the synergies between civil research and defense research from a total defense perspective.

In relation to innovation and use, the Government's assessment is that

- Sweden needs pilot projects, testbeds and environments for development of AI applications in the public and private sectors, that can contribute to the use of AI evolving in a safe, secure and responsible manner.
- Sweden needs to develop partnerships and collaborations on the use of AI applications with other countries, especially within the EU.

Apart from EU funding programs, Vinnova, Sweden's innovation agency is one of the main sources of funding which has fostered the development of AI applications through AI Innovation of Sweden,⁸⁷¹ organized as a national center for applied AI research and innovation with almost 70 partners from the industrial and public sectors, research institutions, and the academic world. It also funds AI-related innovation projects promoting citizen science which "is considered an important instrument for maintaining confidence in science and society."⁸⁷² It also funds the development of innovative services that help citizens and journalists to review the public sector.⁸⁷³

⁸⁷⁰ Government Offices of Sweden, *National Approach to Artificial Intelligence*, (May 2018),

<https://www.government.se/4a7451/contentassets/fe2ba005fb49433587574c513a837fac/national-approach-to-artificial-intelligence.pdf6>.

⁸⁷¹ AI Innovation of Sweden, <https://www.ai.se/en>. Nodes and co-location areas are created or planned across Sweden to develop partnerships for AI innovation: the Gothenburg node, the Greater Stockholm node, the Southern Sweden node, the Northern Sweden node, the Örebro node.

⁸⁷² Vinnova, <https://www.vinnova.se/en/>. See also Vinnova, "Civic tech: Digital services for strengthening trust between citizens and the public sector".

⁸⁷³ "This is done through interactive visualization of climate data at the local, level, increased transparency in procurement data and simulation of how the citizen's own data

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In relation to framework and infrastructure, the Government's assessment is that

- Sweden needs to develop rules, standards, norms and ethical principles to guide ethical and sustainable AI and the use of AI.
- Sweden needs to push for Swedish and international standards and regulations that promote the use of AI and prevent risks.
- Sweden needs to continuously review the need for digital infrastructure to harness the opportunities that AI can provide.
- Sweden needs to continue to work on making data available to serve as infrastructure for AI use in areas where it adds value.
- Sweden needs to continue to play an active role in the EU's efforts to promote digitization and reap the benefits that the use of AI can bring.⁸⁷⁴

The National Approach to Artificial Intelligence states, "The goal is closely linked to the digital transformation goal adopted by the Riksdag [the Swedish Parliament] and complements the Government's Digital Strategy."

In August 2018, the Swedish government created a Committee for Technological Innovation and Ethics (KOMET). AlgorithmWatch noted that the head of the Committee is "a former entrepreneur and CEO, whose prior work for the government included being head of the section for innovation within the Ministry of Enterprise and Innovation."⁸⁷⁵ AlgorithmWatch also complained that: "The committee is tasked with producing analyses of barriers for the adoption of 'the fourth industrial revolution', such as existing regulatory frameworks, to map the need for adjusting existing regulatory frameworks, to continuously come up with suggestions for the government regarding policy developments, promote a dialogue between relevant governmental agencies and regional actors, educational institutions, the non-governmental sector, and business for efficient collaboration concerning policy-developments. It is, however, not stated how, and more precisely which of these actors will be involved."

can be used in a secure way", Vinnova, News, (Oct. 26, 2020), <https://www.vinnova.se/en/>.

⁸⁷⁴ Government Offices of Sweden, *National Approach to Artificial Intelligence*, (May 2018),

<https://www.government.se/4a7451/contentassets/fe2ba005fb49433587574c513a837fac/national-approach-to-artificial-intelligence.pdf>.

⁸⁷⁵ <https://algorithmwatch.org/en/automating-society-sweden/>.

