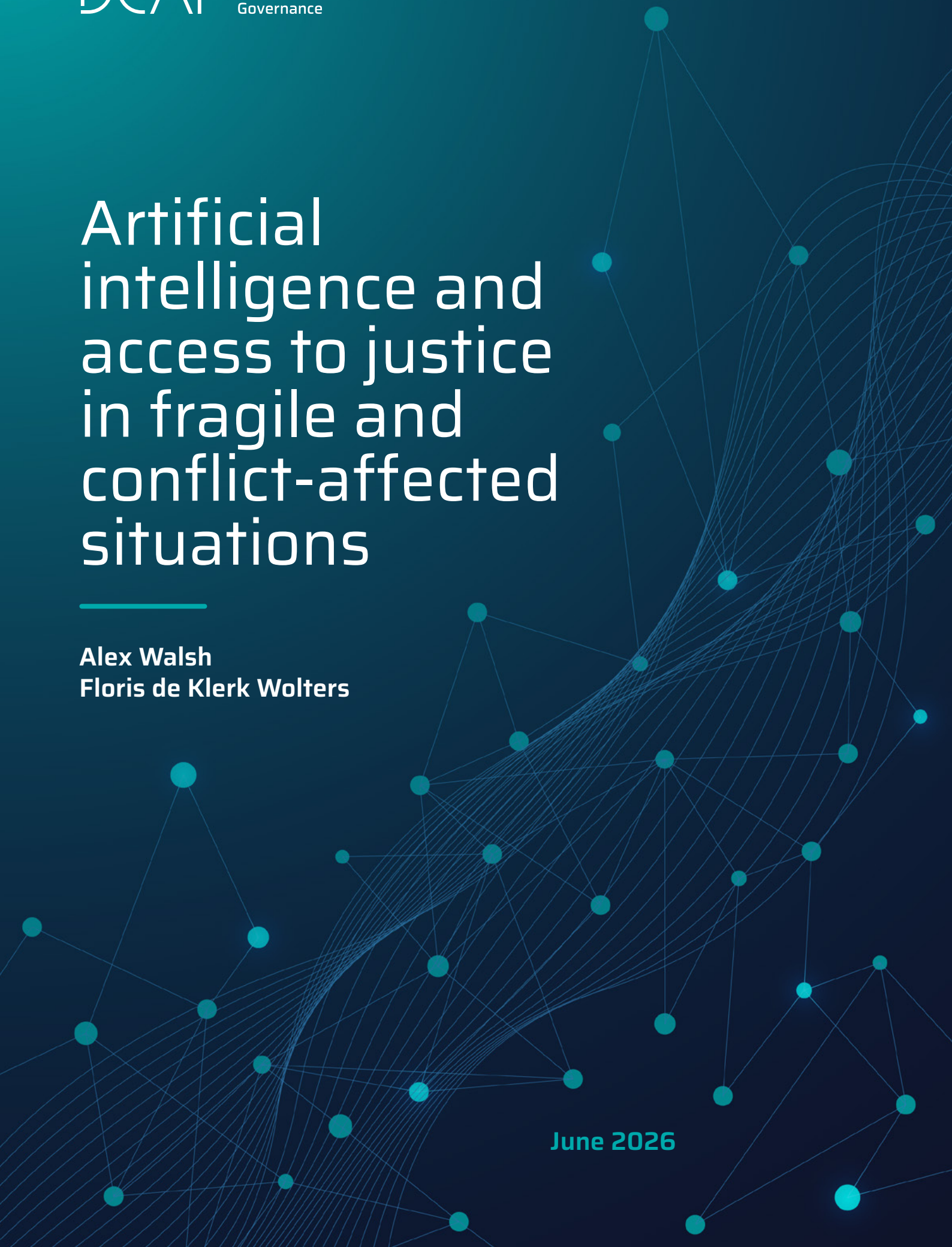
DCAF Geneva Centre for Security Sector Governance

Artificial intelligence and access to justice in fragile and conflict-affected situations

Alex Walsh
Floris de Klerk Wolters



June 2026

Acknowledgments

The authors would like to thank the following people for their help in this project: Oksanna Abrahamyan, Ayantola Alayande, Ljubiša Baščarević, Hans Born, Viviana Brun, Olena-Anna Chaban, Maria Giuliana Civinini, Brian Concannon, Marianne Ducasse-Rogier, Rohullah Esmati, Lorena Florez Rojas, George Hodge, Marie-Claude Jean-Baptiste, Gabriella Razzano, Ronald Lenz, Agnė Limantė, Larissa Loyola Pedroso, Dawn Lui, Josh McBride, Manuel Ramos Maqueda, Verginiya Micheva-Ruseva, Farima Nawabi, Dotun Ogundare, Luis de Oliveira, Yurii Orzikh, James Pierre, Blendë Pira, Keith Porcaro, Michel Rademaker, Haroun Rahimi, Ludowica Raparelli, Maryam Safi, Daniel Schmidt, Albrecht Schnabel, Prateek Sibal, Marika Sosnowski, Miriam Stankovich, Tetiana Tsuvina, and Dominique Wisler. This report draws on their perspectives but does not necessarily represent their views.

The authors thank Kimberly Storr for copy-editing and proofreading, Nadia Joubert for design and layout, and Hans Born, Marianne Ducasse-Rogier, Ronald Lenz, and Albrecht Schnabel for their detailed feedback.

Authors: Alex Walsh and Floris de Klerk Wolters

Copy-editing: Kimberly Storr

Layout and design: Nadia Joubert

About DCAF

DCAF – Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice, and supports capacity-building of both state and non-state security sector stakeholders.

ISBN: 978-92-9222-828-6

Publisher

DCAF - Geneva Centre for Security Sector Governance
Maison de la Paix
Chemin Eugène-Rigot 2E
1202 Geneva, Switzerland

+41 22 730 94 00
info@dcaf.ch
www.dcaf.ch

© Adobe Stock / Focus / AI ethical compliance ensures enforcement of laws, standards, and policies to reduce legal risks and protect corporate reputation.

Executive summary

Why access to justice?

Access to justice is a precondition for peace and development, but barriers including high costs, long waiting times, and a lack of fairness contribute to a persistent justice gap affecting billions of people. These barriers are particularly common in fragile and conflict-affected situations (FCS), where limited access to justice often sustains or reignites conflict; making them the target of justice reform programmes implemented by national governments and international supporters, with varying levels of success. The urgency to improve justice services is only growing, as conflict is on the rise.

Is artificial intelligence an answer to the justice gap globally?

Experiments in “Justice AI” are gaining traction, whereby AI technologies are applied by various actors – from justice users to supreme court judges and justice ministry officials – in uses ranging from administration to research and analysis, to decision-making support. How this might work in FCS is the object of this paper, which examines the issue through the prism of needs and conditions in these contexts. Drawing on over thirty interviews and extensive literature, this paper explores: various uses of Justice AI; its effect on public trust in justice services, as well as on costs and waiting times; and the risks and evolving governance. It seeks to answer how Justice AI pilots have measured up to real-world obstacles to justice in FCS, and how the diversity of development and stability in FCS results in different enabling conditions, impacting technology, human capacity, and governance.

Global experiences with Justice AI are mixed. There are encouraging signs that AI can help lower costs and improve efficiency, yet whether AI improves public trust in justice systems remains an open question. While some indicators point to how this can be achieved, there is little hard evidence to inform new governance models and, at the same time, a clear danger that the misuse of AI can damage public confidence. And when it comes to governance, there is consensus that Justice AI is associated with risks to transparency, the rule of law, accountability, fairness and bias, system security, and privacy.

This has given rise to the new field of Justice AI governance, built upon a complex web of judicial processes, consumer and privacy rights, data protection, and other frameworks. Some general principles have been established – such as the imperative for a human-in-the-loop approach, as well as transparency and explainability. But translating these principles into practice is difficult, and there is still much to be done to improve governance and ensure that Justice AI truly meets the needs of the people.

Is artificial intelligence an answer to the justice gap in FCS?

It is a challenge to unpack precisely what these experiences with Justice AI, so far, imply about access to justice in FCS, particularly given the varied nature of FCS and the different array of enabling conditions each context offers. Indeed, some are high-to-middle income states with strong digital capacity, and others are low-income, with weak territorial control or infrastructure. Nevertheless, many FCS do share some important traits. For example, fundamental rights are vulnerable in most FCS. Many also hold disadvantageous places in global AI and data value chains and feature a high exposure to risks like weak data protection and privacy violations, alongside limited accountability and enforcement, and high levels of corruption and social exclusion. In most FCS, serious threats related to data and tech sovereignty also loom.

Justice AI has emerged even in the most under-resourced of these places, promising to expand the possibilities of legal information gathering, document drafting, and digitization; in some cases, arriving in the form of informal, unregulated “shadow AI” applications. And where more enabling conditions are present, more applications are materializing, to take on tasks including transcription, interpretation, and triage and backlog management. Justice AI may begin to accelerate very quickly in contexts with significant infrastructure and capable central state administration, and in these places, there is the potential for it to play a role in system control and automation, and to support decision making and oversight.

How can justice reform efforts in FCS incorporate Justice AI?

It is important to note that Justice AI is not "coming" to FCS; it is already in use, whether as shadow AI or in more official forms. Nevertheless, with little evidence of how these technologies affect trust, efficiency, and effectiveness, caution is warranted when considering their implementation, especially in fragile settings. New initiatives and experiments should take fundamental rights as a starting point by acknowledging that Justice AI may amplify existing risks, adopting an incremental and do-no-harm approach, while recognizing the reality of shadow AI. This means engaging actors who are not usually involved in justice reform, such as technology providers and experts in privacy and data science.

It will take continuous effort and new ideas to effectively monitor AI systems and improve the enforcement of their compliance with privacy, data protection, and copyright laws. In the justice sector, these tools should especially be expected to uphold ethical standards and legal accountability.

The global scope of AI makes the good governance of Justice AI much more than an institutional or national priority, but an international necessity. National policies should therefore consider sovereignty concerns when developing Justice AI frameworks and should join multilateral efforts to build governance norms. To that end, the principle of explainability is a non-negotiable, as it fosters trust and allows for the identification and correction of biases. Ensuring integrity requires that data verification and biases are treated proactively, to embed fairness into the design and deployment of Justice AI.

Grave as many of the risks associated with Justice AI are, it seems the tools are here to stay. Hence, new and adapted governance frameworks must be formulated to deal with these risks in a way that fosters true accountability and transparency, and protects fundamental principles of the rule of law, without sacrificing the potential for better access to justice. Because, so long as the justice gap exists and the justice needs of billions of people go unmet, there will be pressure to use these tools. Any decision on principled grounds to reject them must concede the uncomfortable reality that not using AI may come at a price, too.

It will take continuous effort and new ideas to effectively monitor AI systems and improve the enforcement of their compliance with privacy, data protection, and copyright laws. In the justice sector, these tools should especially be expected to uphold ethical standards and legal accountability. This difficult but unavoidable task of implementing Justice AI in a rights-compliant and beneficial way will inevitably involve weighing fundamental rights against the promise of greater efficiency and access.

Contents

Figures

Tables

Acronyms and abbreviations

ACLED	Armed Conflict Location & Event Data Project	**IT**	Information technology
AI	Artificial intelligence	**LLM**	Large language models
AU	African Union	**NGO**	Non-governmental organization
CCTV	Closed-circuit television	**NLP**	Natural language processing
CEPEJ	Council of Europe's Commission for the Efficiency of Justice	**OCR**	Optical character recognition
CIJ	Customary and informal justice	**ODR**	Online dispute resolution
COMPAS	Correctional Offender Management Profiling for Alternative Sanctions algorithm	**OECD**	Organisation for Economic Co-operation and Development
CPIA	Country Policy and Institutional Assessments	**SDG**	Sustainable Development Goal
EU	European Union	**UNCTAD**	United Nations Conference on Trade and Development
FCS	Fragile and conflict-affected situations/settings	**UNDP**	United Nations Development Programme
GBV	Gender-based violence	**UNESCO**	United Nations Educational, Scientific, and Cultural Organization
GDPR	General Data Protection Regulation	**UNHCR**	United Nations High Commissioner for Refugees
ICT	Information and communications technology	**UNODC**	United Nations Office on Drugs and Crime
ID	Identification document/s	**WJP**	World Justice Project
IDLO	International Development Law Organization	**XAI**	Explainable AI

Introduction and methodology

Across the world, justice systems are grappling with a wave of new technologies that touch upon the very core of how they are organized. Among these is artificial intelligence, the impact of which has already been seismic. In fact, a survey carried out by UNESCO in late 2023 found that 44 per cent of judicial professionals (including judges and prosecutors) in 96 countries reported actively using ChatGPT in their work.[1] Yet, not even 10 per cent of these respondents indicated that they had been given any guidelines on the use of AI in a judicial context.[2]

Meanwhile, many AI tools are being piloted or experimented with, in real time, by courts, prosecutors, and lawyers, and by those seeking legal assistance. These tools represent such a new and broad technological frontier that there is no single term for them yet. While we have chosen to use Justice AI, others refer to these applications as legal tech, lawtech, A2J tech, Justice Tech, or algorithmic justice. No matter what terminology is used, however, the fact is that the justice sector is abuzz with talk of AI.

These developments raise many governance questions, which have only just begun to be discussed, let alone answered. In such discussions, it is crucial to avoid a bias towards wealthy countries, which are not where problems with access to justice are concentrated. Thus, this paper brings the focus to FCS, and contributes to emerging thinking regarding the impact of Justice AI on governance in these contexts. Relying on several dozen interviews with key informants, literature and policy research, and analysis of the experiences of several countries, it highlights and examines some prevailing trends and questions.

The paper is structured to introduce key concepts, before discussing barriers to access to justice, how Justice AI has been deployed to improve this access, and the ways that AI use in different settings may unfold in the presence of different enabling factors. This introduction will elucidate important terminology, provide background information on AI and justice in fragile settings, and detail the methodology used in this paper. Chapter 2 then outlines existing challenges in accessing justice and efforts to improve access. In Chapter 3, the ways that Justice AI is already being used in some places to improve access to justice and the functioning of justice sectors is discussed. Chapter 4 lays out implications for governance, and the risks of these tools. Then, Chapter 5 brings these concepts together, linking Justice AI to overcoming barriers to accessing justice, by making use of three original scenarios that illustrate how these trends may manifest in different contexts. The final chapter summarizes important points from this research, as well as the governance questions that will have to be answered by FCS in coming years.

1 Juan David Gutiérrez, *UNESCO Global Judges' Initiative: Survey on the Use of AI Systems by Judicial Operators* (UNESCO, 2024).
2 Ibid.

Key concepts

Access to justice

Access to justice is widely understood as a precondition for stabilization, positive peace, and conflict prevention.[3] Practically, this means:

- Decision making is equitable.
- Opportunities for settlement are informed and consensual.
- Outcomes are obtained within a reasonable time.
- Legal and general information and advice on people's rights and obligations are available.
- Mechanisms to assert those rights, from reporting crimes to making claims, are available and accessible; meaning, they are not too far away, not too expensive, and not too time-consuming.[4]

Altogether, these factors facilitate "the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards."[5] In many fragile contexts, this may incorporate transitional justice, and so it is important to mention that this paper employs a definition of justice that encompasses administrative, civil, and criminal justice, including customary and informal justice (CIJ) mechanisms, but excludes transitional justice. This is because the paper is focused on justice *processes*, rather than justice in a broader sense.

This study measures and analyses access to justice as a function of: (1) judicial efficiency, (2) legal frameworks, and (3) fairness. For instance, it considers waiting times (from start to finish of a judicial process), costs (including travel and legal expenses), and trust and confidence in the competence, integrity, equity, and independence of a judicial system. These categories of analysis are drawn from the work of the World Bank and are elaborated on in Chapter 2.[6]

The justice sector

The justice sector is comprised of "all the agencies and actors, both state and non-state, involved in the provision, management and oversight of justice."[7] Although specific components of the sector may differ among countries, it commonly includes courts and judges, lawyers, defence and prosecution services, state legal practitioners, judicial councils, and bar associations. There are also executive authorities in the sector, such as justice ministries, finance regulators, and bodies responsible for judicial oversight (e.g. parliamentary committees and independent oversight mechanisms). Civil society, law firms, and other non-state organizations are also part of the justice sector.

Additionally, customary and informal justice (CIJ) mechanisms are part of the sector. This includes a spectrum of alternative, community-based, customary, grassroots, hybrid, indigenous, informal, local, non-state, religious, traditional, tribal, and other systems.[8] Good governance in the justice sector implies access to justice for all people, whether through state organs or CIJ. This means that justice sectors must be representative, as well as effective, efficient, accountable, transparent, inclusive, and responsive.

---

3 United Nations Development Programme, *Programming for Justice: Access for All – a Practitioner's Guide to a Human Rights-Based Approach to Access to Justice* (UNDP, 2005).
4 See: Sophia Adams Bhatti, *AI in Our Justice System* (JUSTICE UK, 2025), 25.
5 United Nations Development Programme, *Programming for Justice*, 5.
6 Erica Bosio and Ana Palacio Jaramillo, *Increasing Access to Justice in Fragile Settings* (World Bank, 2023).
7 DCAF – Geneva Centre for Security Sector Governance, "The Justice Sector: Roles and Responsibilities in Good Security Sector Governance," SSR Backgrounder Series, 2019, 2.
8 Working Group on Customary and Informal Justice and SDG16+, *Diverse pathways to people-centred justice: Report of the Working Group on Customary and Informal Justice and SDG16+* (Rome: International Development Law Organization, 2023), 8.

Artificial intelligence

The international community has yet to coalesce around a single, shared definition of AI. Even so, according to the Independent High Level Expert Group on Artificial Intelligence, established by the European Commission, AI "refers to systems that display intelligent behaviour by analysing their environment and taking actions – with some degree of autonomy – to achieve specific goals."[9] This capability to use data inputs, apply some type of reasoning (e.g. a model or algorithm), and then provide an output or action is reflected in other definitions of AI, as well. For instance, UNESCO uses a similar formulation in its *Recommendations on the ethics of artificial intelligence*, as does the OECD, in a definition that operates as the intergovernmental standard.[10]

When it comes to describing the specific capabilities of AI, the High-Level Expert Group arranges them into three categories:

Reasoning and decision making
Planning, search optimization, and scheduling.

Learning
Machine learning, neural networks, deep learning, and decision trees.

Robotics
Embodied AI that relies on control functions, perceptions, sensors, and actuators.

Justice AI

Justice AI refers to various AI applications in the justice sector. The capabilities of these applications range from optimizing legal database searches to supporting decision-making by practitioners. In Chapter 3, the diverse AI technologies and applications at use in the justice sector are discussed in more detail.

There is currently little agreement on the terminology for these AI tools, or how to delineate among terms and concepts like law/legal tech, A2J tech, e-justice, and algorithmic justice. One distinction is that terms like law tech generally fail to distinguish between various technologies. Since this paper focuses on AI specifically, the choice has been made to use the more explicit and descriptive term, Justice AI.

Fragile and conflict-affected situations (FCS)

The FCS designation is used by the World Bank for countries facing fragile and conflict-affected situations, and is assigned based on indicators of fragility – such as those gathered through the World Bank's Country Policy and Institutional Assessments (CPIA) – and conflict data, including deaths recorded by the Armed Conflict Location & Event Data (ACLED) monitor.[11] While other measures, like the OECD's States of Fragility, encompass more countries and incorporate more dimensions than fragility and conflict, this paper uses the World Bank definition because it is more clear-cut and results in a smaller group of FCS (even at the risk that this may not reflect the full reality of grey zones). This research analysed FCS appearing on the 2024 World Bank list.[12]

9 Independent High-Level Expert Group on Artificial Intelligence, "A definition of AI: Main capabilities and scientific disciplines," 18 December 2018, 1.
10 See: United Nations Educational, Scientific and Cultural Organization, *Recommendation on the Ethics of Artificial Intelligence* (UNESCO, 2021); Stuart Russell, et al., "Updates to the OECD's Definition of an AI System Explained," 29 November 2023, https://oecd.ai/en/wonk/ai-system-definition-update.
11 World Bank Group, "Classification of Fragility and Conflict Situations (FCS) for World Bank Group Engagement," 2024.
12 See Annex B.

The World Bank defines fragility and conflict as follows:

Fragility: a systemic condition or situation characterized by an extremely low level of institutional and governance capacity which significantly impedes the state's ability to function effectively, maintain peace and foster economic and social development.[13]

Conflict: a situation of acute insecurity driven by the use of deadly force by a group — including state forces, organized non-state groups, or other irregular entities — with a political purpose or motivation. Such force can be two-sided — involving engagement between multiple organized, armed sides, at times resulting in collateral civilian harm — or one-sided, in which a group specifically targets civilians.[14]

These definitions may reasonably evoke images of the most unstable and least developed places in the world, but in truth, many FCS are middle-income countries. Ukraine, Libya, Kosovo, Iraq, Lebanon, and Nigeria all fall into this category, for example. And so, while it happens that average incomes in FCS are significantly below the global average, it is important to differentiate the FCS designation from the question of development.

Why analyse AI and access to justice in FCS?

Global fragility is at a near-record high, and the number of armed conflicts at a peak since the end of the Cold War.[15] Deeply intertwined with the issues of development and peace that arise from this is the matter of access to justice. The UN's Sustainable Development Agenda recognizes this in Goal 16 (SDG16), which links equal access to justice to the resolution of disputes and the protection of vulnerable people and populations.[16] Indeed, well-functioning justice sectors not only provide justice to individuals, but serve as oversight actors by checking abuse, providing accountability, and protecting fundamental rights.[17] Where the sector functions poorly and there is a lack of access to justice, it is common to find abuses of power, arbitrary decision making, and a resulting sense of grievance that can give rise to conflict and violence (see Box 1). In short, access to justice serves as a foundation for stability and development.

Box 1. How a lack of justice feeds the conflict cycle in Burkina Faso

In a 2020 study conducted in Burkina Faso, DCAF researchers concluded that violent extremism was being fuelled by a combination of impunity for perpetrators and a lack of access to justice. As impunity became a driver of intercommunal conflict, radicalization, and recruitment into radical groups, human rights violations and unresolved grievances became integral to a vicious cycle of violence and instability in the country. Once this cycle was entrenched, it was increasingly difficult to put the protection of civilians and their access to justice back atop the agenda, even though these lay at the heart of the conflict.[18]

13 World Bank, "Classification of Fragility and Conflict Situations (FCS) for World Bank Group Engagement."
14 Ibid.
15 Organisation for Economic Co-operation and Development, *States of Fragility 2025* (2025), 13.
16 See: DCAF – Geneva Centre for Security Sector Governance, "Sustainable Development Goal 16: The importance of good security sector governance for the achievement of the 2030 Agenda," SSR Backgrounder Series, 2021.
17 DCAF – Geneva Centre for Security Sector Governance, "The Justice Sector."
18 DCAF – Geneva Centre for Security Sector Governance, "Critical Human Security Issues in Burkina Faso," 1 July 2021.

This makes access to justice particularly relevant in societies challenged by conflict, such as many of those designated by the World Bank as FCS, as conflict resolution research has indicated. For instance, a study that examined 50 peace agreements implemented between 1957 and 2008 and found that procedural and distributive justice (fair treatment and access, and fair outcomes) have been instrumental to sustaining peace, over the short and long terms.[19] But in certain settings, the inaccessibility of justice is so alarming that the World Justice Project assumes the entire population falls into the justice gap.[20] It is in these places that questions about technological innovation, and in particular advances in AI, reverberate most profoundly.

As illustrated by the AI Justice Atlas – an online tool of the Oxford Institute of Technology and Justice – AI is already changing the way people access justice, and on a global scale.[21] Still, most of the research on AI in justice seems to focus on the changes taking place in wealthier countries.[22] This reflects the "digital divide" that has left some stakeholders more able to access technology than others, but which also extends to AI model ownership and governance frameworks.[23] Yet, it is in the most fragile settings that the need to explore how AI is already changing justice provision, and how it can and will change it going forward, is undoubtedly highest.

In fact, examining this relationship between AI and justice in FCS is a must-have, not a nice-to-have. Despite a clear digital divide in the general use of AI between high-income states and the rest of the world, some 70 per cent of global AI users are in developing countries.[24] And, a number of low-income FCS (such as Myanmar and Niger) have higher AI usage rates than some wealthier countries.[25] It is therefore natural to ask how developments in AI will affect justice sectors in FCS, informing the two core questions this paper seeks to answer:

1. What opportunities exist for AI to improve access to justice?
2. What risks and implications for governance arise in the context of Justice AI?

Methodology

To answer these questions, this paper takes a three-pronged approach in the chapters that follow. This framework:

01 Sets out the common barriers to access to justice in FCS (Chapter 2)

This lays the foundation for the rest of the paper by describing how access to justice is most commonly challenged in FCS. Operating from the assumption that barriers to accessing justice cause harm to human security, and well-functioning justice sectors lower these barriers, this analysis applies the World Bank's classification lens, examining legal frameworks, judicial efficiency, and fairness. It draws on primary (informant interviews) and secondary (literature) sources to identify and articulate problems of access to justice; and then, to move beyond theory, focus countries are used as examples, shining a light on access to justice in Afghanistan, Haiti, Kosovo, Mali, Nigeria, Syria, Timor-Leste, and Ukraine. These countries were chosen for the diversity they represent, in terms of geographic location, drivers of fragility, state capacity, human development index ratings, economic development, and justice systems. The aim was to capture a multiplicity of experiences among FCS and the range of barriers people in such settings face in accessing justice, to offer concrete examples of how AI is (and could be) used in these contexts.

19 Daniel Druckman and Lynn Wagner, "Justice Matters: Peace Negotiations, Stable Agreements, and Durable Peace," *Journal of Conflict Resolution* 63, no. 2 (2019): 287–316.
20 World Justice Project, *Measuring the Justice Gap: A People-Centred Assessment of Unmet Justice Needs Around the World* (2019), 22–23.
21 The AI Justice Atlas can be accessed at: https://www.techandjustice.bsg.ox.ac.uk/ai-atlas.
22 Granted, this has not been empirically substantiated by robust meta-studies.
23 See: Rachel Adams et al., Global Index on Responsible AI 2024, 1st ed. (Global Center on AI Governance, 2024); United Nations Development Programme, *The Next Great Divergence: Why AI May Widen Inequality between Countries* (UNDP, 2025).
24 Microsoft AI Economy Institute, "Global AI Adoption in 2025: A Widening Digital Divide," January 2026, 5; United Nations Development Programme, *The Next Great Divergence*.
25 Microsoft AI Economy Institute, "Global AI Adoption in 2025."

02 Examines the use of Justice AI in justice sectors around the world (Chapters 3 and 4)

These chapters take stock of the ways Justice AI is being deployed across the world and outline the types of technologies in use, where they are used and how, and some of the key enabling conditions underlying their implementation. This serves as a jumping-off point to questions of governance and the risks of Justice AI, informed by the literature on this topic as well as primary interviews with subject experts. Several non-FCS countries are discussed through a comparative lens, to give concrete form to different possible uses of Justice AI.

03 Brings together Justice AI and access to justice in FCS (Chapters 5 and 6)

Chapter 5 begins to close the loop by bringing together global experiences of Justice AI with specific access to justice problems in FCS. It explores the confluence of Justice AI and access to justice currently underway in FCS, and discusses what the (near) future may portend as well as the governance implications of this future. Using a scenario-based approach, this chapter is meant to help policymakers in FCS situate Justice AI inside a realistic frame, based on the enabling conditions that exist for AI in their own context. In Chapter 6, key findings from this research are paired with key unanswered questions, suggesting the direction that future work in this area might take.

Data sources

This paper is based on an analysis of existing literature and open-source documentation (see reference list), along with 34 semi-structured interviews conducted with 35 interlocutors.[26] These interviews, which lasted for an average of one hour and took place predominantly online from 2024 through 2026, captured the views of justice professionals, experts in Justice AI, and individuals who work at NGOs and international organizations focused on justice and/or AI governance. An effort was made to achieve gender parity among interviewees.[27]

Two researchers were present for nearly half (47 per cent) of these interviews, engaged in parallel notetaking to facilitate cross-referencing. The emphasis of interviews was split, with 53 per cent focused on the experience of a specific country, and the remainder focused on Justice AI and related governance questions more broadly. Interviewees were identified through DCAF's network (and included one staff member of a DCAF country office), using a snowball sampling strategy. To anonymize these interviewees, each participant was assigned a number, as seen in citations, but their names are known to the authors.

26 See Annex A for the interview questionnaire.
27 Roughly half of these respondents were believed to be women; though, the gender of respondents was categorized based on researcher observation, not self-identification by participants.

How access to justice is challenged and the wider context

01

Takeaways

- Obstacles to accessing justice in FCS include inefficiencies (high costs, limited legal assistance, weak infrastructure), legal frameworks (outdated or missing laws), and a lack of fairness and trust (e.g. due to geographic distance, discrimination, and bias).
- These obstacles compound, and share common causes – such as limited resources, poor governance, insecurity, and elite capture – but play out differently in each setting.
- In some FCS, such as Haiti, insecurity has fundamentally inhibited the justice system; whereas in others, such as Ukraine, war has accelerated digitalization even while straining the system more broadly.
- Some basic realities of conflict and fragility lead to common questions regarding Justice AI in FCS, but each context also represents a very different starting point for the trajectory of this technology.

The problem of access to justice is recognized by the UN in SDG16.[28] Since the Sustainable Development Goals were first formulated in 2015, the UN has elaborated further on how the issue relates to conflict:

> *Lack of access to justice means that conflicts remain unresolved and people cannot obtain protection and redress. Institutions that do not function according to legitimate laws are prone to arbitrariness and abuse of power, and less capable of delivering public service to everyone.*[29]

In FCS, the roots of this justice gap are varied, whether the destruction wrought by conflict, the remoteness of certain communities, or weak infrastructure. Although these challenges affect each FCS differently, this chapter reviews key barriers to accessing justice in many FCS, as well as bringing a focus to customary and informal justice (CIJ) mechanisms. It also discusses some of the obstacles encountered by justice reform programmes in these contexts.

Obstacles to justice

Conflict and fragility are interwoven with obstacles to justice in a way that makes it difficult to trace causality with clarity. This complexity and the diversity of FCS must therefore be acknowledged as a starting point. Nevertheless, it is helpful to pull some threads from the larger knot of this problem, as this chapter does, by using example countries to illustrate the impact of specific challenges in different settings. In other words, conflict and fragility are common in FCS but the way these factors impact justice sectors is often remarkably dissimilar.

28 See: DCAF – Geneva Centre for Security Sector Governance, “Sustainable Development Goal 16.”
29 See: https://www.un.org/sustainabledevelopment/peace-justice/.

In places like Ukraine and Kosovo, for instance, conflict and instability have not led to the collapse of justice institutions; despite the physical destruction or occupation of court buildings in Ukraine and understaffing that has left thousands of judicial posts vacant, and an ongoing (if relatively low intensity) conflict in Kosovo.[30] But in other places, such as Haiti, the harm to justice has been felt more acutely. There, the state is extremely fragile, gangs have taken over the capital, and little remains of the formal justice system.[31]

There are also FCS like Syria, where a fragmentation of the justice system was part and parcel of the war, and the judiciary must now be rebuilt. This will mean addressing the alternative justice and legal systems established by various warring groups.[32] The need to rebuild human capacity is also significant (see Box 2).[33] Yet, the course of this reform remains a deeply political question, and even as Syrian officials unveil mechanisms to tackle transitional justice and missing persons, critics have disparaged their lack of inclusivity and public consultation.[34] Meanwhile, in Afghanistan, the Taliban has radically transformed the justice system by abolishing the 2004 Constitution and the Penal and Civil Codes (see Box 2).[35] And in Timor-Leste, significant improvements in justice have not yet mitigated the fact that "the formal justice system remains a distant reality for most of the population, especially those living in rural areas."[36]

Box 2. The impacts of conflict, and its end, on justice in Syria and Afghanistan

When the Assad regime was overthrown in 2024, the transitional authorities in **Syria** halted civil registration procedures. This meant that birth and death certificates, IDs, property transactions, and marriage certificates were no longer issued, and other civil procedures could not be completed.[37] In a country marked by over a decade of war and displacement, and many informal housing arrangements, even a several-months backlog of basic administrative justice surrounding land titles or IDs was not a trivial matter. Indeed, land disputes are the most pressing legal problem facing poor people worldwide. And in Syria, identity documents function as gateways to receiving aid and welfare, and public services.[38]

After re-taking power in **Afghanistan** in 2021, the Taliban suspended the 2004 Constitution, removed all judges from the bench, and disbanded the Bar Association. Then, in 2023, over a dozen prosecutors were murdered "by unknown individuals."[39] Many defence lawyers subsequently stopped their work, fearing for their personal safety.[40] Now, some provinces no longer have any practising defence lawyers. In others, Taliban courts have excluded defence counsel out of principle, for perceived interference in the judicial process; and in others yet, lawyers are now limited to preparing defendants to appear alone in court (without representation) or are prevented entirely from visiting clients in custody.[41]

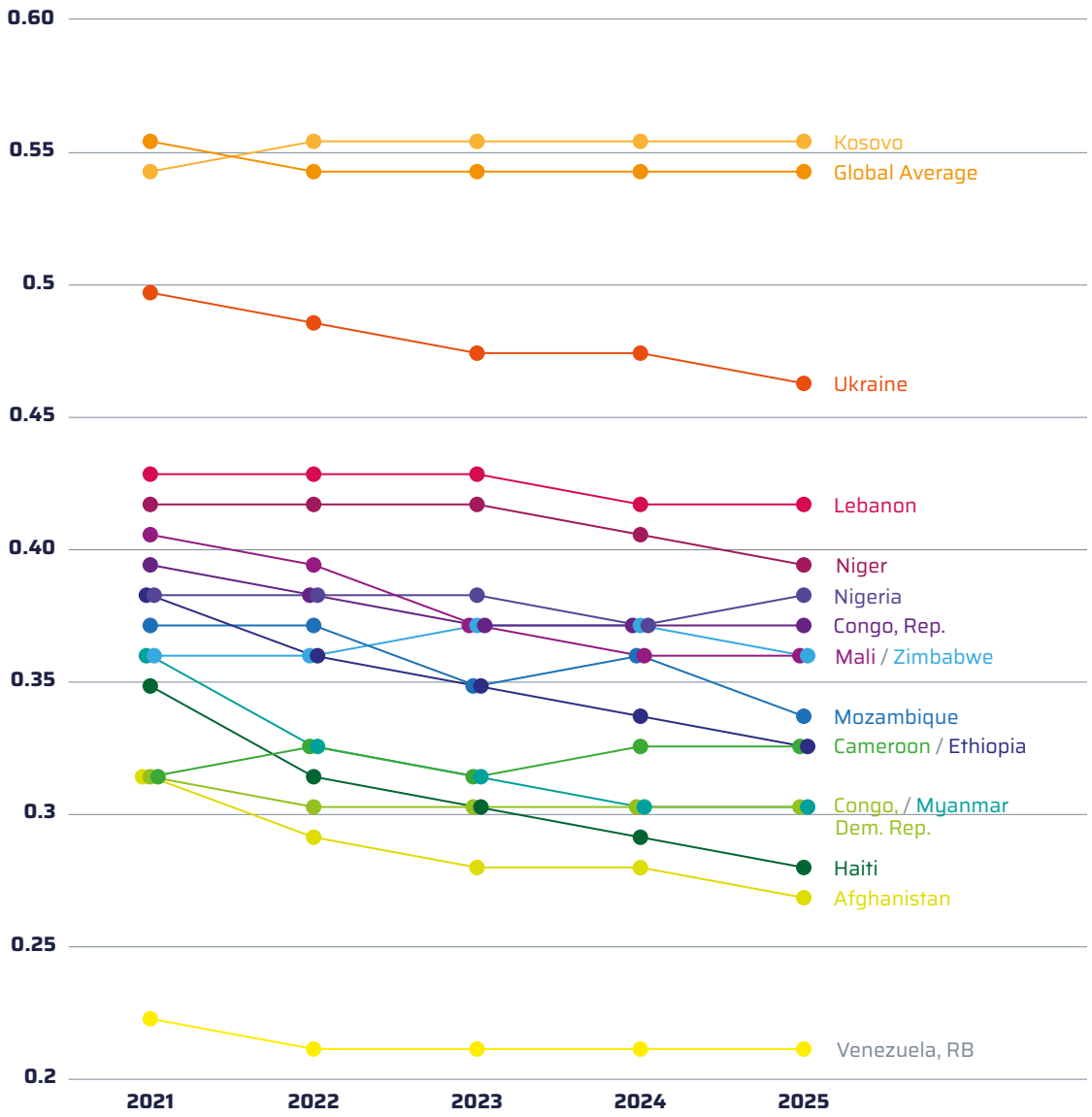
These examples illustrate the different ways FCS are challenged when it comes to access to justice. This is due to various factors, as well as the nature of fragility in these contexts; with some appearing on the World Bank's list of FCS since its inception in the 2000s (e.g. Afghanistan and Sudan) and others added much more

30 On Ukraine, Interviewees 7, 21, and 25; on Kosovo, Interviewees 14 and 17.
31 Interviewees 3, 5, and 24.
32 Interviewee 2.
33 Human Rights Watch, *Recommendations on Next Steps for Comprehensive Justice for Syria* (2025).
34 Ibid.
35 Interviewees 10, 11, 13, and 16.
36 Interviewee 8. Also see: United Nations Development Programme and Government of Timor-Leste, *Towards Better Justice: Analysis and Recommendations for Improving the Justice Sector in Timor-Leste* (2024).
37 Interviewee 2. Also see: Alicia Medina Segura, "Civil Registry Suspensions Lead to Administrative Paralysis and Legal Ambiguity," *The Syria Report*, 20 May 2025, https://syria-report.com/civil-registry-suspensions-lead-to-administrative-paralysis-and-legal-ambiguity/.
38 The Hague Institute for Innovation of Law, *Poverty and Access to Justice* (2021), 48–52.
39 United Nations Human Rights Special Procedures, "UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support," media statement, 20 January 2023.
40 Rawadari, *Justice Denied: An Examination of the Legal and Judicial System in Taliban-Controlled Afghanistan* (2023), 30.
41 Ibid.

recently (e.g. Ukraine). Still, as different as FCS may be, many share certain justice challenges, including fragile institutions, weak procedural safeguards, judicial incoherence, the denial of basic rights, and a reliance on informal governance arrangements to meet justice needs that are left unfulfilled by state institutions. In quite a few FCS, these challenges are layered atop existing barriers, such as long waiting times, high costs, a lack of proximity to court facilities, and marginalization based on identity factors like gender, religion, and ethnicity.

The spectrum of ways this impacts conditions of justice in any given FCS are reflected in performance ratings of these contexts in rule of law indices, such as the yearly scores issued by the World Justice Project. In 2025, except for Kosovo, all FCS scored below the global average (see Figure 1). In fact, this global average score has dropped since 2014, but the scores of FCS have dropped faster still. And while Kosovo was buoyed by relatively strong scores for fundamental rights and order and security, many other countries – from Ukraine to Lebanon to Ethiopia – were hurt by scores on corruption and criminal justice.[42]

Figure 1. The rule of law in FCS vs. the global average, 2021–2025



Source: WJP Rule of Law Index 2025[43]

42 The Index measures eight factors: constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice.
43 See: https://worldjusticeproject.org/rule-of-law-index.

In 2023, a report published by the World Bank elaborated on barriers to access to justice that are specific to FCS. The authors mapped these on to three "dimensions of access to justice" – judicial efficiency, legal framework, and fairness. A summary of their findings is reflected in Table 1 (below).

Table 1. Common access to justice problems

Judicial efficiency	Legal framework	Fairness
Limited access to legal information, and weak or missing legal aid High court fees and financial constraints Weak or damaged court infrastructure and limited resources (financial, as well as physical and IT infrastructure) Shortages of qualified legal professionals (judges, prosecutors, lawyers) and support staff (clerks, translators and interpreters), or administrators	Outdated, inappropriate, and/or non-existent laws and legal repositories Unclear relationship between formal and informal justice systems	Direct or indirect discrimination against groups including minority populations, children and youth, and women Low literacy and education levels or language barriers, and limited legal awareness, among justice users Geographical distance to and between courts, particularly in rural areas Corruption and political influence in the court system, affecting judicial independence Public mistrust of the (formal) justice system

Adapted from: Erica Bosio and Ana Palacio Jaramillo, *Increasing Access to Justice in Fragile Settings* (World Bank, 2023).

Costs and financial constraints

The high costs of accessing formal justice are a common barrier in FCS, particularly for the urban poor and rural or marginalized communities.[44] These costs include fees paid directly to initiate and sustain a legal case, but in many contexts, they only add up from there. In Haiti, for example, where court fees are already high relative to income, people are often expected to bear other costs as well, such as paying to transport a Justice of the Peace to an investigation site.[45] This is the case in Timor-Leste, too, where rural road conditions make transportation particularly expensive and time-consuming.[46] A 2024 survey carried out in Mali quantified the impact of this barrier, revealing that 57 per cent of rural residents felt they could not afford to take a case to court for this reason.[47]

44 See: Erica Harper, "The Enduring Utility of Customary Justice in Fragile and Post-Conflict States: Why Development Actors Need to Stop Searching for Magic Bullets and Solve the Political Economy and Human Rights Challenges Associated with Justice Programming," *The Journal of Legal Pluralism and Unofficial Law* 53, no. 3 (2021): 342–355; Thomas D. Akoensi and Amy E. Nivette, "Access to Justice in an Informal Urban Settlement in Accra, Ghana," *The British Journal of Criminology* (December 2025): 1–19.
45 Interviewees 3 and 5.
46 Interviewee 9.
47 Afrobarometer, *Résumé Des Résultats – Enquête d'Afrobarometer Round 10 Au Mali, 2024* (2025), 50.

Affordability has made the urban-rural justice divide rather stark in Nigeria, where the formal justice system is only used by a small, wealthy segment of the population, leaving the masses to rely on customary justice mechanisms.[48] And even in Kosovo, which offers a free legal aid service and has constitutionally enshrined the right to this aid, the practical costs of accessing justice create significant hurdles for marginalized groups living in poverty.[49] Hence, with support from the UN and EU, the Kosovo government has made a concerted effort in recent years to expand the reach of legal aid, especially to victims of domestic violence, to better meet the promise of its own constitutional framework for human rights.[50]

In many FCS, the costs of justice cannot be disentangled from corruption; which can pose an additional, significant, and unpredictable expense on those seeking to access justice. A corrupt norm has developed in Haiti, for instance, which assumes a case can move forward only after bribes are paid to justice officials, sometimes doubling or tripling the costs.[51] This is also true in Afghanistan, and was, even before the Taliban takeover. Afghan officials have reportedly been known to place informal levies on civil procedures, and make demands for bribes in exchange for action on cases in the justice system.[52]

Waiting times in formal justice systems

Across formal justice systems, waiting times are a problem. But the extent to which this impacts access to justice varies, even within a single system. For instance, the justice sector in Kosovo is universally burdened by long waiting times, but criminal cases tend to proceed much more quickly than civil cases.[53] The difference is notable, with the average duration of a first-instance criminal trial lasting four to five years, compared to nine years in civil and property cases.[54] Indeed, some civil cases take so long that parties to the case die before their proceedings are resolved.[55] These delays in justice in Kosovo extend from several causes, including a backlog from previous administrations, frequent postponements from the bench, unprepared prosecutors, and by some accounts, a lack of support staff for judges.[56] Adding to this bottleneck is a shortage of Serbian language interpreters; which means that lawyers are left waiting for indictments to be translated, years after they are initially filed.[57]

Ukraine has seen waiting times in its justice sector increase, from already too long to worse, due to Russia's full-scale invasion.[58] Existing challenges are compounded now by the fact that courthouses have suffered damage or become inaccessible, and legal professionals have been called away to serve in the military.[59] In Syria, now working to move beyond conflict, a pre-war justice system that was already plagued by procedural delays and bottlenecks is only more so, after the war.[60] This has created a backlog of administrative cases that is preventing people from acquiring essential documents. Even in Timor-Leste, which has not seen unrest for years, and where backlogs have decreased, the formal system still operates at a slower pace than CIJ and struggles to resolve land disputes.[61]

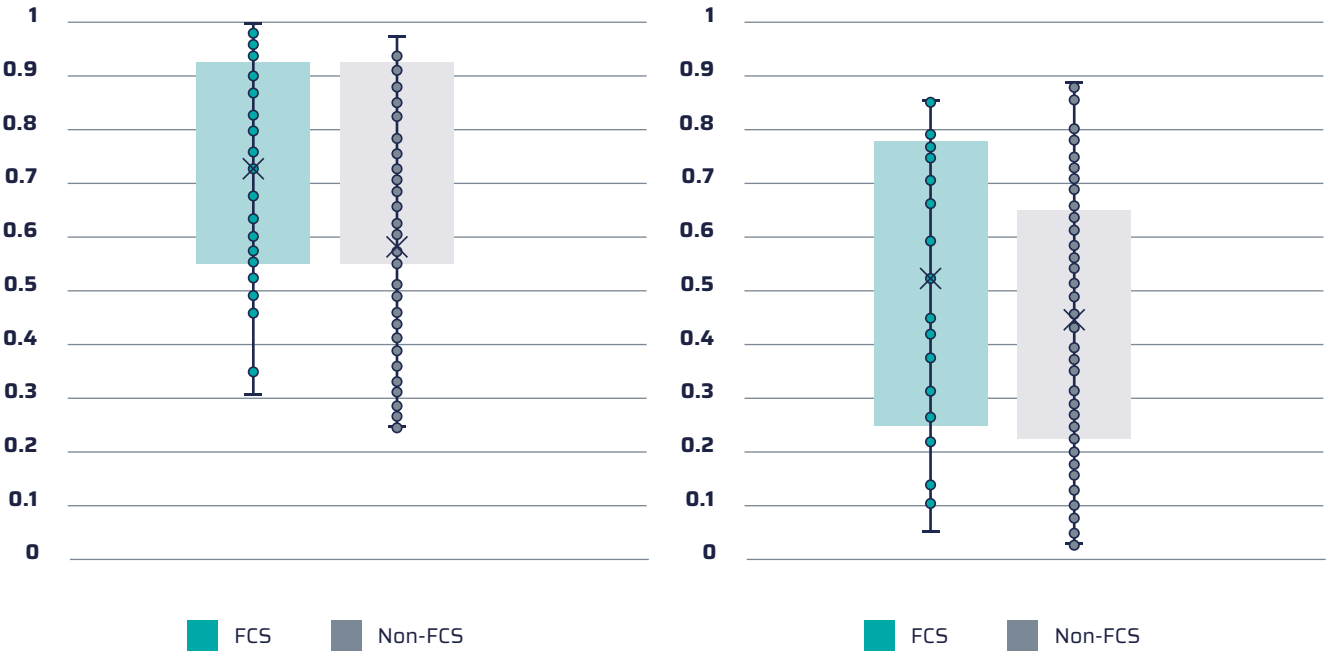
48 Interviewee 15.
49 Interviewee 6.
50 Shpend Qamili, "Justice Being Served: The Expanding Reach of Free Legal Aid," United Nations Kosovo, 9 April 2024, https://kosovoteam.un.org/en/265514-justice-being-served-expanding-reach-free-legal-aid.
51 Interviewee 3.
52 Interviewees 16 and 11.
53 Interviewee 6 and 14.
54 Interviewee 17.
55 Interviewee 6.
56 Interviewees 14 and 17. Also see: European Commission, *Kosovo 2024 Report,* Communication on EU Enlargement Policy, SWD(2024) 692 final, 30 October 2024; Bertelsmann Stiftung, *BTI 2024 Country Report: Kosovo* (2024).
57 Ibid.; Interviewee 14.
58 Prior to the 2022 invasion, the procedural length of court cases had already been consistently on the rise. For example, in 2012, first-instance courts were clearing non-criminal cases in an average of 138 days, but this timeframe had tripled by 2020–2021.
59 Interviewees 7 and 25.
60 Interviewee 2.
61 Interviewee 9. Also see: United Nations Development Programme and Government of Timor-Leste, *Towards Better Justice*; Megan Hirst and Eurosia De Almeida, *Local Justice in Timor-Leste: Barriers to Access at the Community Level* (The Asia Foundation, 2023); Bernardo Almeida, "The Law and Its Limits: Land Grievances, Wicked Problems, and Transitional Justice in Timor-Leste," *International Journal of Transitional Justice* 15, no. 1 (2021): 128–147.

Meanwhile, in Haiti, where insecurity has reached crisis levels, any problems with the speed of justice are secondary to this crisis. Furthermore, these problems cannot be remedied without addressing a lack of judicial independence in the justice system.[62] A similar lack of independence exists in the justice system administered by the Taliban in Afghanistan; and while some have noted that it operates more swiftly than the previous state system, it does not recognize the state constitution and systematically excludes women and minorities.[63]

Language and literacy

The language of courts and of the law ("legalese") presents another obstacle to accessing justice in many FCS. In fact, this problem can be rather acute in FCS due to a higher linguistic diversity (see Figure 2), with impacts from the constitutional level to the courtroom level and shaping basic legal literacy more broadly. Language barriers can burden ethnic and linguistic minorities with a systematic disadvantage, delay proceedings by years, and render judicial outcomes incomprehensible to the people they most directly affect.

Figure 2. Linguistic diversity (left) and ethnic diversity (right) in FCS vs. non-FCS



Note: A score of 1 represents the highest diversity and 0 complete homogeneity (i.e. a monolinguistic and monoethnic population).

Source of linguistic data: World Population Review, "Linguistic Diversity Index by Country 2026," https://worldpopulationreview.com/country-rankings/linguistic-diversity-index-by-country

Source of ethnic data: Historical Index of Ethnic Fractionalization (HIEF). See: Lenka Dražanová, "Introducing the Historical Index of Ethnic Fractionalization (HIEF) Dataset: Accounting for Longitudinal Changes in Ethnic Diversity," *Journal of Open Humanities Data* 6 (2020).

62 Interviewee 5.
63 Interviewees 11 and 13.

In some contexts, the use of an official language creates a fundamental divide. This is the case in linguistically diverse Timor-Leste, for instance, where laws and court decisions are written in Portuguese, a language most Timorese do not understand. While trials are increasingly conducted in the widely spoken Tetum, written legal decisions remain inaccessible to litigants, who are unable to understand the substance of rulings without assistance.[64] The country's relatively low literacy rate (69 per cent in 2002) not only amplifies this problem but serves as an extra barrier when it comes to legal education.[65] Similar conditions exist in rural Nigeria, where the formal justice system functions exclusively in English. This makes it so culturally dissonant and inaccessible to most users that they rely instead on customary justice conducted in local languages.[66]

In Afghanistan, the justice gap caused by the country's linguistic diversity has been exacerbated in recent years by the choice of the predominantly Pashto-speaking Taliban to issue some decrees only in Pashto, reversing a long-standing practice of publishing all such pronouncements in Dari as well.[67] Because Dari is the country's lingua franca, and the language of many lawyers and legal professionals in ethnically diverse cities like Kabul and Herat, this preference for Pashto has also begun affecting justice on a procedural level.[68] This is a predictable result of the Taliban's exploitation of a linguistic barrier as a function of its broader exclusionary framework.

There are also places where the problem is neither the official language nor literacy rate, but a failure to implement multilingual requirements. In Kosovo, for example, where Albanian and Serbian are both official languages, a shortage of qualified Serbian language interpreters and translators undermines constitutional guarantees.[69] Contributing to this is the fact that salaries for interpreters in the state justice sector are low compared to what international organizations pay.[70] What's more, this issue is only intensifying in Kosovo, as younger judges are less likely to be bilingual than their predecessors, leading to instances when courts have had to return documents filed in Serbian with the notation, "we do not understand."[71]

Geography and proximity

Geography and proximity alone can represent a challenge to accessing justice, but in FCS, the effects of these physical obstacles vary depending on infrastructure, the degree of political centralization, and the specific security situation. In some places, large segments of the population are denied access to the formal legal system on account of these barriers. In Timor-Leste, where most judges are located in towns and cities that are difficult and expensive for the country's majority-rural population to reach, poor road conditions mean it can take hours of travelling to advance just a few dozen kilometres.[72] Beyond this demand on time, transportation costs are an added problem, so that the formal justice system has become far more expensive and far less accessible than local customary justice, for many Timorese.[73]

64 United Nations Development Programme and Government of Timor-Leste, *Towards Better Justice*.
65 Interviewee 9. The literacy rate in Timor-Leste has risen continuously over the last 25 years, and though the rate of 69 per cent recorded in 2002 is still relatively low compared to high – and middle-income countries, it is near average among FCS. See: World Bank Open Data, "Literacy rate, adult total (% of people ages 15 and above) – Timor Leste" (2022), at: https://data.worldbank.org/indicator/SE.ADT.LITR.ZS?contextual=default&end=2022&locations=TL&start=2001&view=chart; World Bank Open Data, "Literacy rate, adult total (% of people ages 15 and above) – Fragile and conflict affected situations" (2022) at: https://data.worldbank.org/indicator/SE.ADT.LITR.ZS?contextual=default&end=2024&locations=F1&start=2001&view=chart.
66 Interviewee 15.
67 Interviewee 13.
68 Ibid.
69 Interviewees 6 and 14.
70 Interviewees 14 and 17.
71 Ibid.
72 UN Human Rights Council, *Visit to Timor-Leste: Report of the Special Rapporteur on the Rights of Indigenous Peoples*, A/HRC/42/37/Add.2 (2 August 2019); United Nations Development Programme and Government of Timor-Leste, *Towards Better Justice*.
73 Interviewee 9. Also see: United Nations Development Programme and Government of Timor-Leste, *Towards Better Justice*; UN Human Rights Council, *Visit to Timor-Leste: Report of the Special Rapporteur on the Rights of Indigenous Peoples*.

Users of the Kosovo Court of Appeals in Pristina face similar challenges, particularly those lacking in resources.[74] To attend proceedings in the appeal of any case requires travel to the capital, costing time and money. Previously, in-person document filing was also compulsory, which forced users to use taxis because no busses served the Palace of Justice. While electronic filing by email is now an option, people in marginalized communities may still lack reliable access to computers or the internet.

In Ukraine, where the e-court system has allowed for even more robust remote participation by users, the war means that shelling and electricity outages can disrupt access to both digital registers and online hearings.[75] On top of this, some court buildings are now in occupied territory, forcing jurisdictions to be transferred to other regions. Provisions have therefore been implemented to permit displaced people to access courts in the regions where they have re-registered, to mitigate some geographical barriers.

In Haiti, which lacks the technological infrastructure to move its justice system operations online, users may not even be aware when court offices move to new locations. And there, it is not only users facing considerable challenges accessing courts, but also lawyers and judges, who are often unable to travel safely to their place of work. This insecurity is layered upon already challenging conditions, particularly outside the capital, where poor roads and few public transportation connections make it difficult and expensive to reach a courthouse.[76]

Legal framework

Flaws with legal frameworks themselves are another common problem in FCS, and these can also act as a barrier to accessing justice. The same goes for the availability and accessibility of previous rulings and jurisprudence. In the absence of certain standards or the presence of internal disharmonies, judicial inconsistencies can mount, weakening the protection of rights and introducing legal uncertainties.

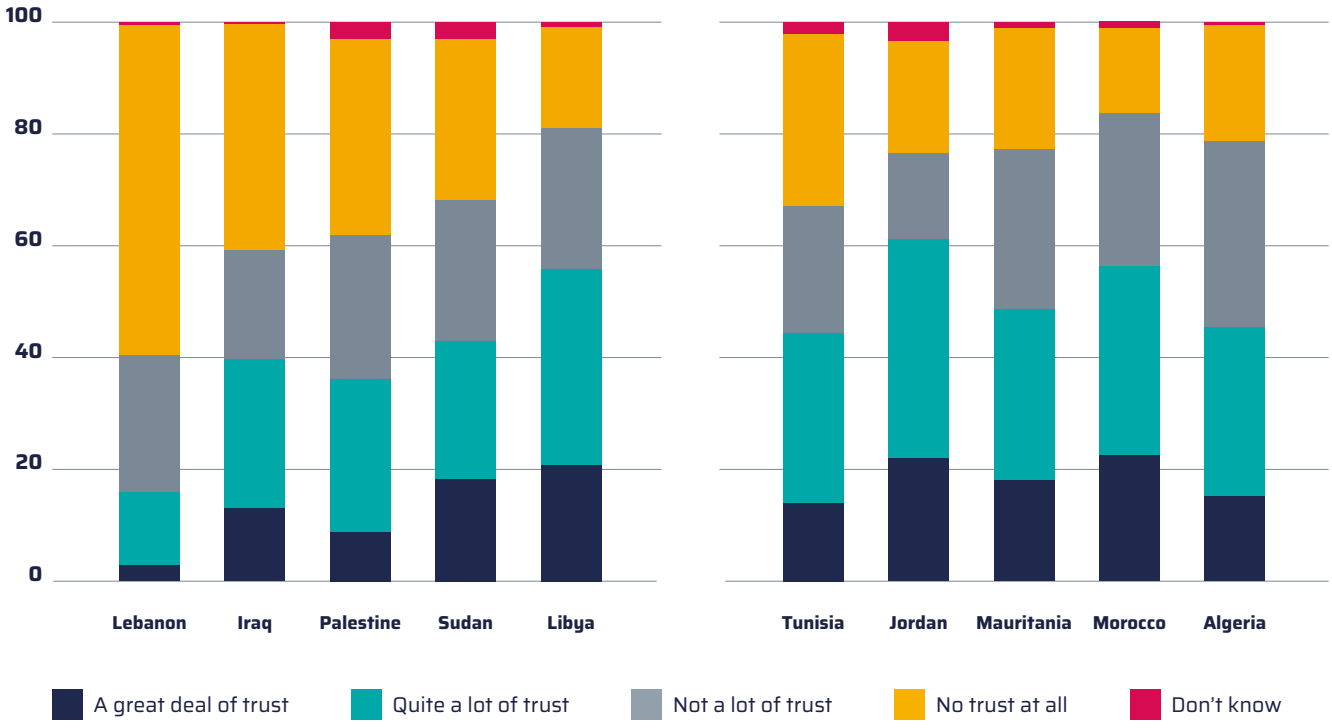
In this sense, no case is more extreme than that of Afghanistan under the Taliban. Lacking any replacement, the previous legal code was abolished entirely, along with most of the country's legal institutions, including juvenile courts and the office of the attorney general.[77] Without new legislation on simple administrative and contractual matters, such as the issuance of birth certificates, legal professionals have mostly resorted to applying the old, now-repealed laws. They can refer to little else, given that there was never a requirement to publish decisions; a longstanding problem.[78] This lack of legal repositories is common in other FCS as well, such as Timor-Leste – where there is no openly accessible legal database and the dissemination of jurisprudence is limited or does not occur at all.[79]

Low trust and confidence

Low trust in formal justice systems is a challenge across FCS, but among them, there are differences in the underlying factors that inform this distrust. Issues like corruption, political interference, and the inefficiency of a system can all affect the trust of users.[80] And where justice is seen to be neither fair nor effective, a core rule of law principle is shattered: that justice be accessible and impartial.[81] Still, the way this manifests in FCS varies, with context-specific impacts on reported levels of trust in the courts, and in justice systems generally (see Figure 3).