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The Swedish Government acknowledged the General Data Protection Regulation (GDPR) as “an important part of the AI framework.”⁸⁷⁶

A recent report for the International Bar Association stated “there is currently no AI laws in Sweden. Historically, the legislative approach in Sweden has been to pass technology-agnostic legislation that does not need to be changed with every advance in technology.”⁸⁷⁷ Thus, “it is of central priority for the Swedish legislator to assess current legislation from an AI perspective and implement necessary changes. Furthermore, support in the interpretation of legislation is required from courts and public authorities. Access to data, information security and robustness, together with the ethical use of AI, are principles of central importance in the future regulatory approach.”

The Trelborg Controversy

The automation of government services has been underway in Sweden since the 1970s. By 2019, “more than 80% of all government decisions that the National Audit has reviewed were automated. This involves 121 million decisions by 13 authorities.”⁸⁷⁸ Various benefits, such as Welfare payments, from parental benefits to dental care subsidies, are allocated without any human intervention.

As for municipalities, who are in charge of social services, a 2019 report published by the Union for Professionals, found that “only 16 out of a total of 290 municipalities have implemented RPA [Robotic Processing Automation] in their administration of social benefits.”⁸⁷⁹ The Trelborg

⁸⁷⁶ Government Offices of Sweden, *National Approach to Artificial Intelligence*, (May 2018), <https://www.government.se/4a7451/contentassets/fe2ba005fb49433587574c513a837fac/national-approach-to-artificial-intelligence.pdf6>.

⁸⁷⁷ International Bar Association, *Guidelines and Regulations to Provide Insights on Public Policies to Ensure Artificial Intelligence’s Beneficial Use as a Professional Tool* (Sept. 2020), <https://www.ibanet.org/Document/Default.aspx?DocumentUId=f5099a33-1e70-4a32-839d-589236b7568d>.

⁸⁷⁸ Nord News, *The Swedish National Audit Office: Automatic government decisions are becoming more common* (Nov. 19, 2020), <https://nord.news/2020/11/19/the-swedish-national-audit-office-automatic-government-decisions-are-becoming-more-common/>

⁸⁷⁹ Lupita Svensson, “Tekniken är den enkla biten” Om att implementera digital automatisering i handläggningen av försörjningsstöd (2019), <https://akademssr.se/sites/default/files/files/LupitaSvensson.pdf>

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Municipality was the only one to implement solely automated decision-making.

In 2019 the journalist Freddi Ramel, and Simon Vinge, chief economist at the Union for Professionals, challenged the Trelleborg automated decision system. According to AlgorithmWatch, the Swedish Parliamentary Ombudsman has so far failed to determine whether the municipality provided “meaningful information” as required by Article 15 of the GDPR.⁸⁸⁰ However, Ramel obtained access to the source code after a court ruled that the code was a public record under the Swedish Freedom of Information Act. The Trelleborg municipality subsequently undertook an investigation.

Access to Data

In the National Approach to AI, the Swedish government stated that “[a]ccess to data is the lifeblood of AI and a crucial part of the infrastructure.” The report continued, “Appropriate frameworks of principles, norms and rules are therefore important prerequisites if Sweden is to realise the benefits of AI in society. Such frameworks must balance fundamental needs for privacy, ethics, trust and social protection with access to the data needed to realise the potential of AI.”

AI Sweden, the Swedish National Center for applied Artificial Intelligence, “is developing the Data Factory to become a national testbed for data factory solutions. It will include rapidly evolving new technology and position itself as an international benchmark of how to set up a highly valuable data factory.”⁸⁸¹ AI Sweden has also identified the need to create a Legal Expert Group. This Group “will consist of a smaller number of legal experts from our partners who will discuss legal questions related to AI and data and they will collaborate in trying to create, for example, white papers, guidelines and/or common interpretations and solutions for legal issues that could benefit all partners within AI Sweden.”⁸⁸²

⁸⁸⁰ AlgorithmWatch, *Central authorities slow to react as Sweden’s cities embrace automation of welfare management* (2020), <https://automatingsociety.algorithmwatch.org/report2020/sweden/sweden-story/>

⁸⁸¹ AI Sweden, *The Data Factory*, <https://www.ai.se/en/data-factory>.