74 Interviewee 6.
75 Interviewees 7 and 25.
76 Interviewees 3 and 18.
77 Interviewees 13, 10, and 11.
78 Interviewee 13.
79 United Nations Development Programme and Government of Timor-Leste, *Towards Better Justice*, 76.
80 See: Bosio and Palacio Jaramillo, *Increasing Access to Justice in Fragile Settings*.
81 World Justice Project, *Rule of Law Index 2024* (2024), 14.

Figure 3. Trust in courts and legal systems in select countries in the Middle East and North Africa (MENA) region, FCS (left) vs. non-FCS (right)



Source: Arab Barometer, Wave VII, "Trust: Courts and Legal System," https://www.arabbarometer.org/surveys/arab-barometer-wave-vii/

In Lebanon, for example, where trust in government institutions is extremely low across the board, the rate of distrust in the legal system is so extreme as to make it an outlier, clearly illustrated in Figure 3. This is matched by a near total belief among citizens that "corruption is prevalent in government to a large or medium extent" and that there is little to nothing being done to stop it.[82] Libya is a somewhat contrasting case in relation to FCS in the MENA region, as Figure 3 shows; though, trust is diminishing there as well, amid an increasing sense that corruption is high and rising.[83] Nevertheless, the courts and justice system in Libya still rated a higher level of trust than average, in both FCS and non-FCS, demonstrating why it is so difficult to make sweeping generalizations about the nature of justice in FCS.

In other regions, corruption and elite capture also play a role in high rates of distrust in justice systems, as in Haiti and Afghanistan. In fact, there is a widespread belief in Haiti that justice is accessible only to those who can afford to pay bribes, which leads many people to avoid the formal system altogether, at least in order to resolve civil disputes.[84] This is compounded by a clear lack of independence within the judiciary, exemplified by prosecutor-politicians.[85]

Access to justice in pre-Taliban Afghanistan was similarly vested in patronage networks.[86] The Taliban now claims to have reduced bribery, yet new barriers to trust have been constructed through the systematic exclusion of justice users along ethnic, religious, and gender lines.[87] This includes members of the Shia minority, as well as women and girls.

82 Arab Barometer, *Arab Barometer VII: Lebanon Report* (2022).
83 Arab Barometer, *Arab Barometer VII: Libya Report* (2022).
84 Interviewee 3.
85 Interviewee 5.
86 Interviewees 10 and 11.
87 Interviewees 10, 11, 13, and 16.

Weak or destroyed legal infrastructure and resources

Broadly speaking, justice systems in FCS have fewer resources and higher unmet needs than those in non-FCS. However, the diversity among FCS is evident in the wide range of justice system capacities they possess, as some grapple with a lack of basic infrastructure and security while others debate AI integration. In places like Haiti, courts are no longer under government control or have been destroyed, along with their valuable archives. But somewhere like Ukraine faces a different set of challenges, related to efficiency and technology, in its effort to outrun and mitigate the impacts of a military aggression on justice delivery.

In fact, Ukraine's advanced e-court system has become crucial *because of* the full-scale invasion, as it allows courts to function remotely, helping displaced persons and Ukrainians abroad to access justice. This may explain why public trust in the judiciary has steadily increased among Ukrainians during the war. In a survey conducted in late 2023, 39 per cent of respondents reported having trust in the justice system, marking a rise from previous years; and notably, this trust was even higher in rural than in urban areas.[88]

Capacity and shortages of qualified personnel and support staff

Justice dispensed in the shiniest courtrooms, at no cost to users, has no value without qualified judges, prosecutors, interpreters, and support staff. In many FCS, it is a lack of these judicial personnel that drives long waiting times and systemic inefficiencies. Even in Kosovo, where significant investments were made in legal education over the last decades to train more judges and reach sufficient staffing numbers, procedural delays continue to plague the justice system due to a shortage of qualified court staff.[89]

In Afghanistan, the mass firing by the incoming Taliban regime of all sitting judges and prosecutors, and every woman working in the justice system, decimated the previous system; in favour of judges who are often educated in Pakistani madrasas with little modern legal training or understanding of fair trial standards.[90] The current system therefore suffers from a severe lack of knowledge and capacity, by design. This stands in contrast to conditions in Timor-Leste, which has come a very long way since independence in 2002, when the country had only a handful of trained lawyers. There are now dozens of judges and public prosecutors, and hundreds of lawyers, working in the Timorese justice system. That said, it is worth mentioning that roughly one in four of them are foreigners.[91] And, despite this progress, human resource constraints remain a major problem, especially affecting the ability of citizens in rural areas to access justice.

Weak digital infrastructure

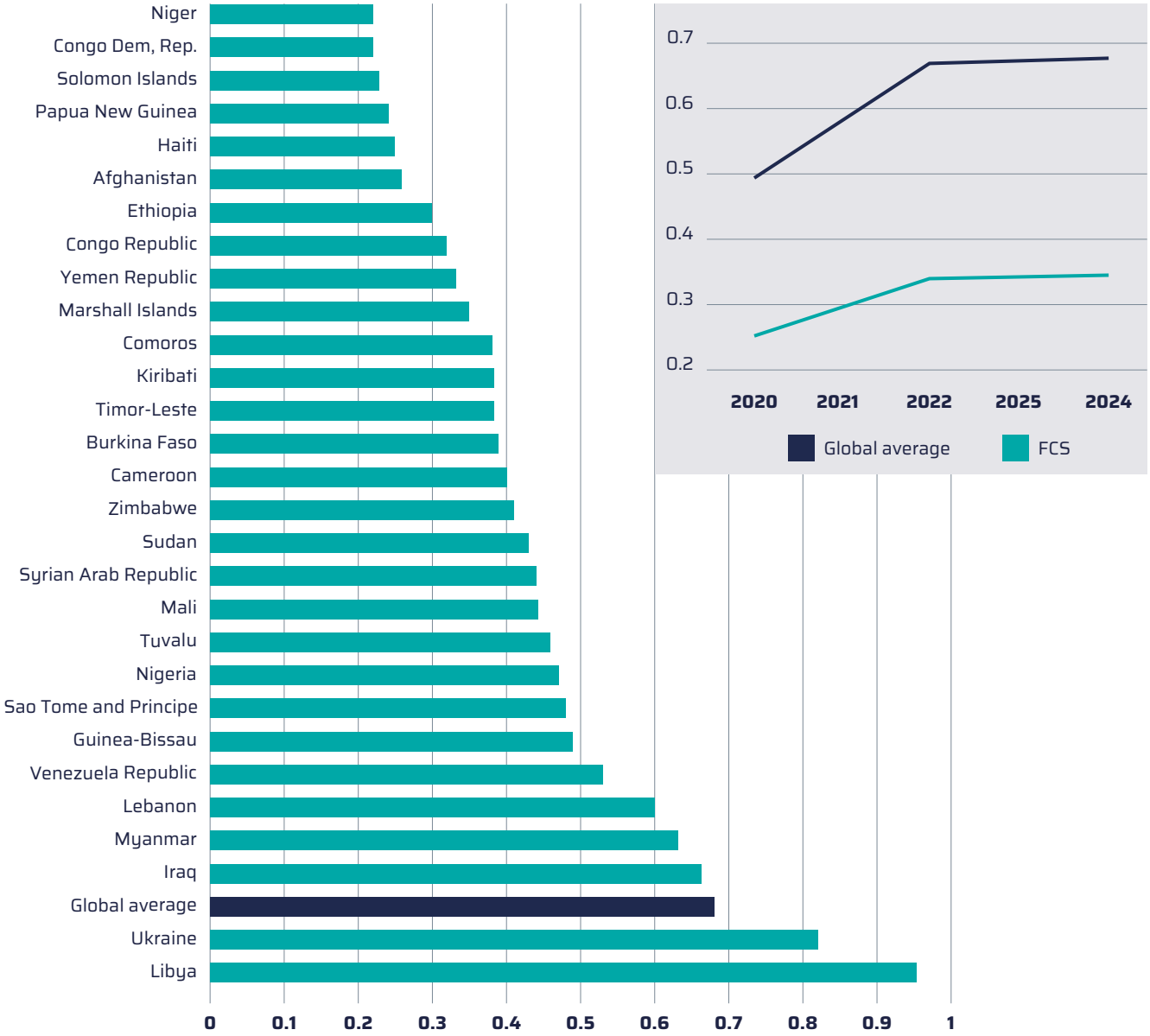
Digital infrastructure is an important capacity of modern justice systems. Nonetheless, some of these systems in FCS remain paper-based or even rely on hand-written documentation (if any), with Taliban-led Afghanistan as a prime example.[92] Other FCS have tried to modernize, only to be foiled by insecurity. Such has been the case in Haiti, which transitioned to a cloud-based system before losing this capacity.[93] On the other end of the continuum, Ukraine has joined the global vanguard in experimenting with e-justice and law tech, hosting advanced case management systems, notwithstanding the ongoing conflict.[94]

But Ukraine is hardly representative of most FCS when it comes to telecommunications infrastructure (see Figure 4). Many FCS are challenged by problems related to internet access and connectivity, impacting both the general population and the court system. Take Timor-Leste, where only 36 per cent of the population can access the internet and courts often have old and outdated infrastructure, both physical and digital, meaning they

88 Patrick Vinck et al., *Ukraine Justice and Accountability Survey 2024* (Georgetown Law and Harvard Humanitarian Initiative, 2024).
89 Interviewees 6 and 17.
90 Interviewees 11, 13, and 16.
91 Interviewee 9; United Nations Development Programme and Government of Timor-Leste, *Towards Better Justice*, 14.
92 Interviewees 10 and 13.
93 Interviewees 3 and 18.
94 Interviewees 1, 7, and 25.

struggle with connectivity issues, lack necessary computers, or do not have staff capable of using them.[95] Timor-Leste is not alone in this, though; as Figure 4 shows, Haiti, Afghanistan, Mali, and Nigeria all score lower or similarly on the Telecommunications Infrastructure Index (TII), among FCS.[96] The TII measures five indicators, per 100 inhabitants – internet users, main fixed telephone lines, mobile subscribers, wireless broadband subscriptions, and fixed broadband subscriptions – to derive a composite score.[97]

Figure 4. Telecommunications Infrastructure Index (TII) for FCS (left) and E-Government Development Index (EGDI) for FCS vs. the global average (right)



Note: The UN's EGDI brings together measurements of human capital, online services, and telecommunications infrastructure to illustrate how well a country is using IT to promote access and inclusion. Though the EGDI rating of FCS has improved, the gap between FCS and the rest of the world has only widened. The greatest difference lies in telecommunications infrastructure, meaning internet, mobile, and broadband connectivity.

Source: World Bank Group, E-Government Development Index (EGDI), https://data360.worldbank.org/en/dataset/UN_EGDI

95 United Nations Development Programme and Government of Timor-Leste, *Towards Better Justice*, 73.
96 See the International Telecommunication Union's ITU Data Hub, at: https://datahub.itu.int/.
97 What the ITT does not reflect is how gender differences can impact internet access, amplifying existing inequalities in access to justice. This can be observed in both Mali and Niger, where women represent less than one quarter of internet users. See: Dalanda Moukala and Fatima Al-Ansar, *Sahelian Women in Digital Spaces* (Search for Common Ground, 2024).

Countries such as Iraq, Libya, and Ukraine – all of which are classified as upper-middle income by the World Bank – fall near or above the global average ITT score, largely on the basis of their high number of internet users and mobile subscribers.[98] Yet, inequities in infrastructure have not stopped some of the least developed FCS to adopt new technologies as well. In many of these places, public or rural infrastructure may lag behind, but urban areas feature higher incomes, better infrastructure, more exposure to diaspora communities, and large youth populations. These FCS are rich with active user bases eager for tech of all sorts, ranging from AI to e-commerce.

This has implications for Justice AI, and for how lawyers, judges, and prosectors do their work. Indeed, where justice institutions lack the will (e.g. Afghanistan) or resources (e.g. Haiti) to digitize, legal professionals and court users are nevertheless using digital tools. For example, practitioners in Afghanistan are accessing the online *Al-Maktaba al-Shamila* database to sift through the vast collection of Islamic texts that form the basis of the Taliban's legal vision for Afghanistan.[99] And in Haiti, lawyers are relying on AI to draft contracts or legal notes for use outside court settings.[100] Often, these lawyers are using shadow AI applications; which have so far received relatively little attention, despite raising key governance questions related to accuracy and reliability as well as data privacy and data protection. The fact is, individual judicial professionals are experimenting with AI technology in their work, across FCS, with few or no formal guidelines and governance measures in place to guide them.

Local attitudes towards digitalization and technology play a role here, too, of course. There is a practical difference and extreme contrast, for instance, between the digital conservatism of Taliban-led Afghanistan and the progressive adoption of AI by the Ukrainian government. Even so, on-the-ground realities can be nuanced. The use of AI for legal purposes is beginning to be adjudicated in Ukraine, where a 2024 judgement of the Ukrainian Supreme Court cautioned that the use of "AI-generated information to challenge the court… could undermine [its] authority… and erode public trust in the judiciary."[101] Meanwhile, in Afghanistan, the Taliban is adopting facial recognition technology.[102] This could signal a willingness to more readily enter the digital age, but it also has the potential to create conditions for a surveillance state in which the regime can oppress the rights of citizen who are largely unable to access the justice system for remedy.

Recourse through customary and informal justice (CIJ)

Many people in FCS, facing the barriers discussed above, turn to CIJ systems – which vary widely by their nature, but generally provide justice in a way that is complementary or alternative to formal justice systems.[103] Their relative accessibility makes these alternative systems important, if not vital, to justice sectors worldwide. Accordingly, the potential role, benefits, and risks of AI integration in such systems should not be ignored.

While there are considerable drawbacks to some CIJ mechanisms, they often serve as the primary or only option for resolving civil disputes, because they tend to be far more accessible in terms of language, proximity, costs, and culture (see Box 3). The arbiters in such systems are also more likely to be trusted local elders or religious leaders, than strangers located in unfamiliar places with no connection to the community. For this reason, CIJ is frequently regarded as more concerned than formal courts with social harmony and reconciliation; which can have important implications for women and other marginalized people, including in matters related to land and family.[104]

98 See the International Telecommunication Union's ITU Data Hub, at: https://datahub.itu.int/.
99 Interviewee 10.
100 Interviewee 24.
101 Agnė Limantė and Yuliia Moskvytyn, "Integrating Artificial Intelligence in Ukraine's Courts: State of Play and Future Prospect," *Verfassungsblog*, 12 December 2024, https://doi.org/10.59704/c472a6ec2910dae3.
102 Interviewee 10.
103 The Working Group on Customary and Informal Justice and SDG16+ has referred to CIJ as the "broad spectrum of what are variously called alternative, community-based, customary, grassroots, hybrid, indigenous, informal, local, non-State, religious, traditional, tribal and other systems to resolve disputes and seek redress for crimes or grievances." See: Working Group on Customary and Informal Justice and SDG16+, *Diverse pathways to people-centred justice* (2023).
104 International Development Law Organization, *Navigating Complex Pathways to Justice: Engagement with Customary and Informal Justice Systems*, Policy and Issue Brief (IDLO, 2019).

Box 3. Customary and informal justice in Timor-Leste

A 2022 survey found that only one-in-ten Timorese rely on the formal justice system to resolve disputes, and further, that most people possess a limited understanding of this system and view it with distrust. At the same time, some 80 per cent of Timorese report turning to actors such as local chiefs or religious leaders when seeking justice.[105] The legitimacy of these figures derives from spiritual and community traditions that are seen as sacred and deeply rooted in local social life.[106] CIJ is thus accommodated in the justice system of Timor-Leste, which is designed to be pluralistic. This ensures accessible, swift, and often restorative justice through alternative mechanisms, with a high likelihood of implementation.

The collective intergenerational stewardship of land and environment plays an important part in this system and is expressed in customary practices across over 90 per cent of Timorese territory.[107] The country's constitution also recognizes these traditional land ownership practices. Yet, these customs do not conform to land and property registration requirements of the state, which in turn are often poorly understood by affected communities.

There can also be a dark side to CIJ in Timor-Leste. The focus of these mechanisms on communal harmony over individual rights has normalized the "sacrifice [of] women's right to be free of violence in order to preserve the family unit," for example.[108] The result is a systematic disempowerment of women. Some CIJ systems in the country also permit open hearings even in sensitive cases involving allegations of abuse, with limited accountability or opportunity to appeal.[109]

The division between informal and formal systems of justice is not always clear, and hybrid versions are common in FCS. Hence, it is important to apply a critical lens to CIJ and acknowledge that it often fails to meet standards of accountability from both a human rights and judicial perspective, and sometimes reinforces existing biases rooted in patriarchal thinking, nepotism, class, or other hierarchies. Underlying this is the lack of written documentation that tends to mark CIJ, making integration into human rights frameworks more difficult. As the International Development Law Organization notes:

> *CIJ systems generally apply flexible rules and procedures, allowing leaders to craft pragmatic solutions that suit local conditions and respond to the underlying causes of disputes. Rules are often unwritten and are passed down through generations orally. Likewise, proceedings are usually oral, and there is rarely systematic record-keeping.*[110]

This stands in sharp contrast to formal justice systems, which are "formal" in large part due to extensive and accessible written records that can be referred to later, verbatim. Still, these formal systems are not without their own problems, and in FCS, these include an array of issues with data administration, such as "inconsistent definitions, incomplete coverage, poor capture of demographic characteristics, and limited data-sharing mechanisms."[111] Differences in each system and in the data footprints they produce appear likely to affect the ways in which AI can intersect with both formal and CIJ systems in FCS (see more in Chapter 4).

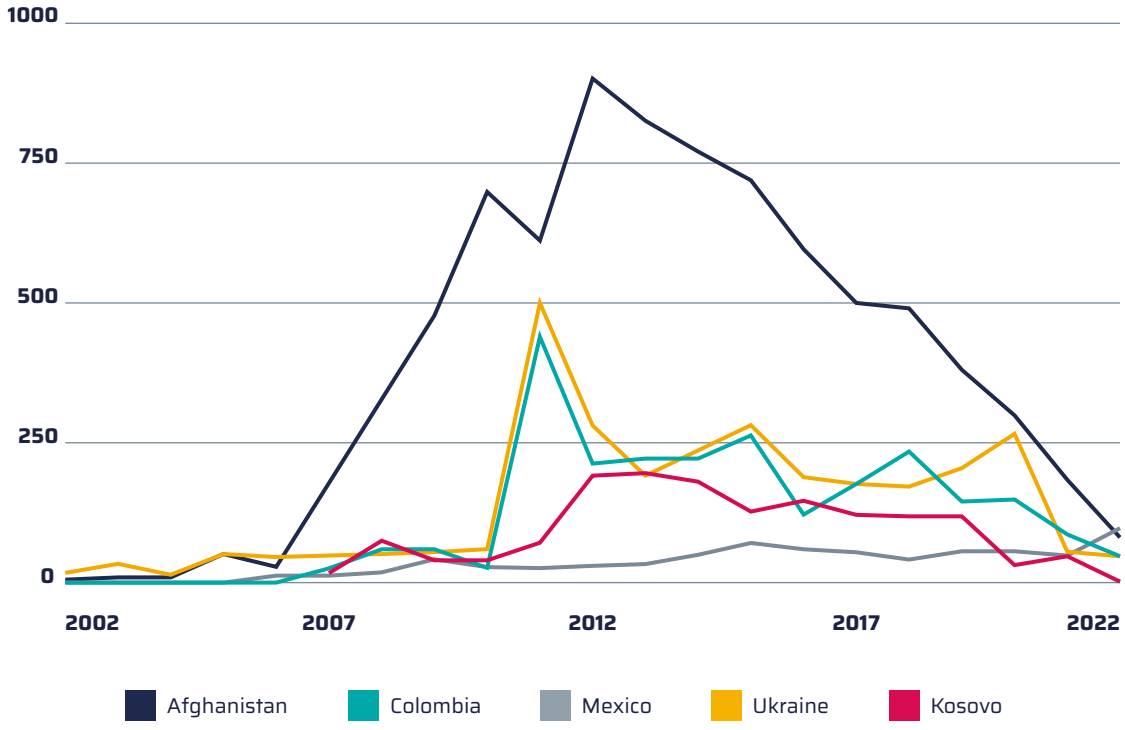
105 Abby McLeod and Lisa Denney, *Timor-Leste Safety, Security, and Justice Perceptions Survey, 2022* (The Asia Foundation, 2022).
106 See: UN Human Rights Council, *Visit to Timor-Leste: Report of the Special Rapporteur on the Rights of Indigenous Peoples*.
107 Ibid.
108 Deborah Cummins, *Women's Multiple Pathways to Justice: Alternative Dispute Resolution and the Impact on Women in Timor-Leste* (UN Women, 2018), 28.
109 Cummins, *Women's Multiple Pathways to Justice*; Hirst and De Almeida, *Local Justice in Timor-Leste*.
110 International Development Law Organization, *Navigating Complex Pathways to Justice*, 14.
111 Peter Chapman et al., *Grasping the Justice Gap: Opportunities and Challenges for People-Centered Justice Data* (World Justice Project, Pathfinders for Peaceful, Just and Inclusive Societies, and the OECD, 2021), 6.

Justice reform challenges

For decades, beginning in the 1990s, efforts to improve access to justice have been central to the development agenda, with billions of dollars spent to this end. The challenges commonly faced by these reform efforts are rather illustrative of the justice gap seen in FCS. This is because justice systems are interwoven into the political fabric of a society, and reforms bring complicated political consequences in settings that are already unstable. Yet, an inability, failure, or unwillingness to acknowledge this has resulted in reform programming that is often overly focused on shallow technical fixes, instead of on the deeper change necessary to establish meaningful new norms.[112]

Some FCS have also experienced active efforts to roll back and undo reform. In Afghanistan, for instance, which long topped the chart for donor spending on justice assistance (see Figure 5), years of support directed at reforming and improving the previous justice system has essentially been made moot by the policies of the Taliban.[113] The resulting lack of clarity regarding the law, along with "a lack of institutional and individual independence, has created significant barriers to justice." This has pushed people back toward informal dispute resolution mechanisms; and has left women, "specifically women victims of domestic violence… with no legal remedy and protection."[114]

Figure 5. Top five global recipients of justice assistance in millions of USD, 2002–2022 (constant at 2022 prices)



Source: OECD Data Explorer, https://data-explorer.oecd.org/

112 DCAF – Geneva Centre for Security Sector Governance, *Justice Reform and Rule of Law: Present & Future Perspectives*, ISSAT Advisory Notes (2023).
113 Rawadari, *Justice Denied*.
114 Ibid., 33.

Even in the best of cases, there are limits on the extent to which reforms can take a technical and political approach, due to constraints related either to: knowledge and analysis, or politics and resources. Table 2 shows some of the specific challenges that extend from each category.

Table 2. Justice reform challenges, due to limits on knowledge and analysis or politics and resources

Knowledge and analysis constraints	Political and resource constraints
Insufficient capacity to analyse technical needs and political economy, especially in FCS where justice systems are complex and governed more by informal than formal rules Volatility, which means justice needs evolve quickly and FCS can rapidly become unsafe, making consistent analysis difficult	National partner organizations that lack the political capital to enact reform and thus settle for less transformational reform objectives International support that lacks legitimacy or political clout to act, without alienating the host government Organizations that lack the human and institutional resources to capably manage international support Little room to manoeuvre for multilateral organizations, due to limits of their mandate or political constraints Sustainability is undermined by short justice reform programme cycles and changing administrations

Reform has also been challenged by a neglect to engage with CIJ systems in this context, despite their importance. There are a number of very valid reasons for this, including how “nuanced and complex” CIJ can be, and how hard it is to avoid doing harm in the absence of comprehensive and competent assessment and monitoring mechanisms. Simply put, the additional administrative, operational, and reporting capacity that is required for CIJ to work harmoniously with larger justice systems is often unrealistic.

But perhaps most importantly, there remains a scepticism about the compliance of CIJ with fundamental rights; for example, guarantees of confidentiality for victims and the universal right to speak on one’s own behalf, regardless of gender.

Global experiences with Justice AI

02

Takeaways

- Many countries are starting to implement Justice AI, mostly to increase administrative efficiency, and in some cases as a tool to support decision making.
- Legal professionals are adopting Justice AI tools, aware of the professional and legal risks.
- While pilot programmes in countries like China and Brazil suggest that AI-assisted justice can reduce waiting times and increases efficiency, there is still little evidence of how it impacts public trust.
- Enabling conditions for Justice AI include digitalization, human and organizational capacity, and a governance culture that prioritizes good justice sector governance, human oversight, procurement rigour, and privacy, data, and consumer protection.

If Justice AI were a garden, it would be a wild, fast-growing thicket, relatively new but sprawling. In it, experimental hybrids appear, and unseen growth fills the shadows, but what it will ultimately produce is still unknown. Even so, this uncertainty has not prevented the adoption of Justice AI in many countries, in many ways, and by state and private actors alike.

For the most part, Justice AI has been implemented in middle – and upper-income countries, where it has tended to raise more questions than it answers. These experiences are discussed here, as well as the reasons AI tools are being adopted by justice users, legal professionals, and institutions in FCS. The chapter also sifts through some of the evidence on how AI impacts costs, efficiency and trust, and concludes by surveying the enabling conditions for Justice AI.

This chapter is meant to hew one path through the tangle of the AI garden, even as the speed of technological change alters that landscape further, in real time. In doing so, it sets the context for the chapter that follows, which discusses the risks posed by Justice AI. This informs an analysis of the types of governance measures that have been proposed and put into action, in response to the tremendous growth of AI applications.

A typology of Justice AI

Justice AI refers to a wide range of tools, adopted by a wide range of users. A helpful distillation put forth by Adams Bhatti places these tools into three overlapping categories based on their function (see Table 3). This helps reflect the utility of Justice AI for different intended users, as a means of: (1) streamlining processes, (2) improving accessibility, and/or (3) supporting decision making.[115]

Table 3. AI applications and intended target users, categorized by their utility in relation to one or multiple functions

Function	AI Application	Target Users
Improving accessibility	Legal chatbots, and drafting and translation tools	Justice users
Improving accessibility + streamlining process	Translation tools, court chatbots	Institutions (courts)
Streamlining process	Document review, drafting, anonymization, redaction, and case management tools Scheduling, anonymization, redaction, case management, and transcription tools	Legal professionals (lawyers) Institutions (courts)
Streamlining process + supporting decision making	Judgment drafting, triaging, and legal research tools, and virtual assistants Triaging and evidence review tools Legal research tools, and virtual assistants	Legal professionals (judges and lawyers) Institutions ss(courts and police) Justice users
Supporting decision making	Risk prediction, categorization, and crime forecasting tools, image and audio recognition systems, and live biometric recognition systems Risk prediction and litigation prediction tools	Institutions (police, probation, and prisons) Legal professionals (judges, lawyers, and public decision makers)
Supporting decision making + improving accessibility	Online dispute resolution (ODR) platforms	Justice users and legal professionals (lawyers)

Adapted from: Sophia Adams Bhatti, *AI in Our Justice System* (JUSTICE UK, 2025).

115 Adams Bhatti, *AI in Our Justice System*, 12.

Uptake of Justice AI

Though data on the uptake of Justice AI is patchy, all indications suggests that this technology is being rapidly adopted by legal professionals and justice institutions. The ways that AI is used by these justice actors are also quickly evolving, as new technologies develop. But Justice AI is not meant just for legal professionals, with many such tools intended for lay justice users, as shown in Table 3.

Justice users

Many lay users of justice systems have begun turning to large language models (LLMs) – such as JusticeBot or ChatGPT – for legal information, which is purportedly of a quality comparable to that provided by an above-average law school student.[116] In fact, polling conducted across the UK and US in 2025 by Robin AI, a "legal intelligence platform," found that 30 per cent of respondents were open to having an AI lawyer represent them *in court*. It should be noted, though, that this was mostly driven by cost concerns, and respondents expressed less trust in AI representation in a criminal defence setting compared to a hearing over parking tickets, with most saying they did not trust AI to represent them on its own (i.e. without a human in the loop).[117]

As a backdrop to this, an increasing number of initiatives for legal empowerment have emerged in recent years, in both FCS and non-FCS.[118] These often focus on developing legal assistance and judicial functions in self-help tools.[119] Examples include: a digital initiative piloted by UNHCR in Jordan to support Syrian refugees in navigating legal issues, using an AI-assisted tool;[120] a Facebook-based chatbot helping victims of sexual and gender-based violence file reports in Thailand (see Box 4);[121] a joint project of the Clooney Foundation for Justice and the Women Lawyers Association in Malawi to match women with *pro bono* lawyers through an AI-powered referral system;[122] a service launched by American company Rasa Legal that uses AI to help facilitate the complex process of criminal record expungements;[123] and a generative AI chatbot introduced by Hong Kong-based NGO Migrasia, in an effort to eliminate forced labour by advising migrant workers on immigration issues.[124]

116 Andrew Perlman, "The Implications of ChatGPT for Legal Services and Society," *The Practice* (March/April 2023). Also see: Jinzhe Tan, et al., "ChatGPT as an Artificial Lawyer?" (proceedings of the Workshop on Artificial Intelligence for Access to Justice (AI4AJ 2023), Braga, Portugal, 19 June 2023); Eike Schneiders et al., "Objection Overruled! Lay People Can Distinguish Large Language Models from Lawyers, but Still Favour Advice from an LLM," in *CHI Conference on Human Factors in Computing Systems (CHI '25), April26-May 1, Yokohama, Japan* (Association for Computing Machinery, 2025).

117 Robin AI, "Poll: 1 in 3 would let an AI lawyer represent them," 29 April 2025, https://robinai.com/news-and-resources/news/new-poll-one-in-three-would-let-an-ai-lawyer-represent-them-but-only-if-a-human-is-watching.

118 See: Tom Walker and Paola Verhaert (The Engine Room), *Technology for Legal Empowerment: A Global Review* (2009).

119 Andrew Perlman, "The Implications of ChatGPT for Legal Services and Society," *The Practice* (March/April 2023). Also see: Jinzhe Tan, et al., "ChatGPT as an Artificial Lawyer?" (proceedings of the Workshop on Artificial Intelligence for Access to Justice (AI4AJ 2023), Braga, Portugal, 19 June 2023); Eike Schneiders et al., "Objection Overruled! Lay People Can Distinguish Large Language Models from Lawyers, but Still Favour Advice from an LLM," in *CHI Conference on Human Factors in Computing Systems (CHI '25), April26-May 1, Yokohama, Japan* (Association for Computing Machinery, 2025).

120 Tessa Thorniley, "Pro bono lawyers look to AI to offset funding cuts to aid," *Financial Times*, 16 May 2025, https://www.ft.com/content/1fe18586-16c4-4eb5-89cf-41afdf16cf85.

121 UN Women, "Using AI in accessing justice for survivors of violence," 30 May 2019, https://www.unwomen.org/en/news/stories/2019/5/feature-using-ai-in-accessing-justice-for-survivors-of-violence.

122 Clooney Foundation for Justice, "CFJ and Oxford University's Blavatnik School of Government Unite to Harness AI for Global Justice," 6 October 2025, https://cfj.org/news/cfj-and-oxford-universitys-blavatnik-school-of-government-unite-to-harness-ai-for-global-justice/.

123 Colleen V. Chien and Miriam Kim, "Generative AI and Legal Aid: Results from a Field Study and 100 Use Cases to Bridge the Access to Justice Gap," *Loyola of Los Angeles Law Review* 57, no. 4 (2025): 903–988.

124 Thorniley, "Pro bono lawyers look to AI to offset funding cuts to aid."

Box 4. Justice AI reaching marginalized justice users in Thailand: The MySis Bot

According to Lt. Col. Peabrom Mekhiyanont of the Thai police, most victims of sexual and gender-based violence (SGBV) in Thailand struggle to file reports, resulting in severe underreporting.[125] This is a global crisis, with some studies estimating that a mere one in ten women report sexual assault, worldwide.[126] But Lt. Col. Mekhiyanont's observations also reflect local research findings on barriers to reporting SGBV in Thailand.[127] And so, to better support Thai women, she led the development of a chatbot called MySis – which provides help and advice to women on their legal rights and resources, and on ways to preserve evidence and increase the chances of justice being done, through the Facebook Messenger platform. MySis also supports victims in navigating the social stigma that is often linked to surviving SGBV in Thai society, which can be an important first step to helping them access justice.[128]

The volume of such initiatives is considerable, but their impact and the quality of support they offer users remain open questions. While the findings from a recent study in the US suggest that AI assistance may lead to better legal outcomes, the evidence is simply too limited at this point to draw conclusions.[129] And so, given the lack of data that surrounds this question generally, along with the rapid uptake of AI chatbots more broadly, the need to monitor and regulate the quality, liability and legality of AI in the justice sector is becoming ever more pressing.

After all, chatbots have demonstrated a tendency to "hallucinate" and, at times, offer unlawful advice. But these non-human entities lack a legal personality and therefore may not be liable, even if they run afoul in terms of "governance, accountability, and data protection, as well as… privacy protection, data quality, algorithmic bias, transparency, specialization, and expertise."[130] There is also the risk that AI tools introduce or replicate patterns of exclusion, for example by preventing people with functional illiteracy or limited internet access from enjoying the benefits of this technology.[131]

Richard Susskind, a leading thinker on the future of law, has observed that people care about justice but not about courts, per se.[132] Coupled with the fact that "[m]ore people in the world now have access to the internet than access to justice," it is clearly important to get a sense of what justice users do and think when it comes to using Justice AI.[133] Indeed, it is Susskind's opinion that "long-term, AI in law is not about equipping lawyers; it is about empowering non-lawyers to conduct legal work for themselves."[134]

Legal professionals

Compared to lay users, there has been more research into the ways AI is being deployed by lawyers, judges, prosecutors, and other legal professionals, and some evidence that it has yet to transform their daily work to any real extent. A 2025 survey of lawyers found, for instance, that only about two in ten use generative AI once a day or more.[135] Similarly, interviewees for this research agreed that judges tend to be somewhat conservative when it comes to adopting new technology.[136]

125 UN Women, "Using AI in accessing justice for survivors of violence."
126 UN Women, *Progress of the World's Women: In Pursuit of Justice* (2011), 50.
127 Eileen Skinnider, et al., *The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam* (UN Women, UNDP, UNODC, 2017).
128 Thailand Institute of Justice, "MySis Bot, Thailand," 29 March 2022, https://jitij.org/2022/03/30/story-01/; UN Women, "Using AI in accessing justice for survivors of violence."
129 Chien and Kim, "Generative AI and Legal Aid."
130 Eirini Ioannidou, et al., "Legal and Ethical Issues Arising from the Use of Chatbots in Public Administration," in *28th Pan-Hellenic Conference on Progress in Computing and Informatics (PCI '24), December 13–15, Egaleo, Greece* (Association for Computing Machinery, 2024), 211.
131 Rostain, "Techno-Optimism & Access to the Legal System."
132 Richard Susskind, *Online Courts and the Future of Justice* (Oxford University Press, 2019), 179.
133 Ibid., 27.
134 Richard Susskind, *The Next Generation of Lawyers Is at Risk*, YouTube, 6 October 2025, https://www.youtube.com/shorts/BOily6Nyg5U.
135 Evan Ochsner, "Legal AI Revolution Moves Ahead at Measured Pace, Survey Says," *Bloomberg Law*, 6 October 2025, https://news.bloomberglaw.com/legal-ops-and-tech/legal-ai-revolution-moves-ahead-at-measured-pace-survey-says.
136 Interviewees 1, 3, 14, and 21.

However, data from non-FCS shows a strong growth trend for AI use in justice sectors. A recent survey conducted by Thomson Reuters to track adoption of generative AI among legal professionals in eight high and upper-middle income economies found that uptake had risen from 14 per cent in 2024 to 26 per cent by early 2025.[137] Lawyers reported using generative AI for a wide range of tasks, including to review and summarize documents, conduct legal research, and draft memos, contracts, and correspondence. More than nine in ten respondents expected AI to become central to their organization's work within five years.[138] And notably, this was conceded even by professionals in institutions "known for higher levels of scepticism, such as government legal departments and courts, [which] have begun to acknowledge that GenAI will be difficult to ignore."[139]

In some countries, there is more reason to anticipate this kind of comprehensive integration of AI than in others. A 2023 study by IBM captured the pace at which AI adoption is growing internationally, recording the highest uptake among legal professionals in China, where 17 per cent said they use AI, and in the UK, where 15 per cent reported using the technology. Adoption was also high among professionals in six Latin America countries (13 per cent as a group), and in the UAE (12 per cent).[140] Meanwhile, uptake was lowest in southern Europe, with just 5 per cent of legal professionals in France and Spain using AI tools, and a mere 4 per cent in Italy.[141]

Still, legal firms around the world are expected to begin implementing AI for purposes that move beyond "basic" tasks such as research, toward the processing of analytical data and case management. This may include AI-assisted analysis of voice transcripts of conversations with clients, for example, to generate suggestions to improve case management by lawyers and staff.[142] Given this likelihood, one interviewee underlined the risks of poor AI literacy among the target users of Justice AI tools, particularly in light of growing questions about the confidentiality and data usage practices of these products, as well as their accuracy (see Box 5).[143] For this reason, it is rather troubling that 73 per cent of respondents to a 2023 UNESCO survey of 563 judicial professionals in 96 countries said they are not subject to any guidelines or regulations related to the use of AI in their work; and an even greater proportion, 86 per cent, have never received any training on the subject.[144]

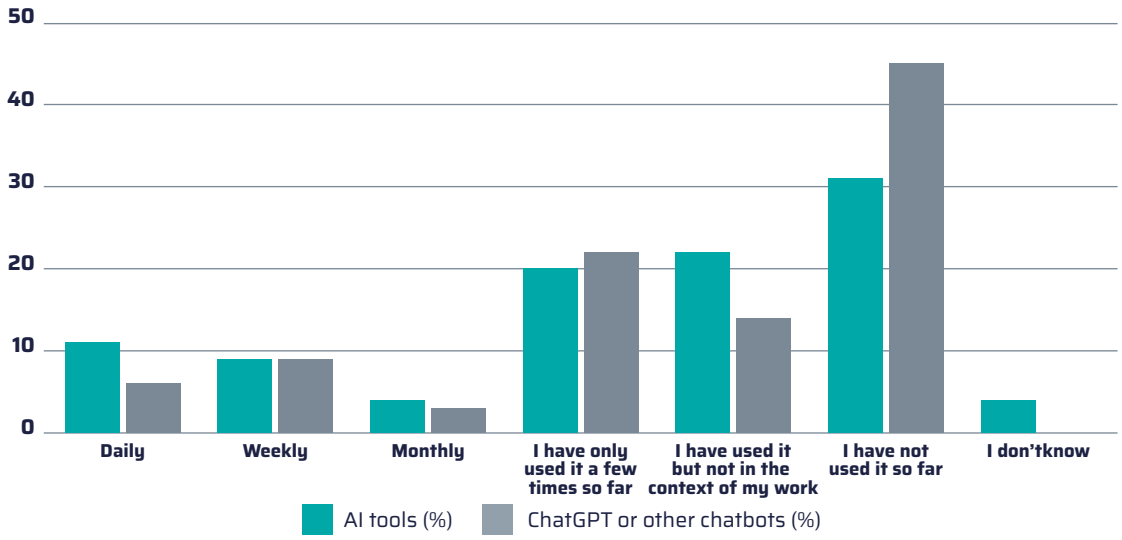
Box 5. The risks of unethical use of Justice AI by legal professionals

Several recent cases illustrate why concerns about AI "hallucinations" are not without merit. One such case is that of Steven Schwartz, an American lawyer who made headlines as "the ChatGPT Lawyer" after citing non-existent jurisprudence in a brief filed in federal district court.[145] Questioned by the judge about rulings referenced in the brief, Schwartz was forced to admit he had cited AI hallucinations, but insisted he had acted in good faith, believing that ChatGPT would not "be making up cases out of whole cloth."[146] Yet, his use of invented citations indicated he had failed to do his due diligence, by simply trusting that AI tools had access to legal repositories he did not, leading a judge to levy a $5,000 fine against Schwartz, a colleague, and their law firm.[147]

137 Thomson Reuters Institute, *2025 Generative AI in Professional Services Report* (2025), 13. Also see: Michał Jackowski and Michał Araszkiewicz, eds. *First Global Report on the State of Artificial Intelligence in Legal Practice*, LLI Whitepaper No.3 (2023), 18.
138 Ibid., 25.
139 Ibid., 13.
140 These six countries are: Brazil, Mexico, Peru, Argentina, Chile, and Colombia.
141 IBM and Morning Consult, *IBM Global AI Adoption Index – Enterprise Report: November 8–23, 2023* (Morning Consult, 2023) 38.
142 Interviewee 4.
143 Ibid.
144 Gutiérrez, *UNESCO Global Judges' Initiative: Survey on the Use of AI Systems by Judicial Operators*, 10.
145 Benjamin Weiser and Nate Schweber, "The ChatGPT Lawyer Explains Himself," *The New York Times*, 8 June 2023.
146 Dan Milmo, "Two US lawyers fined for submitting fake court citations from ChatGPT," *The Guardian*, 23 June 2023, https://www.theguardian.com/technology/2023/jun/23/two-us-lawyers-fined-submitting-fake-court-citations-chatgpt.
147 Ibid.

In the absence of regulatory frameworks, legal professionals are nonetheless integrating AI tools into their work, with over four in ten respondents to the UNESCO survey reporting that they use these tools for work-related activities, and one in ten saying they use them daily (see Figure 6).[148] Quite a few of these respondents (43 per cent) use AI chatbots to carry out searches for "legislation, jurisprudence, doctrine or legal literature, information on facts, meanings, and definitions, and technical (non-legal) information."[149] Over one quarter (28 per cent) also use these tools to complete writing tasks, such as the drafting of documents and emails, or to translate text.[150]

Figure 6. Use of AI by legal professionals for work-related activities



Source: Juan David Gutiérrez, *UNESCO Global Judges' Initiative: Survey on the Use of AI Systemsby Judicial Operators* (UNESCO, 2024).

In the few organizations or institutions where legal professionals *are* subject to rules regulating their use of AI, these rules sometimes prohibit AI chatbots explicitly, while others prohibit specific use cases, like the reliance on AI to determine a prison sentence. Some also have rules forbidding the disclosure of certain personal and confidential information to chatbots, to protect this data; and some obligate users to show clearly how they have incorporated AI into their work, including by marking any text produced by AI tools.[151] Yet, the rarity of such rules means that many justice sector actors are using AI in largely informal and unregulated ways, and institutions are failing to keep up with the speed at which AI technology is spreading.

This generates real risks, such as the incorporation of so-called AI hallucinations into the daily work and documentation of justice systems. In fact, one interviewee who works on justice administration in Europe noted that a growing number of decisions are issued by judges who rely on unauthorized generative AI tools, like ChatGPT, to draft decisions that contain hallucinated case law.[152] Several disciplinary cases have already been brought in Italy against judges accused of authoring rulings that cited fictional precedents.[153] And in Ukraine – an FCS where over 2.5 million court hearings were held through its "electronic court" system in 2024 – similar concerns have prompted new professional standards for judges that include a digital competence requirement, and recent trainings for judges have emphasized "digital caution and literacy."[154]

148 Gutiérrez, *UNESCO Global Judges' Initiative: Survey on the Use of AI Systems by Judicial Operators*, 7.
149 Ibid., 8.
150 Ibid.
151 Ibid., 10–11.
152 Interviewee 21.
153 See: Felice Manti, "Sentenze con ChatGpt. Ora il Csm corre ai ripari" ["Court Rulings via ChatGPT: Now the CSM Scrambles to Take Corrective Action"] *il Giornale* (Milan), 11 October 2025, https://www.ilgiornale.it/news/politica/sentenze-chatgpt-ora-csm-corre-ai-ripari-2550492.html; Interviewee 21.
154 Ian Bernaziuk, "Artificial Intelligence and The Judicial System Of Ukraine: Results Of Cooperation In The Past Year" (presented at the JAR-Association Conference, "Judicial Systems in Transition: Reforms, Innovations and Justice," University of Limoges, 11 June 2025).

Ukraine is committed to harmonizing its legal framework on AI with the 2024 AI Act adopted by the EU.[155] But among EU members states, Italy is the first to have passed a standalone law on AI, in September 2025, which echoes the EU Act in stipulating that judges alone may analyse evidence, and interpret and enforce legislation; meaning, AI tools can be used only to support human decision makers in administering justice, never to replace them.[156] Similar laws will need to be adopted globally, adapted to local contexts (see Box 6).

On this, legal professionals themselves tend to agree, with three out of four calling for mandatory regulations on the use of AI tools by actors across the justice sector.[157] It is notable, too, that the integration of these tools is not limited to high-income countries in Europe, as demonstrated by the experience of one interviewee who works on the issue of justice and AI for an international organization and noted having been approached by judges from both Yemen and Sudan, on separate occasions – each interested in increasing their productivity through AI and seeking opportunities for training.[158] Even where AI may not be advanced at the institutional level throughout a justice system, various AI tools are almost certainly being used at the individual level by people within that system; and in turn, legal advisors embedded in rule of law and justice reform programmes are beginning to incorporate more AI tools into their work, as well.[159]

Box 6. Justice AI policy and regulation in the UK

The UK has played a prominent role in discussions about Justice AI and has advanced a broadly European perspective that aspires to balance innovation with human rights protections. Even so, the country has not enacted statutory regulation of AI, as of early 2026.[160] Meanwhile, a growing affinity for AI among legal professionals in the UK is becoming ever more apparent, as judges have disclosed using it to draft judgements, and defence counsel have admitted using it to analyse and identify evidence for discovery.[161] Hence, it is helpful that some guidelines do already exist, issued by the Bar Council, Law Society, and the Solicitors Regulation Authority. The Courts and Tribunals Judiciary also put forth guidance, in April 2025 – which summarizes user-level questions such as how Microsoft Copilot can best be used as part of the online work platform, how to recognize when colleagues may have used AI, and how (not) to use chatbots.[162]

The case for AI innovation in the country has been made by NGOs like JUSTICE UK.[163] Master of the Rolls Sir Geoffrey Vos (the UK's second most senior judge) has also given several major speeches on the topic. He is convinced that justice users will maximize the potential of AI to get the most value for money and gain as much free legal help as possible, without paying lawyers.[164] Vos therefore warns that the willingness of society to accept technology-mediated restrictions on liberties, in exchange for certain conveniences, should not be underestimated.[165]

155 See: Oleksandr Kozhukhar and Mykhailo Petrenko, "Regulation of artificial intelligence: Ukraine's current approach," International Bar Association, 10 March 2026, https://www.ibanet.org/Regulation-of-AI-Ukraine-current-approach; Official Journal of the European Union L, 2024/1689, 13 June 2024.
156 Senate of the Republic of Italy, 19th legislative term, Disposizioni e Deleghe al Governo in Materia Di Intelligenza Artificiale (MES 1146-B), 17 September 2025.
157 Gutiérrez, *UNESCO Global Judges' Initiative: Survey on the Use of AI Systems by Judicial Operators*, 11.
158 Interviewee 23.
159 Interviewee 14.
160 A bill put forth in March 2025, HL Bill 76, only made its way to a first reading in the House of Lords and progressed no further.
161 Oxford Institute for Technology and Justice, AI Justice Atlas, "The United Kingdom," https://www.techandjustice.bsg.ox.ac.uk/research/united-kingdom.
162 Courts and Tribunals Judiciary, "Artificial Intelligence (AI): Guidance for Judicial Office Holders," 31 October 2025.
163 Adams Bhatti, *AI in Our Justice System*.
164 Hon. Sir Geoffrey Vos (speech, Bar Council of England and Wales, 20th Annual Law Reform Lecture, Lincolns Inn, 21 June 2023); Hon. Sir Geoffrey Vos, "AI – Transforming the work of lawyers and judges" (keynote speech, The Manchester Law Society AI Conference 2024: Transforming the Legal Landscape, 8 March 2024).
165 Hon. Sir Geoffrey Vos (keynote speech, Human Rights, Algorithmic Justice and Global AI Policy Conference, Durham University, 15 May 2025).

This brings the rights-based approach of the UK into sharp focus. As Vos has emphasized, the UK has mostly retained the EU's General Data Protection Regulation (GDPR), including Article 22 stipulating that nobody be subject to decisions based on automated processes and profiling that legally affects them.[166] This inherently limits the potential of judicial decision-making experiments with AI. The same goes for Article 6 of the European Convention on Human Rights and Fundamental Freedoms, on the need for independent and impartial tribunals.[167]

Institutions and ministries

Within justice institutions, the uptake of AI has been focused on supporting decision making, workflow automation, and document search (see Table 4). As of 2024, according to the Council of Europe's Commission for the Efficiency of Justice (CEPEJ) Advisory Board on AI (AIAB), 125 AI tools had been identified and listed in the Commission's Resource Centre on Cyberjustice and AI.[168] These represent applications of AI that have been implemented in justice sectors around the world, not only in Europe, in most cases by public authorities.[169]

Table 4. Deployment of AI in justice sectors, worldwide, by use case, 2024

Use case	Count
Decision-making support	41
Triaging/workflow automation	38
Document search/review/discovery	32
Anonymization/pseudonymization	19
Information & assistance services	17
Recording/transcription/translation	13
Online dispute resolution	7
Litigation outcome prediction	3

Source: CEPEJ-AIAB, "1st AIAB report on the use of artificial intelligence (AI) in the judiciary based on information contained in the Resource Centre on Cyberjustice in AI," CEPEJ-AIAB(2024)4Rev5, 28 February 2025.

The tools mapped by the CEPEJ AIAB are diverse; from a software-based system being used in Germany by court personnel to analyse pending cases, to a generative AI application in Singapore that helps litigants navigate the system to file claims or research a defence.[170] A majority of these tools are aimed at supporting decision making and streamlining processes, rather than introducing predictive functions (see Box 7). That said, a Case Law Engine developed for the Dutch Public Prosecution Service is designed to "make use of insights in criminal cases" to predict "possible outcomes in court."[171]

166 Hon. Sir Geoffrey Vos (speech, Irish Law Society Industry Event, 9 October 2024). Also see: Regulation (EU) 2016/679, Official Journal of the European Union L, 119/1, 27 April 2016.
167 Vos (keynote speech, Human Rights, Algorithmic Justice and Global AI Policy Conference).
168 European Commission for the Efficiency of Justice working group on Cyberjustice and AI and the Advisory Board on AI, "1st AIAB report on the use of artificial intelligence (AI) in the judiciary based on information contained in the Resource Centre on Cyberjustice in AI," CEPEJ-AIAB(2024)4Rev5, 28 February 2025, 5.
169 Ibid., 6.
170 Ibid., 8.
171 Ibid.

Box 7. Risks to fundamental rights in the predictive AI of the COMPAS system

One of the best-known uses of predictive AI in a justice context is the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) system in the US, a proprietary algorithm that assesses the risk of criminal recidivism. First piloted in 2001 in New York, COMPAS has provided judges across the country with assessments meant to inform their sentencing decisions since 2016. That same year, investigative outlet *ProPublica* undertook an analysis of the software by comparing the risk scores that had been generated for 10,000 people in Florida against their real recidivism rates in 2013 and 2014. They found that the algorithm correctly predicted recidivism rates, with little disparity based on race, but that Black defendants were *twice* as likely to be misclassified as posing a higher risk of *violent* recidivism while white violent recidivists were more likely to be misclassified as a lower risk.[172]

In other words, according to *ProPublica*, the score produced by COMPAS correctly predicted recidivism in nearly two-thirds of cases but was only accurate in predicting *violent* recidivism in two of ten cases, due to racial bias.[173] Because the COMPAS algorithm is essentially a black box, the findings aired by *ProPublica* fuelled debate about explainability in AI, as well as about fairness and racial bias in mathematics and statistics. The owners of the COMPAS algorithm offered rebuttals to the claims of *ProPublica*, arguing that its predictions ensure "accuracy equity" over "equalized odds."[174] The interpretive gap this lays bare extends from what Hao and Stray have referred to as a "strange conflict of fairness definitions," which occurs in "any context where an automated decision-making system must allocate resources or punishments among multiple groups that have different outcomes."[175]

This was tacitly acknowledged within the US judicial system when, in response to a defendant who challenged the recidivism rating assigned to him by the COMPAS system, an appeals court mandated that judges across the country be advised of "the tool's limitations, including its potential for gender and racial bias," even while rejecting the due process claims of the case.[176] Legal scholars have argued that this case exposed the need for courts and legal professionals to understand the design choices undergirding tools like the COMPAS software (which remain behind a curtain as a result of its proprietary nature), in order to "appropriately apply their discretion." The question for judges is how they "know whether to trust or challenge the output" of an AI tool if they do not grasp the implications of its design.[177]

It is notable that China went unmapped by the CEPEJ, considering that it stands out both for its extensive use of Justice AI and a governance model that focuses on AI innovation and rapid deployment. For instance, in contrast to the caution displayed by European courts, China has introduced AI into criminal justice proceedings in a number of ways, including through its comprehensive Shanghai AI-Assisted Criminal Case Handling System, known colloquially as the "206 System" (see Box 8). And while some other emerging economies have also shown a preference for an innovation-first over a rights-first model, China has gone further than any other country to integrate AI into its justice system, and especially into its courts.[178]

172 Jeff Larson et al., "How We Analyzed the COMPAS Recidivism Algorithm," *ProPublica*, 23 May 2016, https://www.propublica.org/article/how-we-analyzed-the-compas-recidivism-algorithm/.
173 Ibid.
174 Prathamesh Patalay, "COMPAS : Unfair Algorithm ?," *Medium*, 21 November 2023, https://medium.com/@lamdaa/compas-unfair-algorithm-812702ed6a6a.
175 Karen Hao and Jonathan Stray, "Can you make AI fairer than a judge? Play our courtroom algorithm game," *MIT Technology Review*, 17 October 2019, https://www.technologyreview.com/2019/10/17/75285/ai-fairer-than-judge-criminal-risk-assessment-algorithm/.
176 Antonio Rodà, "The COMPAS case: an educational journey for explaining fairness in AI-based applications," paper presented at the AIMMES 2025 Workshop on AI bias: Measurements, Mitigation, Explanation Strategies, co-located with the EU Fairness Cluster Conference 2025, Barcelona, 20 March 2025.
177 Andrew D. Selbst, et al., "Deconstructing Design Decisions: Why Courts Must Interrogate Machine Learning and Other Technologies," *Ohio State Law Journal* 85, no. 3 (2024): 464. It is worth mentioning that, in 2018, two computer science researchers from Dartmouth raised new questions about COMPAS after finding that its algorithm "was no more accurate or fair" in its predictions than randomly selected people "with little or no criminal justice expertise." Setting aside the issue of algorithmic bias, this presents another concern, about whether algorithms are really better than humans at predicting human behaviour; and thus, whether predictive AI offers any significant advantage when it comes to decision-making. See: Julia Dressel and Hany Farid, "The accuracy, fairness, and limits of predicting recidivism," *Science Advances* 4, no. 1 (2018).
178 Zhiyu Li, "AI and Human Judges in Chinese Courts," 10 January 2025.

Box 8. Justice AI in China and the 206 System

China's introduction of "smart court" initiatives has been a signature project of legal reform in the country since 2016.[179] This has gone hand-in-hand with implementation of the 206 System – an all-encompassing AI-assisted tool that every police officer, prosecutor, and judge in Shanghai, and now in other pilot cities, is expected to use as a part of their decision-making process, at the pretrial, trial, and trial supervision stages.[180] A key reason for this has been a top-down push, including from President Xi Jinping, to make use of big data and existing jurisprudence to increase judicial consistency, reduce judicial workloads, and reduce the likelihood of errant sentencing decisions, after several high-profile cases of people wrongly executed.[181]

Chinese Justice AI innovation is not an exclusively top-down affair, however, and courts have also been encouraged to experiment actively with new applications.[182] Still, where the 206 System has been deployed, its use is not optional. Developed by over 700 technical experts, the system has been in place since 2018 to support case handling for 71 common criminal case types. By 2020, it had been involved in processing of over 90,000 cases, had been used by some 12,000 justice sector actors, and pilot programmes had been extended into eight more cities.[183] In November 2024, the Supreme People's Court unveiled a similar legal assistance system at the national level, trained on 320 million legal documents. While initially reserved for use by judges, the explicit aim of the Court is to eventually release this tool to the public, as well.[184]

Various other AI-assisted systems implemented in the Chinese justice sector appear to be increasing efficiency in very measurable ways. These include transcription technology that is reported to have reduced average trial times by 30–50 per cent, and new tools facilitating the replacement of human clerks in civil procedures.[185] There are also collaborative efforts being launched to use AI in streamlining justice, such as the e-commerce project of the Zhejiang High People's Court, which has engaged e-commerce giant Alibaba to help better resolve low-level commercial disputes, using AI-assisted analysis of users' payment data and history. [186]

This fast advance toward the implementation of smart court systems across the country is generally celebrated in China as an example of Chinese legal innovation, and is viewed as a means of increasing judicial accountability and consistency, and reducing the potential for human error and corruption.[187] Chinese citizens are not unaware of the risks AI can bring, from privacy concerns to algorithmic bias, but they tend to express a techno-optimism, and see these issues as resolvable in due time.[188] This includes concerns that have arisen about the 206 System, such as its consideration of "judgement deviation" by judges, which some fear could disincentivize them from rejecting AI-generated recommendations, even where appropriate.[189] Another side-effect of these smart systems that China will have to address is the degree to which they have pulled it away from its civil law system, towards one with more common law elements, as AI functions as a mass aggregator of case law.[190]

179 Alison (Lu) Xu, "Chinese judicial justice on the cloud: a future call or a Pandora's box? An analysis of the 'intelligent court system' of China," *Information & Communications Technology Law* 26, no. 1 (2017): 59–71.
180 Wanqiang Wu and Xifen Lin, "Access to technology, access to justice: China's artificial intelligence application in criminal proceedings," *International Journal of Law, Crime and Justice* 81 (June 2025).
181 See: Yadong Cui, *Artificial Intelligence and Judicial Modernization* (Springer Singapore, 2020), 44–46.
182 Straton Papagianneas, "Smart Courts, Smart Justice? Automation and Digitisation of Courts in China" (doctoral thesis, Leiden University, 2024).
183 Cui, *Artificial Intelligence and Judicial Modernization*, 149; Nyu Wang and Michael Yuan Tian, "'Intelligent Justice': AI Implementations in China's Legal Systems," in *Artificial Intelligence and Its Discontents*, ed. Ariane Hanemaayer (Springer International, 2022).
184 Cao Yin, "China launches artificial intelligence platform to boost judicial efficiency," *China Daily*, 2 December 2024, https://www.chinadaily.com.cn/a/202412/02/WS674d1673a310f1265a1d0785.html.
185 Wang and Tian, "'Intelligent Justice.'"
186 (Lu) Xu, "Chinese judicial justice on the cloud."
187 Cui, *Artificial Intelligence and Judicial Modernization*; Wu and Lin, "Access to technology, access to justice"; Jinting Deng, "Should the Common Law System Welcome Artificial Intelligence? A Case Study of China's Same-Type Case Reference System," *Georgetown Law Technology Review* 3, no. 2 (2019).
188 Wu and Lin, "Access to technology, access to justice"; Cui, *Artificial Intelligence and Judicial Modernization*, 187.
189 Wang and Tian, "'Intelligent Justice'"; Cui, *Artificial Intelligence and Judicial Modernization*.
190 Deng, "Should the Common Law System Welcome Artificial Intelligence."