⁸⁸² AI Sweden, *Legal Expert Group*, <https://www.ai.se/en/legal-expert-group>.

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In May 2019, the Government launched several investigations⁸⁸³ on access to public sector.⁸⁸⁴ It has endowed with the mission to make concrete proposals. In a January 2020 report, the Swedish Agency for Digital Administration (DIGG) said that “AI carries challenges. Its use requires (...) systematic ethical considerations. However, these challenges can be properly addressed, highlighting the overall capacity of the public administration to deal with these issues.”⁸⁸⁵ DIGG recommended that the Government establish a center with expertise in AI; develop a platform for collaboration, co-development and innovation; develop an AI guide; create legal conditions to facilitate experimental activities; develop vocational and role-specific training in AI; develop a national data strategy for public administrations.” Lastly, DIGG has also set up an expert group on AI for public administration, mainly composed of academics. It aims to provide advises to DIGG in the fulfilment of its mission.⁸⁸⁶

However, Sweden’s Open Government Partnership Action Plan 2019–2021, does not address the link between access to data and the use of artificial intelligence in the public sector.⁸⁸⁷ It thus remains to be seen which concrete further steps it will take to address the issue and to which extent ethical considerations will be taken into account. The Action Plan does not refer either to Algorithmic Transparency.

Foreign Policy and AI

As for the international landscape, Peter Eriksson, the Swedish Minister for Housing and Digital development, signed the declaration on

⁸⁸³ Swedish Government, *The government is gathering strength around artificial intelligence and open data* (May 2, 2019), www.regeringen.se/pressmeddelanden/2019/05/regeringen-kraftsamlar-kring-artificiell-intelligens-och-oppna-data.^[1]^[SEP]

⁸⁸⁴ See also, OECD, *Digital Government Review of Sweden: Towards a Data-driven Public Sector*

Assessment and recommendations, <https://doi.org/10.1787/5baa0880-en>.

⁸⁸⁵ DIGG, *Promote the ability of public administration to use AI* (Jan. 13, 2020) [GT], <https://www.digg.se/publicerat/publikationer/2020/framja-den-offentliga-forvaltningens-formaga-att-anvanda-ai> [MT]

⁸⁸⁶ DIGG, *Referensgrupp inom AI*, https://www.digg.se/om-oss/regeringsuppdrag/oppna-data-datadriven-innovation-och-ai#referensgrupp_inom_ai, [MT].

⁸⁸⁷ Government of Sweden, *Sweden’s Open Government Partnership Action Plan 2019–2021* (Aug. 29, 2019), <https://www.regeringen.se/4ad5d7/contentassets/0e4dc8996f374895b54f9f994e6c5fd2/sweden-ogp-action-plan-2019-2021.pdf>.

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“AI in the Nordic-Baltic region” establishing a collaborative framework on “developing ethical and transparent guidelines, standards, principles and values to guide when and how AI applications should be used” and “on the objective that infrastructure, hardware, software and data, all of which are central to the use of AI, are based on standards, enabling interoperability, privacy, security, trust, good usability, and portability.”⁸⁸⁸ This Declaration has recently been reinforced by the Ministerial Declaration Digital North 2.0.⁸⁸⁹

Public Participation

As for public participation, the Government states in the National Approach that “For Sweden to reap the benefits of AI, all sectors of society must be involved.” It is, however, debatable to what extent different groups in society are actually involved. According to AlgorithmWatch, most of the funding and strategic development takes place in the universities and as support for business environments.”⁸⁹⁰ Nevertheless, AlgorithmWatch also describes the “addAI initiative” which “is a collaboration between experts in academia, government and companies to discuss and explore the impact of smart algorithms and AI on society through the organisation of workshops and participation in public events.”