The United Arab Emirates (UAE) is also among countries that pursue an innovation-first model. This is driven in part by a pledge to make Abu Dhabi an "AI native government" by 2027, characterized by the full integration of AI across the public sector. The goal is to achieve the complete adoption of cloud computing and automation in all government operations, in order to deliver "smart, integrated, and AI-powered… services that anticipate and meet the needs of citizens, residents, and businesses."[191] The country at large is also aiming to deploy agentic AI in 50 per cent of national sectors by 2028, to "streamline procedures, speed up delivery, and improve the accuracy and efficiency of government decision-making."[192] In the justice sector, this has led to the introduction of new AI tools to increase judicial efficiency and improve case management (see Box 9).

Box 9. Ambitions for AI in the UAE justice system

In May 2025, the UAE Public Prosecution office announced a plan to digitize its operations through AI and blockchain technologies, and integrate AI across the entire judicial process, from complaint classification to case resolution.[193] Abu Dhabi has also introduced a machine learning programme that supports case management, by providing statistics on completed cases and identifying relevant details in draft judgments. While the ambitious digital goals of the UAE may test its regulatory framework, it is helpful that the country has at least issued a Charter for the Development and Use of AI.[194] The Charter lays out twelve "priorities and key components": (1) strengthening human-machine ties, (2) ensuring safety, (3) addressing the challenges posed by algorithmic bias, (4) data privacy, (5) transparency, (6) human oversight, (7) governance and accountability, (8) technological excellence, (9) human commitment ("placing human values at the heart of innovation"), (10) peaceful coexistence with AI, (11) promoting AI awareness for an inclusive future, and (12) commitment to treaties and applicable laws.[195]

The use of Justice AI in FCS

Justice AI is often deployed in FCS to meet very context-specific needs. AI tools have been integrated to support transitional justice processes, for example, and utilized by NGOs and institutions like the International Criminal Court and the International, Impartial and Independent Mechanism (IIIM) for Syria.[196] These AI-assisted applications sift through, organize, and interpret diverse data drawn from multiple sources, to identify and classify objects (e.g. weapons), locations, individuals, and other elements relevant to transitional justice cases.[197] Other AI tools are being harnessed to scan the internet for human rights violations, such as one in use by the UN Human Rights Office to fill gaps in the data on attacks against human rights defenders and journalists and human rights violations like protest repression and evictions.[198] In Syria, a legal information chatbot known as Yasmina Bot has also been launched, designed to assist women experiencing violence.[199] It protects user anonymity while linking survivors of domestic abuse and other rights violations with specialized support services.

191 Abu Dhabi Department of Government Enablement, "Abu Dhabi Government Digital Strategy 2025–2027 accelerates AI-native government journey," press release, 30 September 2025, https://www.dge.gov.ae/en/news/adg-digital-strategy-update-2025.
192 "Sheik Mohammed reviews progress of project to deploy Agentic AI across 50% of government sectors within 2 years," *Gulf News*, 12 May 2026, https://gulfnews.com/uae/sheikh-mohammed-reviews-progress-of-project-to-deploy-agentic-ai-across-50-of-government-sectors-within-2-years-1.500538266.
193 Haneen Dajani, "UAE to speed up criminal case processing by 100% using AI," *Khaleej Times*, 5 May 2025, https://www.khaleejtimes.com/uae/uae-speed-up-criminal-cases-ai-blockchain.
194 The country lacks a comprehensive, standalone law on AI; instead, AI is regulated by an assortment of laws, decrees, policies, strategies, and guidance.
195 Government of the UAE, "The UAE Charter for the Development and Use of Artificial Intelligence," 10 June 2024. Available at: https://uaelegislation.gov.ae/en/policy/details/the-uae-charter-for-the-development-and-use-of-artificial-intelligence.
196 See: Christopher K. Lamont, "Post-digital transitional justice, artificial intelligence-enabled digital investigations, and pluriversal peacebuilding," *Peacebuilding* 14, no. 1 (2026): 95–106.
197 Sue Anne Teo, *Artificial Intelligence and Transitional Justice: Framing the Connections* (Impunity Watch, 2025).
198 Interviewee 12.
199 The Hague Institute for Innovation of Law, "The Syria Justice Innovation Process," n.d., https://www.hiil.org/programmes/syria/.

Among FCS, Ukraine stands apart for its particularly advanced use of Justice AI. In 2025, for instance, the government introduced generative AI into the management of its Supreme Court Legal Positions Database, to "process and analyse judicial case law," reportedly delivering "the ability to generate concise legal positions within seconds based on the analysis of hundreds of court cases."[200] At the same time, the Ukrainian Supreme Court has ruled that justice users may not employ AI to draft procedural documents, as this exhibits a lack of respect for the Court and the judicial system and therefore represents an abuse of procedural rights. In its ruling, the Court acknowledged the value of AI as a supportive tool but moved beyond the scope of the procedural issue at hand by "asserting that AI systems are not reliable or authoritative sources of legal knowledge, given their lack of scientific foundation, regulatory oversight, or verification mechanisms."[201]

This created considerable controversy, and inspired a dissenting opinion on the Court, which only added to questions about how to define AI and its use and misuse in legal settings. Indeed, some scholars have argued that ethics guidelines allowing judges in Ukraine to consult AI tools – so long as they do not affect the evaluation of evidence or decision-making in a case – create a double standard if the Court is not prepared to allow the parties to proceedings to do the same. This is a problem that will not get any easier to solve as AI tools become increasingly sophisticated and courts are forced "to address… their evidentiary value, reliability, and permissible scope of use."[202]

The impacts of AI on access to justice

Costs

According to the OECD, AI has the potential to streamline operations and reduce costs in public services across all sectors.[203] However, when it comes to Justice AI specifically, evidence of cost reductions for users remains scarce. To date, the cost reductions enjoyed by courts and lawyers may be clearer than those enjoyed by justice users. Even so, some have made the argument that AI-assisted document analysis, analytical and predictive technology, and process automation will all introduce cost savings in legal service delivery, increasing access to legal services (see Box 10).[204]

With more automation and faster document review, AI also increases efficiencies in the system, which can result in more costs savings.[205] The Canadian Commissioner for Federal Judicial Affairs has highlighted the potential for cost savings in onboarding new personnel by using AI, for example.[206] There has also much discussion about AI-generated risk assessments and predictive technology to support more efficient decision making by judges, reducing judicial operating costs.[207]

200 Bernaziuk, "Artificial Intelligence and The Judicial System Of Ukraine."
201 Tetiana Tsuvina, "Artificial Intelligence Technologies in the Judiciary: European Standards and Ukrainian Practice," *Foreign Trade: Economics, Finance, Law* 139, no. 2 (2025), 10.
202 Ibid., 10–11.
203 Organisation for Economic Co-operation and Development, *Governing with Artificial Intelligence: The State of Play and Way Forward in Core Government Functions* (OECD, 2025), 92.
204 See: Marcos Eduardo Kauffman and Marcelo Negri Soares, "AI in legal services: new trends in AI-enabled legal services," *Service Oriented Computing and Applications* 14, no. 4 (2020): 224.
205 Chien and Kim, "Generative AI and Legal Aid"; Rachid Ejjami, "AI-driven Justice: Evaluating the Impact of Artificial Intelligence on Legal Systems," *International Journal For Multidisciplinary Research* 6, no. 3 (2024).
206 Office of the Commissioner for Federal Judicial Affairs Canada, Action Committee on Modernizing Court Operations, "Demystifying Artificial Intelligence in Court Processes," 20 November 2024.
207 See: European Commission for the Efficiency of Justice (CEPEJ), *European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment*, adopted at the 31st plenary meeting of the CEPEJ, 3–4 December 2018.

Box 10. The potential to decrease justice costs for low-income Americans

A 2024 study in the US focused on how AI might be used to help the 90 per cent of low-income Americans for whom legal needs go unmet.[208] The two biggest obstacles this population faces in accessing justice are a lack of knowledge and a service gap that leaves legal aid organizations capable of assisting only one-third of those who apply. The authors of the study therefore provided 91 lawyers and legal aid staff with one – to two-month subscriptions to paid generative AI tools – for help with everything from summarizing legal documents, to supporting client intake processes and case management, to completing translations – to analyse their impact on productivity. Around nine in ten of these professionals reported some increase in productivity, and a quarter rated it as "medium or significant" in scale.[209] The authors concluded that, if adopted wisely, AI "may have the greatest potential to not just marginally, but dramatically, increase service coverage," noting that legal assistance and support through AI-assisted "concierge services" could help reduce user costs and improve outcomes.[210] They argue that quality assurance and regulation can be achieved via regulatory sandboxes and voluntary certification or "seal of approval" programmes.[211]

There is some concern that generative AI will decrease costs to such an extent that legal claims will multiply, leading to an "AI litigation boom."[212] This raises the prospect that poorer justice users could turn to AI tools, making human lawyers a luxury, creating a two – or even three-tiered model as those lacking internet access or AI knowledge are boxed out of access altogether.[213] Indeed, more evidence is needed to better anticipate how developments in AI technology will affect users in practice, including how lower costs may stratify existing systems.

Efficiency

It is the possibility that AI will increase efficiency that underlies its promise of cost savings in public service delivery, making this efficiency potential one of the most important benefits to emerge from AI development.[214] The bulk of research into whether Justice AI tools are linked to greater efficiency has focused mostly on the *what* and *why*, however, and less on the *how*, with even fewer studies analysing whether justice users indeed experience efficiency gains. In part, this is a byproduct of the fact that most Justice AI projects have been pilots, with few examples yet of systematic deployment.

Still, a growing body of evidence does support the assertion that Justice AI can deliver efficiency. In Ecuador, the introduction of AI decision-support tools in courts has reduced the mean case processing time from over 70 days to less than 50, while also increasing the quality of the language used and the number of legal citations in rulings.[215] And a system now in use by the Brazilian Supreme Court (see Box 11) has reduced the processing time of claims and lawsuits from some 30 to 40 minutes of a clerk's time to a mere 5 seconds, through automation.[216] Some AI tools have also been designed to increase efficiency in addressing very specific backlogs, such as in Germany – where a flood of complex (180+ page) and repetitive appeals cases related to a

208 Chien and Kim, "Generative AI and Legal Aid."
209 Ibid., 935.
210 Ibid., 903–904.
211 Ibid., 968–969.
212 See: Yonathan A. Arbel, "Judicial Economy in the Age of AI," *University of Colorado Law Review* 96, no. 2 (2025): 549–593.
213 Chien and Kim, "Generative AI and Legal Aid," 917.
214 See: Oliver Neumann, et al., "Exploring artificial intelligence adoption in public organizations: a comparative case study," *Public Management Review* 26, no. 1 (2024): 114–141; Bernd W. Wirtz, et al., "Artificial Intelligence and the Public Sector—Applications and Challenges," *International Journal of Public Administration* 42, no. 7 (2019): 596–615; Anneke Zuiderwijk, et al., "Implications of the use of artificial intelligence in public governance: A systematic literature review and a research agenda," *Government Information Quarterly* 38, no. 3 (2021): 101577; Tara Qian Sun and Rony Medaglia, "Mapping the Challenges of Artificial Intelligence in the Public Sector: Evidence from Public Healthcare," *Government Information Quarterly* 36, no. 2 (2019): 368–383.
215 Eliana Rodríguez-Salcedo et al., "Evaluating AI decision tools in Ecuador's courts: efficiency, consistency, and uncertainty in legal judgments," *Frontiers in Artificial Intelligence* 8 (November 2025).
216 Fausto Martin De Sanctis, "Artificial Intelligence and Innovation in Brazilian Justice," *International Annals of Criminology* 59, no. 1 (2021): 1–10.

car emissions scandal prompted the Stuttgart regional court to develop "OLGA" (*Oberlandesgericht-Assistant*), an AI tool that has reduced the processing time for judges by half.[217]

Interviewees for this research offered some personal examples of how AI had boosted their own efficiency, too. For instance, a lawyer mentioned the benefit of AI in accelerating workflow, increasing processing speed, and reducing cognitive load.[218] Several interviewees also noted the benefit of administrative AI tools in speeding up translation and transcription tasks.[219] One shared that voice-to-text and text-to-voice tools – now so standard they are hardly recognized as AI by most users – have been key to bridging literacy gaps, cheaply and quickly.[220] Additionally, some AI applications support the processing of large amounts of unstructured data in ways that have considerable value to legal professionals, such as by helping to monitor potential human rights abuses.[221]

More AI tools intended to increase efficiency are being rolled out all the time, with even more in the pipeline. In November 2025, the American Arbitration Association introduced a fully automated AI arbitrator to resolve small-scale construction-related disputes, with the aim to make dispute resolution faster and more efficient.[222] And after a request by the German Judges' Association that AI be deployed to deal with a growing number of air passenger lawsuits, a system known as "Frauke" (*Frankfurter Urteils-Konfigurator elektronisch*) was piloted, and then expanded, and has so far reduced processing time in preparing judgements.[223]

Yet, there is nowhere this efficiency motivation is as clear as in China, where strong government support and fewer reservations about the implications of Justice AI for the rule of law, accountability, and legal transparency have allowed developers to prioritize efficiency (see Box 8, above). And so, the question before justice systems is not so much whether Justice AI improves efficiency, but how to balance that imperative with reliability, accountability, and the rule of law.[224] In fact, several interviewees warned against erroneously equating efficiency with justice.[225] One cautioned, too, that where availability and speed become substitutes for quality, accountability, and integrity, the risk to institutional trust is high.[226]

Fairness and trust

Evidence of the effects of Justice AI on fairness and public trust in justice systems is only just emerging. Some experts believe that one of the upsides to AI is its capacity to improve "public trust and legitimacy by increasing transparency, access to information, and reliability."[227] Others argue that AI-assisted legal aid may give the everyman a better chance in the courtroom, moving public sentiment toward a greater sense of fairness in the justice system.[228]

---

217 See: IBM, "Judicial systems are turning to AI to help manage vast quantities of data and expedite case resolution," 22 October 2025, https://www.ibm.com/case-studies/blog/judicial-systems-are-turning-to-ai-to-help-manage-its-vast-quantities-of-data-and-expedite-case-resolution; Linda Pfleger, "Was kann KI an deutschen Zivilgerichten?" ["What can AI do in Civil Courts?"], *Legal Tribune Online*, 14 July 2023, https://www.lto.de/recht/justiz/j/justiz-ki-kuenstliche-intelligenz-e-akte-digitalisierung-zivilgerichte; Jan Spoenle, "OLGA – der KI-Assistent für Dieselverfahren" ["OLGA – the AI Assistant for Diesel Proceedings"], in *Göttinger Kolloquien zur Digitalisierung des Zivilverfahrensrechts* [*Göttingen Colloquia on the Digitalization of Civil Procedure Law*], ed. Philipp Reuß and Jessica Laß (Göttingen University Press, 2024).

218 Interviewee 4.

219 Interviewees 7 and 23.

220 Interviewee 26.

221 Interviewee 12.

222 American Arbitration Association, "AAA-ICDR to Launch an AI-Native Arbitrator, Transforming Dispute Resolution." press release, 17 September 2025, https://www.adr.org/press-releases/aaa-icdr-to-launch-ai-native-arbitrator-transforming-dispute-resolution/.

223 IBM, "Judicial systems are turning to AI to help manage vast quantities of data and expedite case resolution."

224 Abhijith Balakrishnan, "Ethical and Legal Implications of AI Judges: Balancing Efficiency and the Right to a Fair Trial" (master's thesis, University of Utrecht, 2024); Thomas Wolf, "Künstliche Intelligenz zwischen Ethik und Effizienz" ["Artificial Intelligence: Between Ethics and Efficiency"] *Dispute Resolution*, 5 November 2025, https://www.deutscheranwaltspiegel.de/disputeresolution/dispute-resolution/kuenstliche-intelligenz-zwischen-ethik-und-effizienz-161022/; Filippo Donati, "The Use of Artificial Intelligence in Judicial Systems: Ethics and Efficiency," *Italian Journal of Public Law* 16, no. 1 (2024).

225 Interviewees 20 and 21.

226 Interviewee 31.

227 Council on Criminal Justice, "The Implications of AI for Criminal Justice: Key Takeaways From a Convening of Leading Stakeholders," October 2024, https://councilоncj.org/the-implications-of-ai-for-criminal-justice/.

228 Dominic Casciani and Claire Ellison, "How AI revolution could help benefits appeals and landlord disputes," *BBC News*, 29 December 2024, https://www.bbc.com/news/articles/cm2evjxev4jo.

Whether Justice AI has already increased public trust in justice systems, and whether trust in AI systems generally has increased confidence in Justice AI, are questions that require further research. Studies exploring the link between Justice AI and trust have tended to rely on surveys that present respondents with hypothetical situations. For example, a large 2025 study in the US asked 1,800 members of the public about fictional vignettes involving decision making by judges, to compare their attitudes towards judges who rely on their own expertise versus those who use AI assistance.[229] Across scenarios, related to bail and sentencing determinations, judges who relied on their expertise alone were rated as more legitimate than judges who consulted AI, even if they used it in combination with their own expertise.[230] Interestingly, racially aggregated data revealed that Black and Hispanic respondents rated AI-assisted judicial legitimacy higher in some scenarios, compared to white participants, suggesting that communities with a history of suffering negatively from bias in justice systems may exhibit a greater openness to certain AI-assisted justice tools.[231] As the authors note, this finding reflects prior research indicating that "marginalized groups may view AI as a mechanism for reducing judicial bias." At the same time, they acknowledge that "many respondents feared the AI tools could inherit biases from their training data, leading to unfair outcomes."[232] This space between bias and objectivity is where the tension around trust lies.

Similar survey-based research has attempted to tease apart the nuances of public trust in Justice AI, in specific contexts. Research also published in 2025 found that respondents had more trust in the use of AI to support decision-making on questions like the cost of bail, rather than more weighty issues like sentencing; and likewise, that they were more comfortable with the use of AI in determining the fines and fees of bail, as opposed to bail eligibility.[233] One of the most interesting findings of this study, though, was the degree to which the trust of respondents appears to have been shaped by their perceptions of how much judges themselves trusted AI tools, as "participants who believed that judges had greater trust in AI were more likely to express their own trust in its use within the legal system."[234] This underscores the power of expert opinion to influence public confidence.

Two more survey-based studies using vignettes to assess questions of fairness and trust were carried out in 2024. In the UK, researchers examined how respondents' sense of fairness was affected by whether the algorithm driving an AI tool was publicly or privately owned, and by whether judges had discretion to use or ignore its results.[235] The findings, gathered from over 2,600 respondents, indicate that most people believe public institutions should develop and maintain these algorithms, and that judges should retain some independent discretion.[236] And in the US, a large study of 9,000 respondents sought to capture attitudes about the use of AI in a criminal defendant pretrial release scenario, revealing a general preference for human decision makers over algorithmic ones.[237]

Studies such as these are not without merit, but their reliance on hypothetical scenarios means that real-world evidence of how the use of AI is impacting key access to justice indicators is lacking. This represents a research gap that must be filled. Nevertheless, existing studies do suggest that many respondents are aware of the possible pitfalls and risks of AI, and take these into account when forming opinions about the use of AI tools in justice settings. To that end, there are various ways AI could weaken public trust, including by widening digital

229 Anna Fine, et al., "Public Perceptions of Judges' Use of AI Tools in Courtroom Decision-Making: An Examination of Legitimacy, Fairness, Trust, and Procedural Justice," *Behavioral Sciences* 15, no. 4 (2025).
230 Ibid., 12.
231 Ibid.
232 Ibid., 15.focusing on bail and sentencing contexts. We examined public perceptions of judges who use AI tools compared to those who rely solely on expertise. Using an experimental design, participants (N = 1800; stratified by race/ethnicity and gender
233 Anna Fine and Shawn Marsh, "Judicial Leadership Matters (yet Again): The Association between Judge and Public Trust for Artificial Intelligence in Courts," *Discover Artificial Intelligence* 4, no. 1 (2024).
234 Ibid., 12.
235 Arna Woemmel, et al., "Public Attitudes Toward Algorithmic Risk Assessments In Courts: A Deliberation Experiment," 26 March 2024.
236 Ibid.
237 Kirk Bansak and Elisabeth Paulson, "Public attitudes on performance for algorithmic and human decision-makers," *PNAS Nexus* 3, no. 12 (2024): 520.

divides, exposing data in breaches, and failing to deliver.[238] In the justice sector, there are also risks to trust that extend from the opacity, potential bias, and algorithmic "black boxes" marking some AI applications. This lack of transparency threatens to undermine procedural justice, because "if people cannot understand or contest a decision, they may feel that their legal rights have been bypassed."[239]

Ultimately, if public trust in AI weakens, trust in Justice AI will follow, and perhaps in justice systems generally. It is therefore important to consider how public trust in courts, Justice AI, and the state are intertwined. Indeed, some of the Justice AI applications already in use by courts may have harmed confidence in Justice AI, as well as the judiciary, such as the COMPAS system employed in the US (see Box 7, above). Reports of biased output by the proprietary COMPAS algorithm have cast some doubt on the trustworthiness of Justice AI more broadly. A similar risk now faces Brazil, where the government's VICTOR system has been criticized for lacking transparency and accountability (see Box 11).

Box 11. Justice AI comes to the Supreme Court of Brazil in the VICTOR system

Brazil spends more on its judiciary than any other country in the world, except El Salvador, but still faces a backlog of over 80 million cases.[240] Thus, AI tools have been adopted in an effort to address this backlog, with 64 AI projects implemented in 47 courts by 2023, including the VICTOR system in the Supreme Court – which uses AI to analyse 3 million case dockets and 50,000 lawsuits to assess whether cases similar to those pending have been decided on previously.[241] What would take a civil servant 30 to 40 minutes for each case, VICTOR has reduced to 5 seconds.[242] The system also appears to be more precise than its human counterparts.[243]

In this way, VICTOR brings the promise of greater efficiency in judicial proceedings, a much-needed development.[244] But the system is not perfect, and concerns have arisen that there is neither enough transparency nor accountability with respect to its use in decision making, as required by Brazilian law; because appellants are not informed of whether VICTOR is used to decide on whether their appeal is heard by judges.[245] On top of this, the system has made some observers uneasy for reasons common to many AI tools, for instance regarding its potential for bias reproduction and breaches of privacy.[246]

It is hard to counter the sceptics when real-world research on Justice AI and trust is scarce and a growing number of highly publicized cases have involved AI-generated legal submissions made by judicial professionals that contain inexcusable errors.[247] There is a clear need for more research, but also for the development of

238 Organisation for Economic Co-operation and Development, *Governing with Artificial Intelligence*.
239 Abhishek Srivasatava, "When Justice Becomes Code: Rebuilding Trust when AI enters Courts," *Cambridge Core* (blog), 12 September 2025, https://www.cambridge.org/core/blog/2025/09/12/when-justice-becomes-code-rebuilding-trust-when-ai-enters-courts/.
240 Consultor Jurídico, *Brazil Justice Yearbook 2024* (ConJur Editorial, 2024); Idiana Tomazelli, "Gasto Com Tribunais de Justiça No Brasil é Quatro Vezes a Média Internacional" ["Spending on courts of justice in Brazil is four times the international average"], *Folha de S.Paulo*, 6 March 2025, https://www1.folha.uol.com.br/mercado/2025/03/gasto-com-tribunais-de-justica-no-brasil-e-quatro-vezes-a-media-internacional.shtml; Daniel Becker and Isabela Ferrari, "VICTOR, the Brazilian Supreme Court's Artificial Intelligence: A Beauty or A Beast?," in *Regulação 4.0: Desafios da Regulação Diante de Um Novo Paradigma Científico* (Revista dos Tribunais, 2020).
241 Becker and Ferrari, "VICTOR, the Brazilian Supreme Court's Artificial Intelligence."
242 De Sanctis, "Artificial Intelligence and Innovation in Brazilian Justice."
243 Becker and Ferrari, "VICTOR, the Brazilian Supreme Court's Artificial Intelligence."
244 Victor Habib Lantyer, "The Era of Artificial Intelligence in Law: Brazil in a Global Context," 1 December 2023.
245 Becker and Ferrari, "VICTOR, the Brazilian Supreme Court's Artificial Intelligence"; Eduardo Villa Coimbra Campos, "Artificial Intelligence, the Brazilian Judiciary and Some Conundrums," *Sciences Po*, 3 March 2023, https://www.sciencespo.fr/public/chaire-numerique/en/2023/03/03/article-artificial-intelligence-the-brazilian-judiciary-and-some-conundrums/.
246 Habib Lantyer, "The Era of Artificial Intelligence in Law."
247 See: Robert Booth, "High court tells UK lawyers to stop misuse of AI after fake case-law citations," *The Guardian*, 6 June 2025, https://www.theguardian.com/technology/2025/jun/06/high-court-tells-uk-lawyers-to-urgently-stop-misuse-of-ai-in-legal-work; Zach Warren, "GenAI hallucinations are still pervasive in legal filings, but better lawyering is the cure," *Thompson Reuters*, 18 August 2025, https://www.thomsonreuters.com/en-us/posts/technology/genai-hallucinations/; Damien Charlotin, "AI Hallucination Cases" (database), last updated 14 May 2026, https://www.damiencharlotin.com/hallucinations/.

"deliberative processes in decision-making about predictive algorithms used in the public domain to ensure that these systems are used and designed in an inclusive, democratic and responsible manner."[248] Thus far, the evidence suggests that:

- No consensus has been reached regarding whether Justice AI tools have a net positive or negative effect on public trust in justice systems.
- The public may have more trust in the use of Justice AI tools to support decision making considered less serious (e.g. to set appropriate fines and fees, not to determine suitability for bail or length of sentencing).
- Survey respondents seem to prefer a human-in-the-loop approach to Justice AI, and believe judicial professionals should have the discretion to reject AI outputs.
- Algorithms developed in the public domain may be more trusted than those owned privately.
- The trust judges themselves have in AI may influence rates of trust among the public.

Enabling conditions for the introduction of Justice AI

Beneath the Justice AI use cases discussed above lie questions about the preconditions needed to roll out tools like this in the first place. In the US, Brazil, or Germany, existing infrastructure, governance frameworks, and skilled labour all support the introduction of Justice AI. In FCS, the context is often less amenable to these efforts, and enabling conditions largely define which opportunities for AI are feasible. For example, weak digital infrastructure in Haiti or Afghanistan will constrain the rollout of Justice AI applications, in comparison to higher-income FCS like Kosovo or Ukraine.

A 2025 report by the OECD offers an overview of preconditions that facilitate the systematic use of AI across government sectors, listing seven key enablers – governance, data, digital infrastructure, skills and talent, AI investments, public procurement, and partnering with non-governmental actors – grouped into three categories (see Table 5).[249] Bearing in mind these enabling conditions can be helpful in shaping thinking about the potential for Justice AI, which is more likely to be effective where some of these conditions exist. Understanding the role of enabling conditions can also help explain the use of shadow AI in places lacking ideal environments for AI implementation. For instance, it may seem unlikely that these tools are in use in Afghanistan, but even there, they are being adopted wherever the digital infrastructure and local talent are sufficiently robust (typically, urban areas).

Table 5. Enabling conditions for AI integration

Category	Enablers	Examples
ICT and digital transformation	Data, AI investment, digital infrastructure	Digital records and administrative processes, reliable power, interoperable databases, cloud computing, data centres, broadband connectivity, cybersecurity
Human and organizational resources	Skills and talent	Digital literacy, AI skills, awareness among target users, leadership and drive (bottom-up or top-down), coordination
Governance	Governance, public procurement, partnering with NGOs	AI laws and regulations, human oversight, algorithmic accountability, privacy laws, consumer protection, audits, procurement frameworks, standards

248 Woemmel et al., "Public Attitudes Toward Algorithmic Risk Assessments In Courts," 21.
249 Organisation for Economic Co-operation and Development, *Governing with Artificial Intelligence*, 108.

Risks and governance

03

Takeaways

- Some common risks relate to the use of Justice AI broadly, including bias and opacity.
- Justice AI governance stems from both new and existing layers of governance, and protection of fundamental rights.
- Multilateral initiatives have converged on six principles for Justice AI governance: human oversight, fundamental rights, explainability, high quality data, robustness, and accountability.
- The EU's AI Act offers an example of a risk-based approach, but its usefulness in FCS is limited by the extent to which it is interwoven with EU-specific law.
- In FCS, considerable risks arise in the context of Justice AI governance from existing problems related to protecting fundamental rights, weak governance more broadly, procurement, data and technological sovereignty, linguistic and ethic inclusion, CIJ, and safety and security.

Common concerns about the risks of Justice AI are that "this emergent technology cannot master the complexities of legal decision-making, nor provide forms of accountability that locate responsibility for such decisions in a sufficiently clear entity."[250] This chapter explores these problems, and more, and discusses the work of multilateral organizations and states to develop governance mechanisms for AI, from nonbinding principles to framework laws. Some of the risks of Justice AI and various aspects of governance are examined through the lens of these principles. Many unanswered questions remain, for FCS and beyond, in part because AI is evolving so quickly. And so, rather than offering answers, this chapter concludes by highlighting seven risks areas that appear to be particularly acute in FCS.

Convergence on risks

There is growing awareness about the risks of AI adoption across public life. While specific risks differ from AI application to application and from context to context, many extend to Justice AI tools. Hence, an awareness of these risks, and how they impact governance, is an important baseline in establishing the conditions in which Justice AI can be responsibly deployed in FCS.

250 Malcolm Langford, "AI in Courts and the Role of Anticipatory Governance," in *The Cambridge Handbook of AI and Technologies in Court*, eds. Monika Zalnieriute and Agne Limante (Cambridge University Press, 2026), 102.

The list below summarizes some principles meant to mitigate these risks, in five thematic clusters:

01 **Transparency, accessibility, and explainability:** The opacity of AI reasoning, whether due to proprietary rights or complexity, can prevent justice actors and users from understanding how outputs are generated. This undermines the principles of transparency and explainability, and the right to appeal or redress. Such opacity is referred to as the "black box problem," as it can conceal biases, such as the use of an ostensibly neutral data point (like an address) as a proxy for race.

02 **Fairness and non-discrimination:** AI models can replicate and amplify the biases present in training data. Discrimination can also arise from design-side biases; a problem that is complicated by the geographic and demographic concentration of the AI development workforce in certain locations.

03 **Automation bias and human responsibility:** The human tendency to over-rely on automated processes can lead to weaknesses in oversight and a diminished sense of personal responsibility. In justice contexts, this has the potential to undermine due process rights, including the right to a fair trial, particularly if high-stakes decisions like criminal justice sentencing are automated.

04 **Privacy, data protection, and legal development:** Many AI tools operate in a legal grey zone, having been developed via information "scraped" from the internet in ways that may violate regulations like the EU's GDPR (See Box 12). A reliance on proprietary models also leads to data dependency and poses a potential threat to technological sovereignty.

05 **Safety and security:** AI systems are vulnerable to interference and manipulation, such as through "data poisoning" (the deliberate introduction of bias) by criminals or foreign adversaries, with clearly negative implications for justice. Increased reliance on AI will also make justice systems susceptible to failures in critical infrastructure, such as the internet or power sources, not to mention the risks that exist when feeding sensitive case information into machine learning systems that may not be fully secure.[251]

Box 12. AI development and privacy and property rights

Some of the best-known AI tools are LLMs that operate in a legal grey zone because their development may have breached privacy laws and copyrights in several jurisdictions. In the US, this has led to over 90 lawsuits as of March 2026.[252] In Europe, there are also dozens of cases in proceedings, involving data protection authorities, market regulators, and rights-focused NGOs.[253]

A single NGO, the European Center for Digital Rights (branded as "noyb"), has brought over 20 cases that were active as of December 2025, against companies including Meta, OpenAI, and Twitter, for violating European data regulations.[254] At the heart of many of these cases lies the EU's General Data Protection Regulation (GDPR), various elements of which are at risk of being violated when AI applications are trained or deployed. Specifically, Article 16 relating to the right to rectification may be breached as AI models "learn" but cannot "unlearn" inaccurate personal information; Article 6 relating to consent or legitimate

251 These principles, expressed in a variety of ways in the literature, are broadly captured here, adapted from a range of sources. For example, see: UNESCO, *Recommendations on the Ethics of Artificial Intelligence* (2021); Emmanouil Papagiannidis, et al., "Responsible artificial intelligence governance: A review and research framework," *Journal of Strategic Information Systems* 34, no. 2 (2025).
252 See: Chat GPT Is Eating the World, "Master List of lawsuits v. AI, ChatGPT, OpenAI, Microsoft, Meta, Midjourney & other AI cos." (database), last updated 10 March 2026, https://chatgptiseatingtheworld.com/2024/08/27/master-list-of-lawsuits-v-ai-chatgpt-openai-microsoft-meta-midjourney-other-ai-cos/.
253 See: Taylor Wessing, "AI & Copyright Case Tracker," n.d., https://www.taylorwessing.com/en/campaigns/de/2025/ai-and-copyright-tracker; Dentons, "Global data privacy and AI case law review," 12 February 2026, https://www.dentons.com/en/insights/articles/2026/february/12/global-data-privacy-and-ai-case-law-review.
254 noyb, "Artificial Intelligence," n.d., https://noyb.eu/en/project/artificial-intelligence.

interest for the collection of data is at risk of contravention, as these models are often built on scraped information; Article 15 on the right of access may be infringed if companies cannot say how the data they collect is being processed; Article 17 regarding the right to be forgotten may be violated, as AI models cannot unlearn data from previous exchanges with users; and Article 22 restricting automated decision-making is increasingly flouted as AI is being used to make decisions.[255] Companies may also be liable under Article 82(2) of the GDPR if they fail to delete personal data that can be accessed in a cyberattack as a result of inadequate control measures.[256]

Governance layers

The governance framework for Justice AI is built from layers of new AI-specific governance mechanisms, with existing governance mechanisms; particularly those focused on the justice sector, fundamental rights, and consumer, privacy, and digital rights (see Figure 7). Rights and responsibilities also exist in the relationship between AI providers and users, and these overlap with public procurement and intellectual property rights.

Figure 7. Areas of governance with relevance to AI

255 Georgios Feretzakis et al., "GDPR and Large Language Models: Technical and Legal Obstacles," *Future Internet* 17, no. 4 (2025); Regulation (EU) 2016/679, OJ L 119/1.
256 Dentons, "Global data privacy and AI case law review"; Regulation (EU) 2016/679, OJ L 119/1.

Justice AI governance at the multilateral level

Because the regulatory picture differs across jurisdictions, it is difficult to describe the global governance of AI concisely. Yet, there is a growing body of governance mechanisms at the international level; largely "soft" initiatives meant to support AI implementation through education or exposure, but also some "hard" initiatives that have resulted in legislation. Gathering insights from these efforts can help support the formulation of guidelines for Justice AI governance in FCS, especially given that these governance frameworks are just being developed and must consider impacts on fundamental rights.

Some examples of contributions made toward Justice AI governance at the multilateral level over the past decade include:

- The EU's 2016 General Data Protection Regulation (GDPR) (2016/679, OJ L 119/1), which safeguards data and personal rights and is binding in the EU.
- The non-binding *European ethical Charter on the use of artificial intelligence in judicial systems and their environment*, adopted in 2018 by the European Commission for the Efficiency of Justice (CEPEJ). It offers five key principles for Justice AI, based on in-depth analysis of how these tools are being used in European justice systems.
- The "OECD Principles on Artificial Intelligence," published in 2019. These apply to AI generally, but are clearly relevant to the governance of Justice AI, for instance by recommending that "AI systems… be designed in a way that respects the rule of law, human rights, democratic values and diversity, and implement appropriate safeguards – for example, enabling human intervention where necessary – to ensure a fair and just society."[257]
- UNESCO's 2023 *Global Toolkit on AI and the Rule of Law for the Judiciary*, meant specifically for justice actors and focused on Justice AI. The *Toolkit* was developed partly on the basis of needs assessments and survey data collected from around the world to better understand how AI is used in administering justice and "its wider legal implications on societies."[258]
- The Artificial Intelligence Act passed by the EU in 2024 (OJ L 2024/1689), which regulates AI governance, and thus Justice AI governance. It revolves around consumer and privacy rights and creates responsibilities for both providers and users.
- The 2024 UN Global Digital Compact, which is non-binding but acknowledges the potential of AI to both accelerate advancement and create "new risks for humanity." It prioritizes closing digital divides "between and within countries" in order to build "an inclusive, open, sustainable, fair, safe, and secure digital future for all," based on a series of objectives, principles, commitments, and actions. The Compact is "rooted in the 2030 Agenda," which makes it directly applicable to Justice AI in numerous ways.[259]
- The *Continental Artificial Intelligence Strategy* published in 2024 by the AU, advancing a regional approach to AI governance. It leads with a "local first" principle directed at focusing "the production, development, use and assessment of AI in Africa" on addressing "African challenges," first and foremost. The *Strategy* is non-binding, but the vision it lays out for public sector adoption of AI is directly relevant in multiple ways to the use of AI in justice sectors.[260]

257 Organisation for Economic Co-operation and Development, "OECD Principles on Artificial Intelligence," May 2019.
258 UNESCO, *Global Toolkit on AI and the Rule of Law for the Judiciary* (2023).
259 UN General Assembly, "The Pact for the Future" (A/79/L.2), 20 September 2024, Annex 1.
260 African Union, *Continental Artificial Intelligence Strategy: Harnessing AI for Africa's Development and Prosperity* (2024).

These documents all play a different role in shaping AI governance, but combined, they reflect six core principles for good governance of Justice AI (see Table 6). Perhaps the most important of these principles is the necessity for human responsibility, or a human-in-the-loop approach.[261] This becomes an axis on which risks and benefits can be balanced, because it allows for human overrides where necessary, reduces over-reliance, and facilitates greater nuance. In other words, it is central to building public trust in Justice AI.

Table 6. Six good governance principles for Justice AI

01	*Mandate human oversight and agency*	Justice AI systems must include a human in the loop, ensuring that judicial professionals retain final decision-making agency, with human intervention or monitoring to oversee output and impact
02	*Protect fundamental rights and the rule of law*	AI governance and implementation must be anchored in international human rights law, ensuring protection of fundamental rights and the rule of law and the enforcement of mandated safeguards
03	*Ensure transparency and explainability*	Justice AI tools must be meaningfully transparent and explainable to avoid algorithmic "black boxes," enabling all stakeholders (from justice institutions to justice users) to understand and challenge any decision making that is informed by AI outputs
04	*Guarantee high data quality and representativeness*	Recognizing that data quality is foundational to reliable Justice AI tools, these tools must use data that is relevant, representative, and accurate, in order to detect and mitigate inherent biases
05	*Achieve technical robustness and cybersecurity*	AI systems must be designed to deliver sufficient accuracy, robustness, and cybersecurity throughout their lifecycle to function consistently, safely, and securely, resisting corruption or exploitation
06	*Establish accountability and effective remedy*	Clear lines of accountability must be defined for all the actors in a justice system who are using Justice AI tools, supported by mandatory logging and record keeping to ensure traceability, and mechanisms for remedy and redress that are accessible to anyone harmed

Risk-based approaches

The question remains as to how these principles are best put into practice. But it is helpful to look at examples of binding Justice AI legislation, meant to transform these principles into obligations and prohibitions. The EU has adopted such legislation, as detailed below (see Table 7).

The AI Act adopted by the EU (OJ L 2024/1689) is an example of framework legislation.[262] It was the first comprehensive law on AI passed internationally, and not only impacts how AI is used in justice sectors across the EU but also regulates companies that supply AI products to the EU, even if they are based outside of it.[263] The Act takes a risk-based approach to the governance of AI across sectors, excluding defence and national security, and includes prohibitions that apply to all AI as well as specific requirements for systems defined by the Act as "high-risk," in order to "tailor the type and content of… rules to the intensity and scope of the risks that AI systems can generate."[264] Table 7 shows examples of prohibited practices and systems designated as high-risk with relevance to justice and law enforcement.

261 David Mark et al., "Regulating Automated Decision-Making in the Justice System: What Is the Problem?," in *Handbook on Public Policy and Artificial Intelligence*, ed. Regine Paul et al. (Edward Elgar Publishing, 2024), 13.
262 Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), Official Journal of the European Union L, 2024/1689, 13 June 2024.
263 This may stimulate the so-called Brussels effect, wherein companies outside the EU choose to follow these regulations in order to simplify business processes.
264 OJ L 2024/1689, para. 26.

Table 7. How the EU's risk-based approach to AI governance applies to justice systems

Element of EU AI Act	Justice-related examples
Prohibited AI practices	Assessing the risk that individuals will commit crimes based only on their profile or personality traits Compiling facial recognition databases by scraping images from the internet or CCTV in an untargeted way The use of real-time, remote biometric identification in public spaces by law enforcement actors, with exceptions[265] Social scoring The incorporation of subliminal components or techniques
Designated as high-risk	*Justice AI systems are designated as high-risk if they…* …assist judicial officials in researching and interpreting facts, and in applying the law to facts …support law enforcement in assessing the risk an individual will re-offend …are used by law enforcement as polygraphs or similar (e.g. to carry out emotional state analysis) …support law enforcement in evaluating the reliability of evidence
Exceptions to high-risk designation	*Exceptions exist for AI systems that…* …perform a narrow procedural task …only improve the results of a human-led activity …detect anomalies in decisions based on prior patterns, but do not replace/influence decisions without proper human review …only complete preparatory tasks

265 These apply in the case of: searches for missing persons, abductees, and trafficking and sexual exploitation victims; substantial or imminent threat to life or a terrorist attack; the imperative to identify suspects in serious crimes such as murder or rape.

Any AI system designated by the Act as high-risk is obliged to meet certain requirements, most of which fall on the provider, whether they are in the EU or beyond. This creates an imperative for providers to set aside resources to meet these requirements, which include:

- Establishing a risk management system.
- Ensuring data is high quality and representative.
- Providing compliance documentation and other information to authorities to assess compliance.
- Designing to ensure the automatic recording of events (system logs).
- Providing instructions for use to downstream deployers to enable their compliance.

Other provisions of the Act are also relevant to the good governance of Justice AI, such as:

- The establishment of a publicly accessible EU database of any AI systems designated as high-risk.
- The requirement for fundamental human rights impact assessments of designated high-risk systems.
- Remedies for harm, including the right to lodge complaints with a market surveillance authority and the right to have the individual decision-making processes of deployers of AI systems explained in "clear and meaningful" terms.

In its AI Basic Act, passed in 2025, South Korea has also taken a risk-based approach.[266] Using the slightly different terminology of "high-impact AI" instead of "high-risk AI systems," it has focused regulation on these riskiest applications in much the way the EU has.[267] And like the EU, this designation includes various AI applications in use by justice sector actors, such as AI tools that analyse biometric data for the purposes of criminal investigations, and any AI systems involved in decision making by public institutions that affects the public.[268]

Brazil has taken a similar risk-based approach in formulating its AI Act (PL 2338/2023), which is still making its way through committee in the lower chamber after passage in the Senate.[269] The proposed law creates a risk categorization system for AI, with some systems deemed an unacceptable risk because they violate fundamental rights; others classified as high risk, due in part to their use case (i.e. health and justice settings); and others considered a limited or minimal risk of harm.[270] Brazil's AI Act would place legal and administrative requirements on users, as well as providers, but crucially, it also stipulates the individual rights of persons affected by AI systems. These include important rights extending from requirements of explainability and transparency.

266 South Korean Ministry of Government Legislation, Framework Act on the Development of Artificial Intelligence and Establishment of Trust (The AI Basic Act), Law No. 20676, 21 January 2025.
267 Ibid.; Suk-Ho Bang, "Korea's New AI Basic Act: Characteristics and Significance," *Asia Business Law Journal*, 24 March 2026, https://law.asia/korea-ai-basic-act-characteristics-significance/.
268 South Korean Ministry of Government Legislation, Law No. 20676.
269 See: Gustavo Melo, "Mechanisms to prevent anticompetitive practices by Big Tech in the use of AI," *Brazilian Journal of Law, Technology and Innovation* 3, no. 1 (2025): 29–45. The Act was passed by Brazil's Senate in December 2024 but is yet to make its way to a vote in the Chamber of Deputies. For the latest updates on its progress, see: https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2487262.
270 See: Nelson Alexander Schepis Montini, "PL 2338/2023: Regulamentando a Inteligência Artificial no Brasil – Impactos e Implicações," *Jusbrasil*, 8 September 2025, https://www.jusbrasil.com.br/artigos/pl-2338-2023/4730933994.

Transferability of the risk-based approach

Though the final formulation of Brazil's AI legislation is still unknown, it was modelled on the EU's AI Act; which has parallels in South Korea's AI Basic Act, as well. Thus, these all serve as useful examples of how the risks of AI systems can be mitigated without smothering potential. The shared approach in every case is a priority-setting mechanism that allows regulators to focus their resources on ensuring the compliance of the AI systems which pose the greatest risk.[271]

Drawbacks

A risk-based approach could be effective in FCS, particularly in triaging use cases, to modulate risk tolerance. The acts passed in the EU and South Korea, and proposed in Brazil, all offer a model for how the six principles of good Justice AI governance (see Table 6, above) can be promoted and animated. That said, there are some potential difficulties or drawbacks that may be encountered in trying to implement similar legislation in FCS. This is because:

1. The acts discussed above are threaded into a wider, existing set of laws and norms that may not be in place in FCS.
2. These acts do not apply to AI used solely for national security purposes, which may represent a large carve out in FCS where national security is frequently at risk.
3. One hazard of a risk-centred approach is that it may leave space for rights violations, particularly where fundamental rights are vulnerable; which has led to critiques that this approach frames fundamental rights violations as measurable in degrees according to impact assessments instead of positioning those rights as integral and inviolable.[272]
4. The EU AI Act arguably leans into security over privacy, as seen for example in exceptions allowed to the prohibition on facial recognition and individual profiling.[273]
5. The discretion afforded to states regulated by the EU AI Act to utilize AI in making decisions impacting migrants and refugees may prove imprudent in FCS, many of which experience high levels of mixed migration.[274]
6. The demands of compliance to AI framework laws add to existing obligations extending from legislation on data protection, copyright, and consumer and product safety laws, creating the potential for uncertainty, contradictions and duplication, and double enforcement; which may be overly burdensome for smaller companies in FCS.[275]
7. The degree to which these acts are "future proof" is an open question.

271 Martin Ebers, "Truly Risk-Based Regulation of Artificial Intelligence How to Implement the EU's AI Act," *European Journal of Risk Regulation* 16, no. 2 (2025): 684–703.
272 Ibid., 690.
273 Jade Briend, "The EU's AI Act: Implications on Justice and Counter-Terrorism," *Global Network on Extremism and Technology*, 10 March 2025, https://gnet-research.org/2025/03/10/the-eus-ai-act-implications-on-justice-and-counter-terrorism/.
274 Evelien Brouwer, "EU's AI Act and Migration Control. Shortcomings in Safeguarding Fundamental Rights," *Verfassungsblog*, 12 December 2024, https://verfassungsblog.de/eus-ai-act-and-migration-control-shortcomings-in-safeguarding-fundamental-rights/.
275 Ebers, "Truly Risk-Based Regulation of Artificial Intelligence How to Implement the EU's AI Act," 690; Yavuz Selim Balcioğlu, et al., "A turning point in AI: Europe's human-centric approach to technology regulation," *Journal of Responsible Technology* 23 (September 2025): 100128.

Responsibilities and capabilities

The challenges listed above may complicate the transferability of these framework laws to FCS. But they are not the only considerations in this context, as transferability is also a question of whether the necessary human capacities exist to support such legislation. Building this capacity in FCS may involve a steep learning curve for justice sector actors, in both knowledge of concepts and technical skills (see Table 8).

Table 8. Governance capacities for AI regulation relevant to justice sector actors

Conceptual knowledge	Technical ability and applied skills
→ AI-related definitions (e.g. algorithmic decision making, machine learning)	→ Critical, not passive, interaction with algorithms[276]
→ Risks associated with AI (e.g. impact on human rights, bias, algorithmic black boxes and cybersecurity, algorithmic bias and discrimination, automation bias)	→ Informed interrogation of data quality
→ Applications of AI in the justice sector (i.e. Justice AI)	→ Capacity to challenge technology providers, to maintain transparency and question intellectual property rights
→ Legal and regulatory framework(s)	→ Facility to explain the role of AI in the justice process in an understandable, accurate, and transparent way
→ Ethics frameworks	→ Competency to carry out risk and necessity assessments of AI tools, and to undertake or interpret algorithmic impact assessments or fundamental rights impact assessments[277]
→ Data governance oversight	
→ Cybersecurity and data protection standards	

The dangers for FCS in implementing risk-based approaches

As this analysis shows, there are limits to transferring these risk-based governance approaches from elsewhere, to FCS. Many of the documents that inform this model, such as the OECD's Principles on Artificial Intelligence and UNESCO's *Global Toolkit*, focus on principles rather than standards to absorb various political and ethical positions, which makes them flexible but ambiguous. Moreover, it is hard to transpose framework laws such as the EU's AI Act, as it forms part of a complex governance regime in place to safeguard fundamental rights, along with other layers of governance. And ultimately, a problem in many FCS is that governance requires enforcement capacity; a challenge that is doubly demanding where key actors have neither experience with enforcement nor AI-specific knowledge and skills.

In short, applying and adapting external models is not straightforward. And in FCS, some risk factors related to Justice AI are particularly acute. Though FCS are very diverse, many struggle with gaps in rule of law and rights protections, weak governance layers, and corruption. When these factors are present, questions arise about digital and data privacy and sovereignty, particularly where cybersecurity and digital infrastructure are also weak. On top of this, some FCS must consider ethnic and linguistic inclusion, and the impact of Justice AI on CIJ, in order to formulate effective and fair AI governance frameworks.

276 UNESCO, *Global Toolkit on AI and the Rule of Law for the Judiciary*, 57.
277 Ibid.

Fundamental rights and justice sector governance

In FCS, the rule of law is weaker, on average, than in non-FCS. This presents risks to fundamental rights in the context of Justice AI, related for instance to issues of due process, undue influence, and court capture. And where rights protections are less robust, there is the added risk that AI systems featuring algorithmic black boxes, with minimal or no explainability and transparency, will only amplify marginalization.

Weak governance layers

FCS also tend to lack strong governance layers with relevance to AI governance more broadly, such as privacy and data protection laws. Indeed, over one-third of FCS lack data protection laws altogether.[278] This makes users vulnerable if AI providers gather and use their data – whether biometric information, communications metadata, or records of social media and digital behaviour – and undermines their options for recourse in the case of misuses or abuses of this data. Without explicit protections, governments and companies can also collect information on sensitive groups, including activists and journalists.

FCS like Afghanistan, Mali, Haiti, and Nigeria all lack consumer protection legislation, as well.[279] This represents another gap in governance that could pose real threats to the rights of justice users, in various ways. Unregulated or under-regulated Justice AI tools may present users with deepfakes, employ emotional manipulation techniques, and create user profiles based on their private data, and may be driven by opaque or discriminatory algorithms of a proprietary character; a scenario that puts users at considerable risk if they lack a means of redress and appropriate legal protections.[280]

Procurement and corruption risk

Issues with AI procurement plague most FCS, even higher-income examples like Ukraine.[281] Yet, because governance frameworks such as the EU's AI Act place considerable responsibility on AI providers – for instance, to establish a risk management system throughout the lifecycle of high-risk AI and data governance mechanisms to ensure data is of a high quality and representative – the choice of providers crucial. Alongside oversight, this choice helps ensure that the data driving any system is complete and representative, cannot be manipulated or poisoned, and will not become obscured in an algorithmic black box or stray from a human-in-the-loop approach.

However, in FCS, state procurement is often entwined in clientelist political economies. This raises the risk of manipulation, collusion, and corruption at the point of procurement and purchase of AI systems, especially given that these often involve high-value, multi-year contracts. Furthermore, such contracts can be expensive to maintain and difficult to exit but may contain "lock in" clauses, trapping FCS in exclusive relationships with certain providers and building their reliance on proprietary technology or data. Relationships of this nature may carry the additional risk of undermining data and technology sovereignty in FCS.

Privacy and sovereignty vis-à-vis justice data, technology, and resources

The deployment of AI in justice systems poses a particular risk for privacy and sovereignty in some FCS, as they face the prospect of integrating into the global AI economy at an inherently disadvantaged position from which they can be exploited of sensitive data, and of natural and human resources. AI providers may be tempted to structure their relationships with states in a way that facilitates data extraction, ignoring the rights of users to own that data, in what has been dubbed "surveillance capitalism."[282] FCS lacking strong

278 United Nations Conference on Trade and Development, "Data Protection and Privacy Legislation Worldwide," UNCTAD Global Cyberlaw Tracker, updated 17 February 2026, https://unctad.org/page/data-protection-and-privacy-legislation-worldwide.
279 Ibid.
280 United Nations Conference on Trade and Development, *Artificial Intelligence and Consumer Protection*, Technical note (UNCTAD, 2024).
281 Matthew Jenkins, *Mitigating corruption in the post-war reconstruction of Ukraine*, U4 Helpdesk Answer (Transparency International, 2023).
282 Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for the Future at the New Frontier of Power* (Profile Books, 2019).

governance mechanisms are at risk of being targeted by providers seeking to gather large volumes of personal data to create behavioural models for sale or use commercially, without meaningful consent from or any benefit to users.[283]

It is a justice problem if personal data is captured and exploited for commercial gain, and if AI providers can lower costs or make services free on the basis of accumulating "data capital." But in the context of Justice AI products specifically, this kind of data collection implies foreign companies holding the sensitive justice-related information of individuals and states, creating the potential for exploitive dynamics that are difficult to escape.[284] In this way, Justice AI may serve wider extractivist aims, which threaten to limit or weaken technological sovereignty and development in FCS.[285] In places like Syria, Ukraine, and Mali, this adds layers of risk to existing foreign interventions. For, along with marginal negotiating power, FCS may find it difficult to access their own data if they do not negotiate service agreements, and yet there is a risk of data loss because providers are not obliged to store it.[286] Where Justice AI is concerned, this could mean FCS are forced to rely on the digital systems and goodwill of external actors.

Sheriffdeen Abiade, who researches the political economy of data within the Global North/South paradigm, thus underscores several risks to FCS autonomy that emerge in the absence of good AI governance and in the context of "foreign surveillance AI" that is imported into domestic security frameworks:

- Proprietary source code for AI systems may give rise to algorithmic black boxes.
- Where two countries lack a bilateral data-sharing agreement, data sovereignty may not be legally recognized and surveillance data could fall into a jurisdictional grey zone.
- Surveillance algorithms that use criteria such as behavioural risk scores may violate local laws in a user's jurisdiction, but these laws are hard to enforce if regulatory frameworks and enforcement institutions are not strong enough. This leaves the risks of AI products with limited accountability and adaptation to fragile governance contexts mostly unaddressed.
- The national security of FCS may be compromised through backdoors, remote access points, and algorithmic control pathways embedded in AI surveillance systems.[287]

Abiade also warns that "legal safeguards such as judicial oversight, transparency requirements, and data minimization protocols are frequently bypassed or weakened under these imported systems."[288] FCS that rely on imported AI infrastructure and services are therefore unlikely to develop their own capacity.[289] In other words, building capacity in FCS means localizing data and data storage, and ensuring that external providers cannot own or access that data through a backdoor.[290]

---

283 Ibid.
284 Matthias Emmanuel Stürmer, et al., *Security implications of digitalization: The dangers of data colonialism and the way towards sustainable and sovereign management of environmental data* (Federal Department of Foreign Affairs of Switzerland, 2021).
285 The exploitation of natural and human resources within global value chains is relevant to the AI economy, with implications downstream for justice. Companies outsourcing tasks such as data labelling often use workers in poorer countries, who are often paid below minimum wage and have little job security. Their work has included psychologically demanding tasks such as moderating images of sexual and violent conflict. In addition, AI requires resources such as cobalt, lithium and other rare earth metals, largely sourced from developing or the least developed countries. See: Damian Eke, et al., "Decoloniality impact assessment for AI," *AI & SOCIETY* 41, no. 3 (2026). The computational power demanded by AI systems is also extreme and risks causing environmental damage in ways that follow similar extractivist patterns. See: Salvador Santino F. Regilme, "Artificial Intelligence Colonialism: Environmental Damage, Labor Exploitation, and Human Rights Crises in the Global South," *SAIS Review* 44, no. 2 (2024).
286 Stürmer, et al., *Security implications of digitalization*, 14.
287 Sheriffdeen Folaranmi Abiade, "Algorithmic Sovereignty and the New Security Dependencies: How Foreign AI Surveillance Technologies Reshape Domestic Autonomy in the Global South," *World Journal of Advanced Research and Reviews* 27, no. 2 (2025).
288 Abiade, "Algorithmic Sovereignty and the New Security Dependencies," 167.
289 Natalija Gelvanovska-Garcia, et al., *Advancing Cloud and Data Infrastructure Markets: Strategic Directions for Low – and Middle-Income Countries* (The World Bank, 2024).
290 Folashadé Soulé, "Digital Sovereignty in Africa: Moving beyond Local Data Ownership," Policy Brief No. 185, Centre for International Governance Innovation, June 2024.

This highlights the importance of strong governance layers, as the risk to FCS grows wherever robust data protection laws are lacking. Still, beyond the question of data ownership and sovereignty, FCS must also confront fundamental design constraints in AI products. The dominance of so few actors in the design of AI systems, particularly concentrated in China and the US, means that these products are not always adequately inclusive or universal. This threatens not only to exclude countless voices, but to generate negative, even colonial, dynamics.[291]

Safety and security

In FCS, cybersecurity systems, digital infrastructure, and regulatory oversight may all be rather weak. This makes justice institutions and Justice AI tools more vulnerable to data breaches or manipulation. In conflict settings, there is also the likelihood of physical and cyberattacks; which may damage data centres or digital infrastructure or make justice institutions the targets of external actors seeking to undermine the legitimacy of courts and legal processes through digital interference. But AI can be weaponized internally as well – to target political opponents, distort evidence, or support coercive actions – and in this way, Justice AI systems can become dangerous political tools in the absence of good governance.