Facial recognition

In March 2020, the data protection officer for the Swedish police undertook an investigation to determine whether the police may have used ClearView AI, an AI product for mass surveillance enabled by facial recognition.⁸⁹¹ The Swedish police confirmed that they have used Clearview AI, after previously denying use of the face surveillance tool.⁸⁹²

⁸⁸⁸ Nordic Cooperation, *AI in the Nordic-Baltic region* (May 14, 2018), <https://www.norden.org/en/declaration/ai-nordic-baltic-region>.

⁸⁸⁹ Nordic Cooperation, *Ministerial Declaration Digital North 2.0* (Sept. 29, 2020), <https://www.norden.org/en/declaration/ministerial-declaration-digital-north-20>.

⁸⁹⁰ Anne Kuan and Julia Velkovic, *Automating Society: Sweden* (Jan. 29, 2019), <https://algorithmwatch.org/en/automating-society-sweden/>.

⁸⁹¹ SVT NYHETER, *Intern utredning: Polisen får inte använda kritiserad AI-tjänst – skulle bryta mot lagen* (Mar. 6, 2020) [MT], <https://www.svt.se/nyheter/inrikes/svensk-polis-forbjuds-att-anvanda-kontroversiella-ai-tjansten>

⁸⁹² Mikael Grill Peterson and Linea Carlén, *Polisen bekräftar: Har använt omdiskuterade Clearview AI*, SVT NYHETER, (March 11, 2020) [MT], <https://www.svt.se/nyheter/inrikes/ekot-polisen-bekraftar-anvandning-av-kontroversiell-app>

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Subsequently, the Swedish DPA “initiated an inspection to find out whether Swedish authorities use the face recognition technology provided by the US company Clearview AI.”⁸⁹³ The DPA noted that the European Data Protection Board “will produce guidance on how law enforcement authorities should approach facial recognition technology. Sweden is one of the driving countries in the world.”

In 2019, the Swedish DPA did approve the use of facial recognition technology by the police to help identify criminal suspects. However, such an authorization relates to the use of biometric templates in databases under the control of public authorities and established under Union or Member States law.⁸⁹⁴ As Andrea Jelinek, Chair of the European Data Protection Body, subsequently emphasized, “[t]he possible use of a service such as offered by Clearview AI by law enforcement authorities would, however, be fundamentally different, in that it would imply, as part of a police or criminal investigation, the sharing of personal data with a private party outside the Union and the biometric matching of such data against the latter’s mass and arbitrarily populated database of photographs and facial pictures accessible online.”⁸⁹⁵ She also clearly questions the legality of the use of Clearview AI by public authorities.

In 2019, the Swedish DPA issued its first fine in a case involving facial recognition. A school in northern Sweden conducted a pilot using facial recognition to keep track of students' attendance in school. The Swedish DPA concluded that the test violates the GDPR and imposed a fine on the municipality of approximately 20,000 euros. The school processed sensitive biometric data unlawfully and failed to do an adequate impact assessment including seeking prior consultation with the Swedish DPA. The school based the processing on consent but the Swedish DPA considers that

⁸⁹³ The Swedish Data Protection Authority, The Data Inspectorate initiates supervision due to Clearview AI, <https://www.datainspektionen.se/nyheter/datainspektionen-inleder-tillsyn-med-anledning-av-clearview-ai/>.

⁸⁹⁴ Official Journal of the European Union, *Directive EU 2016/680 of the European Parliament and of the Council* (Apr. 27, 2016), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0680&from=EN>

⁸⁹⁵ EDPB response to MEPs Sophie in ‘t Veld, Moritz Körner, Michal Šimečka, Fabienne Keller, Jan-Christoph Oetjen, Anna Donáth, Maite Pagazaurtundúa, Olivier Chastel, concerning the facial recognition app developed by Clearview AI (June 10, 2020) https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_letter_out_2020-0052_facialrecognition.pdf.

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consent was not a valid legal basis given the clear imbalance between the data subject and the controller.⁸⁹⁶

Lethal Autonomous Weapons

Beginning in 2013, Swedish NGOs called for Sweden to endorse an official ban of LAWS.⁸⁹⁷ As one NGO coalition stated recently “A future where machines themselves decide over life and death, what and who is to be attacked in an armed conflict, is not the future we want. But the fact is that we are on our way there - and development is fast.”⁸⁹⁸ Previously, leaders in the Swedish government declared that “Sweden must take a leading role in the work for a ban on deadly autonomous weapon systems.” However, the position adopted by Sweden so far seems to be more nuanced.

The Swedish government has emphasized human control and said, “that multilateralism remains our only chance to address our many common challenges and to ensure international peace and security.”⁸⁹⁹ At the 75th UN General Assembly meeting in October 2020, Sweden’s Ambassador stated “Sweden is of the strong conviction that human control over the use of force always must be upheld.” She also expressed Sweden’s support to the 11 LAWS Guiding Principles.⁹⁰⁰ Earlier, Sweden also explained that the “specific measures required for human control will thus need to be context dependent and assessed on a case-by-case basis” and referred to a report, supported by Sweden, together with Germany, Switzerland and the Netherlands.⁹⁰¹ The Swedish government has also set up a working group

⁸⁹⁶ <https://www.datainspektionen.se/nyheter/2019/facial-recognition-in-school-renders-swedens-first-gdpr-fine/>.

⁸⁹⁷ Campaign to Stop Killer Robots, *Building Awareness in Sweden* (Oct. 13, 2020), <https://www.stopkillerrobots.org/2013/10/sweden-outreach/>;

⁸⁹⁸ Amnesty International Sweden, *Sweden Must Stand Against Killer Robots* (Sept. 21, 2020) [GT], <https://www.amnesty.se/aktuellt/sverige-maste-sta-upp-mot-mordarrobotar-debattartikel-publicerad-209-2020/>.

⁸⁹⁹ Government of Sweden, Ministry of Foreign Affairs, *Statement delivered by Ambassador Anna Karin Eneström, Permanent Representative of Sweden to the United Nations at the General Debate of the First Committee, 75th session of the UN General Assembly, United Nations* (Oct. 14, 2020), https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com20/statements/14Oct_Sweden.pdf

⁹⁰⁰ Geneva Internet Platform, *GGE on lethal autonomous weapons systems*, <https://dig.watch/process/gge-laws#view-14508-1>

⁹⁰¹ Stockholm International Peace Research Institute, *Limits on Autonomy in Weapon Systems: Identifying Practical Elements of Human Control* (June 2020),

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on autonomous weapons. According to the NGO the Swedish Peace and Arbitration Society, this “working group is defense-oriented, with a majority of its members coming from defense-related authorities and institutions.”⁹⁰²

OECD AI Principles and Human Rights

Sweden endorsed the OECD AI Principles. Sweden is a signatory to many international human rights treaties and conventions, among which the Universal Declaration of Human Rights and the Council of Europe’s European Convention on Human Rights and the Convention 108+, the Modernized Convention for the protection of individuals with regard to the processing of personal data. Sweden typically ranks among the top nations in the world for the protection of human rights and transparency.⁹⁰³

Algorithmic Transparency

Sweden is subject to the General Data Protection Regulation which established rights to “meaningful information about the logic involved” as well as about “the significance and the envisaged consequences.”⁹⁰⁴ The Swedish Data Protection Authority is competent to handle complaints in this regard.⁹⁰⁵ In 2019, the Equality Ombudsman Agneta Broberg warned that the sanctions available under the Discrimination Act are not effective to tackle the challenges of AI and discriminatory algorithms.⁹⁰⁶

Following the Trelleborg episode concerning automated decisions by municipalities, the Union for Professionals called for the creation of an

<https://www.sipri.org/publications/2020/other-publications/limits-autonomy-weapon-systems-identifying-practical-elements-human-control-0>

⁹⁰² Swedish Peace and Arbitration Society, *Questions and Answers about Killer Robots*, [MT] <https://www.svenskafreds.se/vad-vi-gor/nedrustning/stoppamordarrobotar/faq-mordarrobotar/>

⁹⁰³ According to Freedom House, Sweden’s Global freedom score is 100/100, <https://freedomhouse.org/country/sweden/freedom-world/2020>.