Linguistic and ethnic inclusion

Many Justice AI tools are built on LLMs, such as those designed to provide legal information, draft submissions, and support legal research. While these systems are well-trained on languages like English, Chinese, and Spanish, the languages spoken in FCS are often much rarer and less global. These less spoken languages do not produce as much data for LLMs to learn from, making the models that use them far less accurate. Hence, the high linguistic diversity of many FCS represents a challenge to the equity and fairness of Justice AI tools.

This can create divides between FCS and non-FCS; but also, within FCS, between linguistic groups. If LLMs are hardly trained on some languages, or not at all, certain communities in FCS may lack access to many AI tools altogether or may experience glaring inequities in the quality of their output. For example, users who speak rarer languages may find that transcripts and translations include a higher rate of errors and hallucinations, and that the LLMs driving Justice AI applications exhibit biases when processing their speech. The fact that small nuances in language matter so much makes such a scenario especially risky in FCS, where tensions are often high and judicial outcomes have the potential to spark unrest.

In many FCS, these tensions exist alongside or are complicated by ethnic diversity, which can make the risks to fairness presented by some AI systems a real challenge; particularly where ethnic identities and power imbalances overlap. Experiments in Justice AI geared toward “predictive policing” have shown that ethnic or racial biases can be reproduced, for example, both when the data is biased and when it is incomplete or otherwise of bad quality. These issues with data may emerge in many FCS, and risk exacerbating the so-called digital divide.

Impact on customary and informal justice systems

Generally speaking, CIJ systems are important if not essential in FCS; and the introduction of Justice AI carries risks for people who rely on CIJ. Some ideas for how AI can be deployed in CIJ systems have been proposed, such as the use of AI tools to voice – or video-record CIJ processes, which could facilitate the modelling of these processes and the provision of digital services. This could bring benefits, for example when it comes to assessments on human rights compliance, but also holds the potential to undermine the legitimacy of CIJ. And the risk to CIJ is heightened if the AI models in use in these systems are imported, even more so if users must pay for access.

291 Eke, et al., “Decoloniality impact assessment for AI.”

Researchers have recently focused their attention on the implications of using Justice AI in CIJ settings.[292] Several studies have come out of Nigeria, where CIJ takes many forms and is "deeply rooted in the traditions and practices of various ethnic groups," meaning that AI systems must "accommodate these cultural distinctions."[293] These studies attempt to examine what Berebon calls "the tension between universalist, technocratic logics embedded in mainstream LegalTech design and the moral embeddedness, relationality, and participatory governance that characterizes Indigenous jurisprudence."[294] However, overall, the research on AI and CIJ is limited. And, while some indigenous perspectives have been incorporated into the wider discussion on AI in significant documents like the 2020 position paper issued by the Indigenous Protocol and Artificial Intelligence Working Group – which lays out governance concerns related to bias and AI in criminal justice procedures – the Working Group did not include participants from Africa, the Middle East, South and Central America, South and Southeast Asia, Arctic Europe or from any FCS.[295]

292 See: Josephat Ubanyionwu, "Ethical and Cultural Considerations in Artificial Intelligence (AI) Application to Customary Law," *African Journal of Law, Ethics and Education* 7, no. 2 (2024): 142–159; Charles Barivule Berebon, "Algorithmic Subsidiarity: Designing AI Justice Tools for Indigenous Legal Orders," *Journal of Rare Ideas* (Rivers State University, Nigeria) 4, no. 1 (2025): 20–37; Interviewee 15.
293 Ubanyionwu, "Ethical and Cultural Considerations in Artifical Intelligence (AI) Application to Customary Law," 145.
294 Berebon, "Algorithmic Subsidiarity."
295 Jason Edward Lewis, ed., *Indigenous Protocol and Artificial Intelligence Position Paper* (Honolulu, Hawai'i: The Initiative for Indigenous Futures and the Canadian Institute for Advanced Research, 2020).

Overcoming access to justice barriers with Justice AI

04

Takeaways

- How Justice AI might be deployed can be imagined as a function of the extent to which enabling conditions exist.
- Even environments with weak digital infrastructure can implement various Justice AI applications, such as tools to improve access to information and draft legal submissions and contracts.
- Where more enabling conditions are present, more sophisticated applications can be deployed, from triage and backlog management to system control and automation.

As a 2025 review of the literature on AI and justice noted, "AI technologies have the potential to enhance access to justice by providing affordable and accessible legal services, particularly for underserved communities and individuals with limited resources."[296] This optimism may sit alongside a certain degree of scepticism, but when it comes to integrating AI into justice systems, the question is no longer "if" but "how"; and answering it demands both that the future be *imagined* and *created*. But imagining the future is difficult, and imagining the future of FCS as a group is all the more so, given their diversity and fragility. There is also an array of potential entry points for imagining the future. For instance, where Justice AI is concerned, it is possible to do so on a use-case by use-case basis.[297] But scenario-driven analysis can help clarify the intersection of specific use cases with fundamental rights and procedural justice.[298] This chapter therefore takes a scenario-based approach meant to capture some of the variety represented across FCS, in order to help imagine what is possible in terms of how Justice AI can improve access to justice.

296 Francesco Borgesano et al., "Artificial intelligence and justice: a systematic literature review and future research perspectives on Justice 5.0," *European Journal of Innovation Management* 28, no. 11 (2025): 349–385.
297 Jeffrey A. Burt, "The Revolutionary Impact of Artificial Intelligence on the Future of the Legal Profession," *Kutafin Law Review* 8, no. 3 (2021): 390–402.
298 Claudia Cesari, "Editoriale: L'impatto delle nuove tecnologie sulla giustizia penale – un orizzonte denso di incognite" ["Editorial: The impact of new Technologies on criminal justice – a horizon with unknown implications"], *Revista Brasileira de Direito Processual Penal* 5, no. 3 (2019): 1167–1188.

Use cases are analysed here in the context of three scenarios, each reflecting a different extent to which enabling conditions exist for AI: (1) very challenging circumstances (few enabling conditions), (2) firmer foundations (some enabling conditions), and (3) high aspirations (robust enabling conditions). These conditions, discussed in Chapter 3, are:

01

Strong IT infrastructure, including high levels of digitalization, cybersecurity, and data quality.

02

Human and organizational capacity, including digital literacy and awareness.

03

Governance, including AI governance, data legislation, oversight, and privacy and other frameworks.

In the context of many of the use cases presented here, a series of questions are posed to prompt further thinking about how FCS may best assess the appropriateness and risks of Justice AI tools.

Scenario 1: Challenging circumstances

> *In this scenario, digital infrastructure exists in pockets but systems are siloed, under-resourced, and poorly coordinated. A few government departments have digitized records, but most processes remain paper-based, as connectivity is poor and power outages frequent. Digital literacy across the public sector is low, and expertise in AI or data science is confined to only a few actors. Leadership and coordination are weak, driven by ad hoc initiatives rather than national policy, and governance frameworks are inadequate. There are no laws on AI or data privacy, little oversight, and outdated procurement and regulatory models.*
>
> *In the many FCS this scenario describes, few of the basic enabling conditions for AI are met. This means opportunities to benefit from AI are relatively limited, both by infrastructural challenges and the risks posed by poor governance. Still, there are some AI tools that can be implemented even in these challenging circumstances, as described below.*

Legal assistance

Any smartphone with internet access can potentially become a tailored, detailed, responsive, and up-to-date legal information service, with the help of AI. Of course, there is a risk that the legal information provided by such a tool may be inaccurate or biased, or hallucinated. But even so, such a development changes access to justice dynamics.

AI-driven legal assistance need not be an all-or-nothing solution in areas where other sources of advice are available and accessible. But for many people in FCS, this access remains limited by barriers like cost and geography, or a lack of capacity. The development of Justice AI tools with these communities in mind could help fulfil the promise of AI to meaningfully improve access to justice, if done intentionally and mindfully.

However, it is expensive, difficult, and time-consuming to build AI systems that deliver legal advice which is not only accessible but reliable and useful, and justice provision that reaches into remote areas. And, the needs of many justice users are relatively basic; they want to record property transactions or solve small land or inheritance disputes, find support to complete administrative procedures in the case of deaths and births, or get help understanding the official language (“legalese”) used in these transactions or procedures. Given that many free chatbots offer multilingual services, operate in a voice-only format for low-literacy users, and are available 24/7, all that may be required in some FCS is a rethinking of how access to justice support is conceived and implemented.

In other words, FCS must ask: Does the growth of Justice AI mean that access to the internet should be thought of as an equivalent to access to legal assistance? Are justice programmes that train paralegals to build community-based judicial capacity cost-efficient in comparison? Do justice users and providers understand the limitations and risks of AI tools, or should these issues be brought into greater focus? How much do people trust the output of chatbots and how often do they consult these tools? And importantly, who controls and owns the datasets, models, and data generated from Justice AI applications?

Digitization and digitalization

AI can accelerate digitization through technologies like optical character recognition (OCR), which allows AI applications to "read" paper documents. In the justice sector, OCR can be combined with document classification and categorization tools to build digital legal databases or civil registrars. This makes it easier for paralegals, prosecutors, and judges to search for jurisprudence and creates the conditions for further deployment of AI in justice systems. Digitization projects are already a mainstay of justice development assistance, and AI can (continue to) increase their efficiency and cost-effectiveness.

In fact, AI can be relevant in the justice sector even where digital justice infrastructure is weak, given its usefulness not only in digitizing but also in creating data (e.g. voice-to-text transcription). This can nevertheless raise some ethical questions in FCS, despite the generally lower level of sensitivity surrounding digitization and digitalization. For instance, in FCS prone to conflict or authoritarian backsliding, what are the political implications of AI-assisted digitalization with respect to data sovereignty? And what is the risk that digitization or digitalization processes may contribute to state repression and mass surveillance?

Documenting and monitoring human rights abuses

Algorithms designed to analyse open-source information online can help identify evidence of human rights abuses. AI tools of this nature can scrape websites for data, then interpret it using natural language processing (NLP), to provide NGOs, international organizations, and authorities with alerts regarding a range of abuses, from violence and repression documented on social media, to child abuse or online radicalization; without requiring human monitoring, which is labour intensive and emotionally taxing. AI is already being applied in this way by organizations such as UN Human Rights.

Such AI systems may provide some promise of justice deferred in areas where state repression is considerable and there is little to no likelihood that justice can be accessed to remedy abuses suffered under the existing regime, as they allow civil society or international actors to document abuses in the hope that these cases can be taken up in the future in a more permissive political environment. This has clear implications for transitional justice. For instance, using geospatial data, AI can help document the sites of human rights abuses, mass or unmarked graves, and forced displacement.[299]

Indeed, a counterpoint to AI as an enabler of harmful mass surveillance is that the same technology allows rights advocates and international justice actors to record abuses. The practice nonetheless raises political and ethical issues. Scraping the internet is controversial, and while clear parameters (specific websites, time frames, etc.) can help assuage privacy concerns, an underlying question persists: Where is the balance point between the open-source monitoring of human rights abuses or serious crimes like sexual exploitation and violent extremism on the one hand, and mass privacy violations and global surveillance on the other? And crucially, who is to be the judge of this, when national jurisdictions do not necessarily apply or can be circumvented?

299 Teo, *Artificial Intelligence and Transitional Justice*.

Drafting legal submissions and contracts

AI tools driven by LLMs can help users translate legal requirements into clear and accessible language, guide them through complicated forms, and generate first-draft submissions, affidavits, or letters based on the facts they provide. This can be invaluable where access to legal assistance is limited, with the potential to enable all justice users to better articulate their claims and meet procedural requirements they may otherwise misunderstand or inadvertently contravene. While AI applications cannot replace a lawyer, they can serve as an ever-ready assistant, helping users to structure arguments, identifying missing information, and improving clarity of language.

This makes it easier for poor and self-represented litigants to participate meaningfully in legal processes, and the proof of concept is visible in Malawi – an emerging market and developing economy that is not on the World Bank's list of FCS but shares many of the same challenges.[300] There, the Oxford Institute of Technology and Justice has partnered with the Women Lawyers Association of Malawi to pilot a legal information and referral app for women and girls. The AI-assisted tool enables victims of domestic abuse to easily draft protection order applications and connects them with *pro bono* lawyers. The potential impact for women and girls in Malawi is substantial, considering the "legal desert" it represents. With fewer than 1,000 lawyers serving a population of some 22 million, many people who suffer abuse have very limited pathways to protection, much less justice.[301]

Scenario 2: Firmer foundations

> *In this scenario, some enabling conditions for AI are met, but not all. Digital transformation is progressing but unevenly; meaning that many government services are digitized and partially interoperable, supported by reliable power in some places, but rural regions still experience outages. Mobile coverage is expanding, though, and phones have become the digital gateway, enabling access despite gaps in affordability and connectivity.*
>
> *Digital literacy is also improving, with AI and data training programmes developed through partnerships between academia and industry. Leadership on digital initiatives is growing stronger in parallel, guided by national strategies, even if coordination among agencies remains inconsistent. Governance frameworks are emerging, and privacy and consumer protection laws exist, but these are enforced selectively. Mechanisms for AI oversight, data audits, and accountability are being tested as well, although institutional capacity is still being built. Many citizens enjoy benefits from mobile digital services, but trust, inclusivity, and consistent protections are not yet sufficiently robust across the system.*

Transcription, interpretation, translation, and anonymization

The diversity of language spoken in many FCS continues to be a barrier to accessing justice, as justice systems are linguistically incomprehensible to some of the people they serve. The challenges that extend from this range from whether qualified and capable court administration staff can be found to write up verdicts and court documents, to whether timely translations of formal documents can be secured. The voice-to-text capabilities of AI applications, as well as the translation services they offer, thus have transformative potential in many FCS.

After all, one of the primary obstacles to access to justice for most Timorese, for ethnic Serbs in Kosovo, for many Malians, and for Kurdish Syrians, just to name several examples, is the fact that the language of the courthouse is different than the language of the kitchen table. Even for educated middle class populations with some legal literacy, legal terminology delivered in a second or third language can make it hard to trust and

300 See: World Bank, *Malawi: Mobilizing Long-Term Finance for Infrastructure* (2021).
301 Clooney Foundation for Justice, "CFJ and Oxford University's Blavatnik School of Government Unite to Harness AI for Global Justice."

understand courthouse procedures. And, importantly, even formal justice systems in relatively well-off FCS like Kosovo struggle to mount the resources needed to mitigate this problem.

The case for the use of AI-enabled transcription and translation in justice systems seems rather straightforward, but there are questions that should nevertheless be asked. What are the risks of over-relying on these AI tools, and how do these intersect with accountability for output errors, and with issues surrounding data storage and data sovereignty? Is there any inherent benefit to human transcription, in terms of transparency and legitimacy? What are the implications of introducing the tools of a few private corporations into the heart of a judicial infrastructure? And what is an acceptable level of dependence on these external actors?

Integrating customary and informal justice

There is no typical CIJ system, as each is unique and localized, but one feature that many of them share is a tendency to rely on oral and non-written traditions and proceedings. This means that recordkeeping is minimal, limiting the availability of written data about legal outcomes and processes, which can impede accountability. Even verdicts and sentences are rarely recorded.

Data exists in these systems, but mostly in the form of oral output and discussions. For policymakers, this can make CIJ a blind spot. AI technologies already in use have the potential to change this, however, such as by transcribing CIJ proceedings. This would generate a wholly new dataset; one that would likely be used to train other AI models. Such a prospect requires further consideration of how the data generated by CIJs should be captured and stored. An advantage of CIJ systems lies in their swift, informal resolution of disputes, and community legitimacy, so it is important to understand whether the introduction of digitization and AI is likely to undermine the local nature of CIJ processes; especially if the data collected therein is processed and stored elsewhere, and becomes the property of external actors.

Still, the prospect of integrating AI into CIJ opens new entry points for analysing these understudied systems, and would provide much-needed data about CIJ procedures, deliberations, resolution rates, outcomes, and perhaps even user satisfaction. This could help identify where CIJ is effective and human rights-compatible, and where it is not, for instance by flagging systems applying exclusionary or physical punishment practices. In this way, AI-assisted transcription and recordkeeping could support a monitoring function that is often impossible to implement in contexts where CIJ is prevalent, due to a scarcity of resources.

If AI technologies shed more light on CIJ practices, there is the possibility that they also play into broader discussions about the legitimacy of justice delivered outside formal systems. The implications of this require careful consideration as well. Indeed, even the fact that AI could help narrow differences between formal and customary justice systems by instituting consistent recordkeeping, more standardization, rights-based guardrails, and the ability to appeal, prompts important questions: Is it advantageous to introduce AI into CIJ, and is this desired by customary justice actors or users? Are users of CIJ comfortable with the sharing of their data, most likely with foreign companies? What are the practical differences between using AI in different justice settings (e.g. Islamic family courts versus tribal courts)? Can AI enhance human rights compliance in CIJ systems, or equality before the law? And moreover, what happens if some customary justice actors accept AI-assisted human rights monitoring and others do not?

Triage and backlog management

The less capacity a justice system has, the more important case management becomes, as a means of being efficient and effective with limited resources. Justice systems in FCS are often marked by case backlogs, which drive up waiting times for users and threaten trust in and the legitimacy of these systems. But experiences from non-FCS, such as in Brazil with its VICTOR system, show that AI can be helpful in triaging cases and managing judiciary workloads.

On top of this, AI technology can provide analytical capacity for justice systems overall. For example, helping justice ministries or external support actors (e.g. UNDP) identify the chokepoints where cases build up (geographically, thematically), uncovering patterns in claims to make justice more efficient, or finding inconsistencies and biases. Of course, any of this requires at least a basic level of digitization of court procedures, and is more accurate with data on justice users and court outcomes.

Probability-based civil document triage

In places where there are long waiting times for the receipt of civil documents, or where supporting paperwork may have been lost, an AI system could be developed to triage user applications based on estimations of their legitimacy; with a majority of legitimate cases fast-tracked to allow people to receive their documents with some efficiency. Such a system could be built on consistency checks (matching dates, coherent timelines), as well as verification through other documentation, including third-party records (employers, registries). The most complicated or ambiguous applications could be directed to human resources for review.

The risks of a system like this are substantial, given the potential that sensitive or proxy data could introduce unfair bias. This could push certain groups disproportionately into the slower, more invasive review stream. Hence, strong privacy protections, transparency about how decisions are made, and accessible mechanisms for correcting errors or appealing outcomes are essential to any system of this nature.

Indeed, this is the kind of “high-risk” or “high-impact” system that recently adopted framework laws have sought to regulate. Any FCS weighing the implementation of this kind of system should consider instituting similar risk-based constraints, by carefully choosing the types of evidence on which the system draws, carrying out regular fairness audits, and always keeping a human in the loop. Without these safeguards, such a system may simply further entrench exclusion; but with them, it can bring meaningful improvements to processing speed and accuracy, and administrative efficiency.

Scenario 3: High aspirations

> *In this scenario, digital transformation has progressed rapidly, with many government systems digitized and interoperable. The power supply is reliable enough to support data and cloud infrastructure, though some regions may still face disruptions. Broadband and mobile connectivity are widespread, and mobile platforms have become a common way for citizens to access public services, even if quality and reach vary by location.*
>
> *Digital literacy across the public sector is strong, and AI and data capacity is built within academia and industry. Leadership and coordination are consistent, supported by strategies that set shared standards, as well as data-driven decision making. Governance frameworks exist but continue to evolve. Privacy and consumer protection laws are in force, and oversight of AI systems involves audits and transparency measures. Some enforcement and capacity gaps remain, but citizens have high confidence in digital systems and a sense that there is some accountability for how AI technology is used.*

System control and automation

AI-enabled system control and automation can streamline justice sector operations by linking previously siloed systems – such as case management, evidence management, and procedural workflows – and enabling greater interoperability across state agencies, law enforcement, the judiciary, and prosecution services. These integrations, supported by advanced data-processing and analytics capabilities, can enhance efficiency, reduce delays, and improve information flow throughout the justice chain. However, they also introduce risks. Integrated systems can become “black boxes,” for instance, raising concerns about transparency, privacy, and accountability. And as these networks evolve into forms of critical infrastructure, they create new vulnerabilities around security and cyber resilience, especially if safeguards are weak or unevenly enforced.

Addressing judicial inconsistencies

Among the paradoxes of AI technology is that one of its biggest inherent challenges, bias, may also be one of its most beneficial targets. In fact, AI represents a very inexpensive approach to identifying instances of bias and inconsistencies in the justice sector. This is necessary because humans are prone to mistakes, biases, prejudice, favouritism, conflicts of interest, and even outright corruption; and where judicial accountability and oversight systems are weaker, courts will reflect these human shortcomings more acutely.[302] But by processing large amounts of data on court proceedings, AI can help reveal patterns that deviate from the expected mean.

Justice ministries, ombuds institutions, anti-corruption agencies, or audit bodies could thus use AI tools to detect where in a justice system corruption or human bias is most impacting outcomes.[303] Such a system may alert users that judges are consistently under-sentencing or over-sentencing certain groups, for instance. This kind of AI-assisted pattern recognition can help strengthen human oversight of human decision-making. It serves as a form of accountability by clarifying the common biases that are undermining equal treatment before the law, allowing justice actors to institute corrective action. In FCS, where many of these biases have been the basis of civil conflict or deep suspicion, this use of AI can represent an extra safeguard within the justice system.

Still, it is no surprise that this kind of technology opens a Pandora's box of dilemmas. First and foremost: How can it be assumed that AI systems will be able to identify bias without the internal bias of these systems affecting this output? But also: What are the risks that this data could be weaponized by bad governmental actors? Is data availability itself reflective of certain biases (e.g. favouring urban populations), and if so, what are the ethical implications? Does this use of AI in judicial oversight reduce the black box problem, or is transparency still unacceptably lacking? What level of automatization is acceptable to judicial overseers, in the name of reducing bias?

Supporting judicial decision-making

Complex criminal cases can involve thousands of pages of evidence, within which data can be drawn from any number of sources, including interview records and witness statements, bank statements, expert opinions, police reports, DNA forensics, cross-examinations, phone records and transcripts, and images and videos. It takes a lot of work to comprehensively analyse this evidence, which is why legal professionals seem increasingly tempted to rely on AI-driven tools to complete this task. As AI technology improves, this will only be more tempting, particularly where resources are few and backlogs are lengthy.

Legal actors who can use AI adeptly may also have professional advantages in court; whether judges who can therefore handle a larger caseload more effectively, or prosecutors and attorneys who can build stronger cases. But even judicial actors who are reticent about adopting AI would be wise to understand its implications, as well as how justice users to justice professionals are likely to employ it. Because the fact is, AI is already at use in courts, and experiences to date have exposed some risks that FCS should seek to mitigate.

The case of biased AI-generated output from the COMPAS system (see Box 7, above), used to estimate potential recidivism in the US, has served as a prominent example of one such risk, extending from the

302 As Schwartz has observed, in Sub-Saharan Africa, "Effective mechanisms that encourage greater transparency, oversight, and accountability of internal justice and security practices are often not necessarily deemed advantageous to corrupt national elites who wish to maintain the status quo." See: Matthew Schwartz, *Policing and (in)security in fragile and conflict-affected settings* (Global Center on Cooperative Security, 2015), 9.

303 To that end, AI systems have been piloted in some non-FCS, including Brazil, Colombia, the EU, and California (US). Aparna Komarla, "Can LLMs Synthesize Court-Ready Statistical Evidence? Evaluating AI-Assisted Sentencing Bias Analysis for California Racial Justice Act Claims," in *CHI '26: Proceedings of the 2026 CHI Conference on Human Factors in Computing Systems*, 13–17 April 2026, Barcelona (Association for Computing Machinery, 2026); Fernanda Odilla, "Bots against corruption: Exploring the benefits and limitations of AI-based anti-corruption technology," *Crime, Law and Social Change* 80, no. 4 (2023): 353–396; Interviewee 31; Organisation for Economic Co-operation and Development, *Advancing Accountability in AI: Governing and Managing Risks throughout the Lifecycle for Trustworthy AI*, OECD Digital Economy Paper No. 349 (OECD, 2023), 213; Miloš Resimić, *Harnessing artificial intelligence (AI) for anti-corruption*, U4 Helpdesk Answer 2025 (Transparency International, 2025).

proprietary algorithm that makes it a black box. In FCS where justice systems lack resources and face large backlogs, the appeal of fast, effective, and inexpensive AI-driven analytics is likely to be considerable, even if institutional guardrails are weak; particularly if algorithmic AI tools can make reasonably reliable predictions on questions like potential reoffending. Indeed, a COMPAS-like system is in many ways a paradigmatic use case for Justice AI, and one at which it should excel if given enough high-quality data. The human appetite for automation and easy solutions is also unlikely to be satisfied if readily available AI tools are *not* integrated into justice systems.

However, if success in court is to be influenced by access to computing power and algorithmic evidence analysis, this introduces a new dimension of inequality before the law. In fact, the implications for procedural transparency, explicability, and overall accountability have a bearing on core rule of law matters. As FCS are likely to become a testing ground for new technology in the Justice AI space, they may arrive early to both the benefits and downsides of these tools; but they will be better positioned if they first ponder several key questions: Should AI-assisted human decisions be reviewed differently than those made without the assistance of AI? Will justice users view the use of AI in justice settings as delegitimizing and untrustworthy, or perhaps the opposite? And are certain types of cases so weighty that AI should never be permitted to factor into these judgements?

Automated courtroom decision-making

Non-human AI judges are a popular fiction, but also a very realistic possibility, at least in lower-liability cases. That said, with the partial exception of China, few jurisdictions have yet to grant this kind of decision-making power to algorithms. And automated decision making in criminal cases with potentially life-altering sentencing outcomes is not currently in the pipeline, as the institutional guardrails for such an AI system would need to be far more developed than they are in any jurisdiction. Risks related to accountability and transparency are simply too great, and the implications for rule of law too many when the prospect exists for a “rule of algorithms” instead. There are also questions around the outsourcing of essential court functions to private companies.

And so, in most jurisdictions, automated decision making is unlikely to enter justice systems anytime soon. Yet, where governments feel less bound by liberal democratic norms and governance standards, it is possible that AI systems will be directed toward this use in some cases. After all, the drive for efficiency favours increasing automation, and the Chinese example suggests that early experiments in this kind of innovation are most likely to take place in low-value commercial dispute resolution settings, where both parties are likely to seek quick and efficient resolution over the slower churn of formal justice procedures.

In such cases, there may well be a willingness by justice users to submit to automated systems, so long as these systems are seen as legitimate and effective. It is not hard to imagine a similar automation principle being applied to minor administrative procedures or fines, such as parking and traffic violations or civil registry processes. Many of these procedures are already automated (e.g. parking *enforcement* in many cities is carried out through car-mounted AI scanners) and are ideal use cases for algorithmic dispute handling.

As Richard Susskind has pointed out, AI courts will not do a better job than judges in all cases.[304] But where the justice gap remains a chasm – seen with greater frequency in FCS – Susskind puts the onus on those rejecting AI courts on principle to explain how else they will reduce this gap to meet the very real but unmet needs of billions of people, in a world where perfect solutions seldom exist. He acknowledges that it is hard to predict in advance whether users will actually like automated decision-making or not, but speculates that, in time, the most rational argument may be that justice users should not be subjected to long backlogs and human flaws (such as biases) when automated systems are only improving; as was the case in commercial aviation, rail transport, or nuclear energy.[305]

304 Susskind, *Online Courts and the Future of Justice*, 183.
305 Susskind, *Online Courts and the Future of Justice*, 292.

There are of course many ethical and political concerns surrounding AI judges. The governance dilemmas that arise between effective and efficient dispute resolution on the one hand and core principles of human accountability, transparency, and rule of law on the other, are easy to sketch out but hard to solve. The calculations made by any government in this context will be based on its own priorities, and influenced by factors such as political values, judicial capacity, and AI norms. And at the heart of these considerations will be the key question of whether automated decision-making systems can deliver justice in a way that is seen by users as fair, legitimate, and trusted. In other words, do and will people use and like AI-automated justice?

Strengthening justice sector development efforts

The development funding crunch that has hit during this most volatile geopolitical era demands more results with fewer resources. This means more tailored and needs-driven programmes, run by fewer staff on lower budgets. Integrating AI into justice reform assistance programmes could help increase the effectiveness and efficiency of development efforts, as there is little evidence that some of the fundamental problems which undermined previous funding surges have been addressed. For all its flaws, AI should therefore be taken seriously by development actors, who must recognize that the opportunity cost of not doing so is justice programming that is neither as effective nor as efficient as it could be; forcing more people to suffer injustices they need not suffer.

Integrating AI into development programming will require a more data-driven approach. The idea of data-driven development is nothing new, and global initiatives like the International Aid Transparency Initiative are already attempting to gather high quality information and make it available to stakeholders. This effort is so important because data is more plentiful and accessible than ever, but also more limited and inaccessible than it should be, as it remains scattered, inconsistent, incomplete, and siloed. Given that AI outputs are only as good as the data inputs available, better data management is crucial.

Indeed, improvements to data management could directly and indirectly affect a variety of common challenges in justice sector development, from problems with evidence-based decision making and coordination, to project monitoring, evaluation, accountability, and learning. If development data is more accessible, justice sector programming would also be more transparent to the public, enhancing accountability and facilitating scrutiny of its effectiveness and efficiency by media, think tanks, international organizations, and others. The release of granular monitoring data and objectives, in evaluation reports, could be more consistent as well. But perhaps most importantly, the integration of AI could allow for data processing that identifies people's real-world justice needs, along with user satisfaction, to support the formulation of more responsive and needs-driven approaches to development programming.