⁹⁰⁴ [GDPR Art. 22, Art. 13.2.f].

⁹⁰⁵ The Swedish Data Protection Authority, <https://www.datainspektionen.se/other-lang/in-english/>.

⁹⁰⁶ Diskriminerings Ombudsmannen, *Skyddet mot diskriminering behöver ses över (Protection Against Discrimination Needs to be Reviewed)*, (Feb. 21, 2020), <https://www.do.se/om-do/pressrum/aktuellt/aktuellt-under-2020/skyddet-mot-diskriminering-behoever-ses-over/>; Diskriminerings Ombudsmannen, *Annual Report 2019*, <https://www.do.se/globalassets/om-do/do-arsredovisning-2019.pdf>.

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algorithm ombudsman.⁹⁰⁷ “The Union has, among other things, conducted a survey that shows that the requirement for an Algorithm Ombudsman has broad support among the public - and that transparency and openness are absolutely crucial for there to be trust in algorithms and automation.” In this regard, a 2020 survey organized by BEUC, the European Consumer Organization, which involved the Swedish Consumer Organization, revealed that “more than half of Sweden's consumers feel that artificial intelligence (AI) is used to manipulate them. And over 60 percent wish they could say no to automated decision making.”⁹⁰⁸

Lastly, another independent government agency, the Equality Ombudsman (DO), may also play a part in ensuring the absence of discrimination which could result from a biased algorithm.⁹⁰⁹ The case of *Freddi Ramel v. the Trelleborg municipality* previously mentioned also makes clear that the principle of public access does cover the source code of the software used for automated decisions and can be vindicated before the relevant administrative court.

Human Rights

Sweden ranks very highly for the protection of political rights and civil liberties. According to Freedom House, “Sweden is a parliamentary monarchy with free and fair elections and a strong multiparty system. Civil liberties and political rights are legally guaranteed and respected in practice, and the rule of law prevails.”⁹¹⁰

Evaluation

Sweden endorsed the OECD AI Principles and is committed to developing trustworthy AI. Sweden ranks at the top among nations for the

⁹⁰⁷ Union for Professionals, *Algorithm Policy in a Digital World*, <https://akademsr.se/opinion/algorithmpolitik>.

⁹⁰⁸ <https://www.sverigeskonsumerter.se/nyheter-press/nyheter-och-pressmeddelanden/las-mer-om-undersokningen-har/> [MT]; BEUC, *Artificial intelligence: what consumers say*, <https://www.sverigeskonsumerter.se/media/kbfg3wya/beuc-ai.pdf>.

⁹⁰⁹ Diskriminerings Ombudsmannen, *Welcome to the Equality Ombudsman* (Oct. 20, 2020), <https://www.do.se/other-languages/english/>. See also Emma Lundberg, *Automated decision-making vs indirect discrimination – Solution or aggravation* (2019), <https://www.diva-portal.org/smash/get/diva2:1331907/FULLTEXT01.pdf>.

⁹¹⁰ Freedom House, *Freedom in the World 2020 – Sweden (2020)*, <https://freedomhouse.org/country/sweden/freedom-world/2020>

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protection of political rights and civil liberties and has proactive ombudsman institutions and an active data protection agency. However, the lack of a clear strategy to involve citizens in the debate over the future of AI, Sweden's opposition, along with other Nordic countries, to a strong regulatory framework for AI raises concern about Sweden's ability to both support technical innovation and avoid ethical risks.