Questions and ways forward

How Justice AI may manifest in justice systems in FCS can merely be approximated, for there is only so much this text, or any text, can reflect realities yet to come. And so, given the speed of technological change and the many factors at play in FCS, an effort has been made here to avoid drawing conclusions. The objective is rather to consider trends and use case propositions and pose informed questions to be pondered in FCS.

As the previous chapters show, the potential that AI can improve access to justice for people in FCS is clear. AI-driven tools are already delivering tailored legal information and assistance, accelerating and lowering the costs of digitalization and digitization, helping courts triage backlogs, increasing judicial efficiency, and supporting research. These and other use cases hint at the extraordinary opportunity AI promises for billions of people who lack access to justice. In fact, closing this justice gap should be an imperative in any jurisdiction, but the governance risks associated with AI-assisted justice are considerable, and there are no obvious means of mitigating some of them, especially in the context of certain use cases.

It would also be negligent to dismiss how the power dynamics of technology and data ownership that underpins these technologies intersects with the instabilities of FCS, where the risk of fuelling abuse is high. Without appropriate constraints, particularly in these contexts, Justice AI holds the potential to *worsen* divides, further alienate people from the state, and entrench elite capture. This, on top of the fact that people in FCS are extremely vulnerable to inequitable and extractive relationships within the global AI value chain, represents another layer of injustice, amplifying the threat that regressive neo-colonialist relations will shape the future. Mass systematic violations of privacy become a realistic scenario in such conditions. Hence, what follows offers thematic guidance drawn from this research, along with questions meant to focus the thinking in FCS regarding how reformers and their supporters can strengthen AI governance and improve the chances that Justice AI delivers justice and stability.

Mind the (evidence) gaps and proceed with caution

Despite the examples shared in this text of various ways AI can play a role in improving access to justice, there is still little empirical evidence on the real-world impacts of Justice AI tools. There is scant research on whether it lowers costs and improves fairness, trust, and other access to justice indicators, for instance. This kind of evidence is needed urgently, though; as survey-based research using hypothetical scenarios can only offer so much towards truly understanding the implications of AI-driven technology, and this is insufficient given the risks. For now, it is wise to elevate the human-in-the-loop principle (see Chapter 4) in implementing any Justice AI tool, to ensure that serious decision-making remains in the hands of human judges.

Still, even a human-in-the-loop approach draws a broad outline, within which grey zones exist. And existing evidence is not only patchy and context dependent but is mostly drawn from non-FCS, where strong rule of law institutions and robust data are the norm. In FCS, which are often plagued by weak governance, poor access to justice, and low internet access and literacy rates, there has been almost no research focused on Justice AI. Policymakers in FCS should therefore ask:

→ *How are the use of shadow AI and sanctioned AI applications growing, and what does this mean for inequalities and digital divides?*

A rising number of justice sector actors are using AI informally in their work, but the extent to which they are relying on shadow AI applications is poorly understood. This alone is important information to learn, but it is especially significant in FCS where access to internet and digital technology is uneven across populations. The ability to access and use AI – whether formally or informally – can itself become a source of power for actors with connectivity, literacy, and technical fluency, adding to the marginalization of those already excluded from justice systems. Investment in Justice AI could also divert resources from these marginalized groups. For these reasons, good data on the effectiveness of Justice AI interventions is a necessity, to develop solid do-no-harm strategies.

→ *How will AI affect internal power dynamics and how can elite capture be prevented?*

Justice AI can be a powerful tool when coupled with good data. But policy design cannot assume that authorities in FCS have wholly positive intentions. After all, many FCS suffer from elite capture, rent-seeking, and abuses of power. The introduction of Justice AI tools should thus take place only after careful consideration of what it could mean if these applications were harnessed by malicious actors. Further, the political influence of the corporate executives who control critical AI systems and sensitive data should not be underestimated. The AI-driven applications used in justice systems will inevitably combine access with sensitive data, and in some contexts, the risk of elite capture may be so great that data minimization is a more prudent approach.

→ *How will AI affect CIJ versus formal justice systems?*

In many FCS, CIJ systems are critical to justice users because they offer speed, affordability, familiarity, and legitimacy, which some formal justice systems lack. While there are a few examples of research into AI and CIJ (see Chapter 4), this is generally under-studied; and the diversity of these systems means that any single study struggles to capture a global picture. There is the potential that AI could be helpful in supporting oversight of CIJ systems, by transcribing proceedings. There is also the risk that this undermines the legitimacy of CIJ, often rooted in traditionalism and community-based practice. And so, questions should be asked about the interoperability of AI and CIJ, and the risks posed to CIJ systems by Justice AI tools should be considered.

→ *How relevant and sustainable are Justice AI efforts in places where digitization is lagging and digital infrastructure is limited?*

If justice reform investments are made in AI, this will divert scarce resources from basic rule of law and institutional capacity on which long-term reform depends. For the many people in FCS who live without (reliable) electricity or internet access, common in remote areas, AI is far removed from their everyday reality and needs. And in some FCS, even formal justice systems have limited or no digital records, making the question of systemic Justice AI moot. Nevertheless, ignoring AI governance comes at a cost. Urban areas, even in FCS, increasingly enjoy internet access, which means shadow AI applications may proliferate; bringing to the fore questions about large-scale violations of privacy rights, rule of law norms, and unethical or unwanted data use. At the same time, adopting sanctioned AI systems within justice sectors where enabling conditions exist, like OCR tools to quickly and efficiently digitize court and archival records, can free up international justice reform funding from these labour – and time-intensive efforts.

Focus on fundamental rights

Responsible Justice AI arises from respect for the fundamental rights on which justice systems rest, including equality and non-discrimination, the rights to a fair trial and due process, and the right to privacy. Yet, in FCS, even where justice AI may contribute to protecting rights, for instance by helping ensure speedier trials, rights violations may be driven largely by political dynamics. In other words, the idea that Justice AI will fundamentally change justice reform efforts and strengthen respect for fundamental rights overlooks that justice reform is as political as it is technical.

To be clear, AI-assisted tools can help mitigate rights violations, such as by highlighting inconsistencies or discriminatory patterns, but the broader task of strengthening respect for fundamental rights remains a political endeavour; requiring political reform, institutional capacity building, and the development of professional norms and accountability mechanisms that extend well beyond Justice AI. That said, justice delayed is justice denied, and when billions of people have unmet justice needs, it is worth asking whether the potential of Justice AI should be refused until international rule of law standards have been met. Where justice is delayed because Justice AI is deemed unfair, justice is arguably denied, nonetheless. And so, even if Justice AI may shift the balance between the right to a fair trial and the right to access justice, there is nowhere the pressure to use imperfect tools will be felt more than in FCS, where so many people lack this access.

→ *Where is the balance point between the right to privacy (and other rights) and efficient justice?*

Respect for privacy is a fundamental human right. But there appears to be a trade-off on the horizon, between this right and efficient justice systems. And privacy is not alone; the rights to judicial explanation, human oversight, and data ownership are also implicated in the integration of AI tools.

→ *How will Justice AI interact with the principles of non-discrimination and equality?*

Any underlying problems with data, based on ethnic, socio-economic, age, or gender biases, will be amplified by AI systems. Layered atop gender and income inequities in internet access, there is the potential that AI technologies become a new cleavage in access to justice. In many FCS, fundamental rights are weak, and Justice AI could fuel rather than reduce marginalization for some communities (see Chapter 4). Despite this, some of the most promising AI tools unveiled in FCS have been designed to empower women, for example by providing them with support to address gender-based violence. This warrants further research into the nuances of how Justice AI applications interact with the principles of non-discrimination and equality in these contexts.

Strengthen and engage more stakeholders in oversight and accountability

Justice AI governance involves a broader scope of stakeholders than the standard set of justice actors. Technology companies and cybersecurity agencies or councils may be engaged, for example, as well as universities and research institutes working in AI, data science, machine learning, and ethics. Judicial councils and bar associations can proactively explore partnerships with these actors and entities; and in FCS, should take care to avoid the common pitfall of ignoring rural and remote areas and CIJ in favour of urban areas, capitals, and formal justice actors.

→ *What new actors or mandates should be considered when contemplating the governance of justice sectors that rely on Justice AI?*

Justice AI and the datafication of justice systems go hand in hand, since the quality of Justice AI is dependent on the quality of the data from which it draws. This links the quality of Justice AI governance to the quality of data governance. To that end, strong and independent data protection authorities are a cornerstone in protecting privacy rights, as well as a partner to judiciaries seeking to implement Justice AI; even more so when relying on foreign technology. The same is true for public procurement oversight, for which specific expertise is essential in order to avoid unfavourable contracts that lock institutions into opaque or unfair systems, data and privacy breaches, or long-term dependencies. Both internal and external oversight mechanisms – ombuds institutions, judicial councils, bar associations, parliaments, data regulation agencies, NGOs, media, and universities – also need AI and data science expertise to effectively oversee, regulate, and hold accountable the subjects of their oversight. Building local competency is therefore key to ensuring that Justice AI strengthens, rather than undermines, public sector autonomy and accountability. This will require that courts and public prosecutors institute more in-house data governance capacities, as well as more public-private collaboration between tech companies and public stakeholders.

→ *Can the use of Justice AI be ethically responsible absent effective oversight?*

In FCS that lack strong oversight authorities, or where these authorities are prone to abuse, it may not be ethically responsible to introduce Justice AI. In fact, data minimization may be a safer alternative. At the same time, the existence of shadow AI demonstrates the inability of any single entity or actor to truly exert control over how AI is used, or how it will affect justice sectors. With both justice users and legal professionals using AI-assisted tools, the governance questions currently swirling around these issues seem poised to soon become policy debates in most FCS (see Chapter 4).

Adapt international governance principles to local contexts

A set of international principles for Justice AI have been laid out in various soft governance documents (see Chapter 4). But many FCS lack the enabling conditions – such as privacy and data protection laws and effective enforcement – to put these principles into practice, and thus have little capacity to regulate Justice AI. It should be noted, too, that any such regulations ought to reflect local legal traditions, justice norms, conflict dynamics, and resource constraints; even if guided by international principles. Hence, policymakers in FCS should ask:

→ *How can locally rooted Justice AI governance norms be put into practice, supported, and stimulated, and used to oversee and enforce data and privacy laws?*

The weakness or lack of privacy and data protection laws in many FCS invites abuse of fundamental rights by security providers (e.g. police surveillance), reduces oversight, and increases the risk of data exploitation by companies or hostile actors. And, if no actors are tasked with or capable of enforcement, it does not fundamentally solve any of these problems to adopt legislation from elsewhere.

→ *How can accountability mechanisms for data protection, data crimes, and privacy rights be strengthened?*

The issues surrounding data that arise in the context of Justice AI are international in scope, given how many countries (FCS or not) share an interest in reducing dependency and equalizing power relations vis-à-vis data protection. Local Justice AI systems require global AI governance that respects privacy rights, guards against data exploitation and crime, and promotes data sovereignty, consent, and privacy. To that end, the jurisdictions that technology corporations call home also have a responsibility to hold them accountable on behalf of those who cannot; particularly given that justice sectors process deeply sensitive data about people and states, which should be protected. With this goal in mind, multilateral approaches may be most effective in promoting accountability.

→ *How can FCS be better represented in emerging international Justice AI governance spaces?*

The development of global norms should be an inclusive process involving all stakeholders. This means that representatives of FCS need a seat at the table in international AI governance initiatives, as well as the support of the global community. Indeed, many wealthy and stable countries also struggle with enforcing privacy, intellectual property, and data laws, and it is only natural that these norms and laws be promoted jointly. Models trained on the data of any country should be available and protected for its public interest use.

Take an incremental, do-no-harm approach while developing guidelines to mitigate the risks of shadow AI

In most FCS, Justice AI tools have yet to be formally integrated into justice systems. Ideally, when they are introduced, a strict do-no-harm approach will be followed that considers the potential for abuse, prevents elite capture, and minimizes vulnerabilities to malicious actors. Yet, applying a do-no-harm approach is much harder in the context of informal, shadow AI than when AI systems are formally adopted. And in FCS, shadow AI is an increasingly pervasive reality that must be acknowledged as such, and should be assessed through the lens of risk management.

→ *What enabling conditions are necessary in FCS for Justice AI to be deployed?*

Lower-risk applications that require less developed enabling conditions are a likely starting point for the formal introduction of Justice AI in FCS. These would not include AI-enabled tools that touch upon judicial verdicts, sentencing, and risk scores, or require considerable infrastructure, large databases, or widespread integration. Instead, these lower-risk tools are the sort that deliver information to users, support routine tasks, and provide language outputs like translation, transcription, and summarization. Still, these should be mapped out by policymakers, and their risks clarified. For, even these applications pose some risks, such as linguistic exclusion, bias, and potential hallucinations.

→ *How can formal Justice AI tools be screened before deployment?*

There is no standard toolbox for regulating and assessing formal AI systems prior to piloting. One option is a multidimensional governance assessment, which places a system and its risks against existing governance criteria, fundamental rights, privacy and data legislation, and public procurement laws, to evaluate how those risks manifest at the local level. This can be accompanied by a wider risk assessment of data governance and sovereignty, if necessary. The deployment of Justice AI systems may be delayed by this process, but it is likely to help avoid some of the worst pitfalls and risks associated with such systems.

→ *How can policymakers address the risks of shadow AI?*

Addressing the reality of shadow AI begins with understanding who is using which technology to do what, given that so many organizations and stakeholders within the wider justice sector will need to formulate guidelines for their staff and members. Bar associations, judicial councils, courts, journalists, and law schools, among others, bear a responsibility for vigilance in identifying misuse, and should foster a culture of responsible use of AI tools; meaning that staff are aware of the limitations and ethical boundaries of AI applications. However, guidelines are merely guidelines. Truly ensuring that shadow AI is not abused will require strong digital literacy and risk awareness, individual responsibility, and the development of shared norms within the justice sector and among public users alike.

Prioritize explainability

One of the best known risks of AI is the algorithmic black box; a risk with potentially life-altering implications in the context of Justice AI. This problem has created an entire sub-field of its own, known as explainable AI (XAI), which tries to develop algorithms that follow clear and easily explained steps to justify outcomes or decisions. This moves further towards universal explainability than so-called white box solutions that offer explanations understandable only to AI experts or data scientists. Advances in XAI should be monitored by justice actors and policymakers concerned with AI governance, as this is one of the most likely arenas in which a partial solution to the black box problem can be expected to appear.

→ *How can policymakers support the highest explainability standards in Justice AI tools?*

The explainability of AI-generated outputs serves as a basic protection of the justice process because it helps avoid judicial miscarriages or discrimination and maintains a basic level of transparency and accountability, thereby increasing public trust through verifiability. But explainability also has a deeper relevance in the context of responsibility and regulatory compliance; for if AI goes wrong, liability comes to the fore. People cannot be expected to face unaccountable math models, and regulations like the EU's GDPR – a model for many similar laws worldwide – offer a right to redress or explanation that is impossible to meet if the logic driving an algorithm cannot be explained.

Verify data integrity and proactively address bias

The development and ownership of AI tools is not randomly distributed, nor are the biases that appear in data on which AI models run. As this text has detailed, these problems are deeply embedded in AI systems. And so, it is important for policymakers in FCS to ask:

→ *How can FCS secure greater local ownership over Justice AI models and their development?*

The largest technology companies and most used algorithms tend to be developed in the US and China, and even within these countries, are biased towards a subset of highly educated, predominantly male developers. This epitomizes the extraordinary power imbalance that exists between industry-leading multinational corporations and national or local public authorities and judiciaries in FCS, while emphasizing the inherent bias at play in this paradigm. Future research should be focused on the feasibility of mitigating the reliance of FCS on corporate models by developing homegrown systems using domestic resources.

→ *What steps should FCS take to reduce the risk of biases in AI systems?*

Biases and errors – ranging from gender and ethnicity-based discrimination to more mundane issues like faulty traffic camera placement – are unavoidable in the world, and thus in the data which feeds AI. Often, AI systems amplify these biases and errors, which must be mitigated to the extent possible in Justice AI tools. Ideally, this would entail collaboration among statistics agencies, data scientists, ethics experts, and anti-discrimination watchdogs to monitor for biases emerging from Justice AI systems; perhaps with the help of gender or intersectional impact assessments. More generally, data integrity is a key precondition for successful Justice AI, and research should therefore explore different approaches to data integrity and verification in justice sector reform, in a way that is mindful of the limitations already faced by justice actors in FCS.

Consider using AI to analyse and research justice problems

Justice reform often stumbles when its national owners or international partners lack legitimacy or political capital. This is not a problem AI can necessarily solve, but it can potentially support these actors in gaining a better understanding of the obstacles they face. Up to date political analyses are a key to successful justice reform efforts, and AI-assisted tools in combination with human contributions could help address this gap.

→ *In what ways can AI tools be used to improve the analysis underlying justice reform?*

The analysis of large volumes of qualitative data such as laws, policy documents, media output, donor reports, and interview transcripts is the kind of task at which AI applications excel. These tools can be directed to identify power relations, informal rules, and points of political resistance within justice systems, or to map relationships between formal institutions, customary actors, and political elites; helping identify areas where reform is feasible and where it is not. This kind of AI system reduces the cost of continuous political economy analysis and could support adaptive programming in FCS. Still, the limitations of such a system are significant, since its output depends on data that may be incomplete or biased. This carries the risk of providing a false confidence to users, which is why skilled human analysts remain essential, to interpret results and manage political sensitivity.

→ *How can AI be used by actors supporting justice reform?*

As budgets for justice reform support are decreasing but demands for value-for-money grow, justice reform efforts should consider making better use of the data they have already amassed. If harnessed by various AI tools, this data has the potential to open new pathways by which justice support work can become more efficient, effective, and accountable. For example, AI systems could perform evaluation and assessment tasks, be directed toward digitization or database management, and bring new approaches to legal assistance. And by improving efficiency, the use of AI can reduce administrative overhead.

Monitor and verify AI compliance with privacy, data, and copyright laws

There is a tension between the use of Justice AI and the right to privacy, and therefore with privacy laws, which encompass data. As a result, the algorithms that form the basis of many LLMs are being challenged in various courts for violating privacy and copyright laws. Thus, it is important for FCS to carefully consider the implications of the adoption of AI technologies on the privacy rights of users. The key question is:

→ *Where is the balance point between reliance on external technology and the ambition to enforce domestic copyright, privacy, and data laws?*

There are few countries, FCS or not, with the technology knowledge base to develop advanced AI systems independently; which means they are essentially compelled to risk increased dependence on foreign corporations to build crucial infrastructure. Indeed, few countries even have the capacity to ensure that the algorithms driving the AI tools they implement domestically are developed in ways that comply with their domestic privacy, data, copyright, and intellectual property laws. And homegrown algorithms as a means of maintaining data security, such as data cryptography, require highly skilled labour. In many FCS, this can be difficult to find; and so, for the most part, Justice AI pilots have accepted these risks. Yet, justice systems should preferably avoid using algorithms that may breach the laws this technology is deployed to help enforce. Research should therefore be focused on this problem, and specifically on determining the acceptable balance in any given context between the desire to enhance access to justice using Justice AI, and the infringement of privacy, copyright, and data protection rights. To find this balance, FCS must establish: who should own various algorithms and who is responsible for privacy breaches; who owns justice data and who can access it; what data is collected and where it is stored; and ultimately, who will decide on questions of this nature, how will they do so, and who will oversee this process.

References

Abiade, Sheriffdeen Folaranmi. “Algorithmic Sovereignty and the New Security Dependencies: How Foreign AI Surveillance Technologies Reshape Domestic Autonomy in the Global South.” *World Journal of Advanced Research and Reviews* 27, no. 2 (2025): 162–180.

Abu Dhabi Department of Government Enablement. “Abu Dhabi Government Digital Strategy 2025–2027 accelerates AI-native government journey.” Press release, 30 September 2025.

Adams Bhatti, Sophia. *AI in Our Justice System*. JUSTICE UK, 2025.

Adams, Rachel et al. *Global Index on Responsible AI 2024*. Global Center on AI Governance, 2024.

African Union. *Continental Artificial Intelligence Strategy: Harnessing AI for Africa’s Development and Prosperity*. 2024.

Afrobarometer. *Résumé Des Résultats – Enquête d’Afrobarometer Round 10 Au Mali, 2024*. 2025.

Akoensi, Thomas D., and Amy E. Nivette. “Access to Justice in an Informal Urban Settlement in Accra, Ghana.” *The British Journal of Criminology* (December 2025): 1–19.

Almeida, Bernardo. “The Law and Its Limits: Land Grievances, Wicked Problems, and Transitional Justice in Timor-Leste.” *International Journal of Transitional Justice* 15, no. 1 (2021): 128–147.

American Arbitration Association. “AAA-ICDR to Launch an AI-Native Arbitrator.” Press release. 17 September 2025. https://www.adr.org/press-releases/aaa-icdr-to-launch-ai-native-arbitrator-transforming-dispute-resolution/.

Arab Barometer. *Wave VII: Trust – Courts and Legal System*. 2022.

Arab Barometer. *Arab Barometer VII: Lebanon Report.* 2022.

Arab Barometer. *Arab Barometer VII: Libya Report.* 2022.

Arbel, Yonathan A. "Judicial Economy in the Age of AI." *University of Colorado Law Review* 96, no. 2 (2025): 549–593.

Balakrishnan, Abhijith. “Ethical and Legal Implications of AI Judges: Balancing Efficiency and the Right to a Fair Trial.” Master's thesis, University of Utrecht, 2024.

Balcioğlu, Yavuz Selim, Ahmet Alkan Çelik, and Erkut Altindağ. “A Turning Point in AI: Europe’s Human-Centric Approach to Technology Regulation.” *Journal of Responsible Technology* 23 (September 2025): 100128.

Bang, Suk-Ho. “Korea’s New AI Basic Act: Characteristics and Significance.” *Asia Business Law Journal*, 24 March 2026. https://law.asia/korea-ai-basic-act-characteristics-significance/.

Bansak, Kirk, and Elisabeth Paulson. “Public attitudes on performance for algorithmic and human decision-makers.” *PNAS Nexus* 3, no. 12 (2024): 520.

Becker, Daniel, and Isabela Ferrari. “VICTOR, the Brazilian Supreme Court’s Artificial Intelligence: A Beauty or A Beast?” In *Regulação 4.0: Desafios da Regulação Diante de Um Novo Paradigma Científico*. Revista dos Tribunais, 2020.

Berebon, Charles Barivule. “Algorithmic Subsidiarity: Designing AI Justice Tools for Indigenous Legal Orders.” *Journal of Rare Ideas* (Rivers State University, Nigeria) 4, no. 1 (2025): 20–37.

Bernaziuk, Ian. “Artificial Intelligence and The Judicial System Of Ukraine: Results Of Cooperation In The Past Year.” Presented at the JAR-Association Conference, “Judicial Systems in Transition: Reforms, Innovations and Justice,” University of Limoges, 11 June 2025.

Bertelsmann Stiftung. *BTI 2024 Country Report: Kosovo*. 2024.

Bickel, Esmee A., Marian A. J. Van Dijk, and Ellen Giebels. “Online Legal Advice and Conflict Support: A Dutch Experience.” University of Twente, 2015.

Booth, Robert. “High court tells UK lawyers to stop misuse of AI after fake case-law citations.” *The Guardian*, 6 June 2025. https://www.theguardian.com/technology/2025/jun/06/high-court-tells-uk-lawyers-to-urgently-stop-misuse-of-ai-in-legal-work.

Borgesano, Francesco, Annarita De Maio, Pasquale Laghi, and Roberto Musmanno. “Artificial intelligence and justice: a systematic literature review and future research perspectives on Justice 5.0.” *European Journal of Innovation Management* 28, no. 11 (2025): 349–385.

Bosio, Erica, and Ana Palacio Jaramillo. *Increasing Access to Justice in Fragile Settings*. World Bank, 2023.

Briend, Jade. “The EU’s AI Act: Implications on Justice and Counter-Terrorism.” *Global Network on Extremism and Technology*, 10 March 2025. https://gnet-research.org/2025/03/10/the-eus-ai-act-implications-on-justice-and-counter-terrorism/.

Brouwer, Evelien. “EU’s AI Act and Migration Control. Shortcomings in Safeguarding Fundamental Rights.” *Verfassungsblog*, 12 December 2024. https://verfassungsblog.de/eus-ai-act-and-migration-control-shortcomings-in-safeguarding-fundamental-rights.

Burt, Jeffrey A. “The Revolutionary Impact of Artificial Intelligence on the Future of the Legal Profession.” *Kutafin Law Review* 8, no. 3 (2021): 390–402.

Casciani, Dominic, and Claire Ellison. “How AI revolution could help benefits appeals and landlord disputes.” *BBC News*, 29 December 2024. https://www.bbc.com/news/articles/cm2evjxev4jo.

Cesari, Claudia. “Editoriale: L’impatto delle nuove tecnologie sulla giustizia penale – un orizzonte denso di incognite.” *Revista Brasileira de Direito Processual Penal* 5, no. 3 (2019): 1167–1188.

Chapman, Peter, et al. *Grasping the Justice Gap: Opportunities and Challenges for People-Centered Justice Data*. World Justice Project, Pathfinders for Peaceful, Just and Inclusive Societies, and the OECD, 2021.

Charlotin, Damien. “AI Hallucination Cases.” Database, last updated 14 May 2026. https://damiencharlotin.substack.com/embed.

Chat GPT Is Eating the World. “Master List of lawsuits v. AI, ChatGPT, OpenAI, Microsoft, Meta, Midjourney & other AI cos.” Database, last updated 10 March 2026. https://chatgptiseatingtheworld.com/2024/08/27/master-list-of-lawsuits-v-ai-chatgpt-openai-microsoft-meta-midjourney-other-ai-cos/.

Chien, Colleen V., and Miriam Kim. “Generative AI and Legal Aid: Results from a Field Study and 100 Use Cases to Bridge the Access to Justice Gap.” *Loyola of Los Angeles Law Review* 57, no. 4 (2025): 903–988.

Clooney Foundation for Justice. “CFJ and Oxford University’s Blavatnik School of Government Unite to Harness AI for Global Justice.” 6 October 2025. https://cfj.org/news/cfj-and-oxford-universitys-blavatnik-school-of-government-unite-to-harness-ai-for-global-justice/.

Consultor Jurídico. *Brazil Justice Yearbook 2024*. ConJur Editorial, 2024.

Council on Criminal Justice. “The Implications of AI for Criminal Justice: Key Takeaways From a Convening of Leading Stakeholders.” 7 October 2024. https://councilоncj.org/the-implications-of-ai-for-criminal-justice/.

Courts and Tribunals Judiciary (UK). "Artificial Intelligence (AI): Guidance for Judicial Office Holders." 31 October 2025.

Cui, Yadong. *Artificial Intelligence and Judicial Modernization*. Springer Singapore, 2020.

Cummins, Deborah. *Women’s Multiple Pathways to Justice: Alternative Dispute Resolution and the Impact on Women in Timor-Leste*. UN Women, 2018.

Dajani, Haneen. “UAE to speed up criminal case processing by 100% using AI.” *Khaleej Times*, 5 May 2025. https://www.khaleejtimes.com/uae/uae-speed-up-criminal-cases-ai-blockchain.

DCAF – Geneva Centre for Security Sector Governance. "Critical Human Security Issues in Burkina Faso." 1 July 2021.

DCAF – Geneva Centre for Security Sector Governance. *Justice Reform and Rule of Law: Present & Future Perspectives*. ISSAT Advisory Notes. 2023.

DCAF – Geneva Centre for Security Sector Governance. "The Justice Sector: Roles and Responsibilities in Good Security Sector Governance." SSR Backgrounder Series. 2019.

DCAF – Geneva Centre for Security Sector Governance. “Sustainable Development Goal 16: The importance of good security sector governance for the achievement of the 2030 Agenda.” SSR Backgrounder Series. 2021.

De Sanctis, Fausto Martin. “Artificial Intelligence and Innovation in Brazilian Justice.” *International Annals of Criminology* 59, no. 1 (2021): 1–10.

Deng, Jinting. “Should the Common Law System Welcome Artificial Intelligence: A Case Study of China’s Same-Type Case Reference System.” *Georgetown Law Technology Review* 3, no. 2 (2019).

Denney, Lisa, and Pilar Domingo. *Taking people-centred justice to scale: the role of customary and informal justice in advancing people-centred justice*. Policy brief. ODI, 2023.

Dentons. “Global data privacy and AI case law review.” 12 February 2026. https://www.dentons.com/en/insights/articles/2026/february/12/global-data-privacy-and-ai-case-law-review.

Donati, Filippo. “The Use of Artificial Intelligence in Judicial Systems: Ethics and Efficiency.” *Italian Journal of Public Law* 16, no. 1 (2024).

Dressel, Julia, and Hany Farid. “The accuracy, fairness, and limits of predicting recidivism.” *Science Advances* 4, no. 1 (2018).

Druckman, Daniel, and Lynn Wagner. “Justice Matters: Peace Negotiations, Stable Agreements, and Durable Peace.” *Journal of Conflict Resolution* 63, no. 2 (2019): 287–316.

Ebers, Martin. “Truly Risk-Based Regulation of Artificial Intelligence How to Implement the EU’s AI Act.” *European Journal of Risk Regulation* 16, no. 2 (2025): 684–703.

Ejjami, Rachid. “AI-Driven Justice: Evaluating the Impact of Artificial Intelligence on Legal Systems.” *International Journal For Multidisciplinary Research* 6, no. 3 (2024).

Eke, Damian, Ricardo Chavarriaga, and Bernd Stahl. “Decoloniality impact assessment for AI.” *AI & SOCIETY* 41, no. 3 (2026).

European Commission. *Kosovo 2024 Report.* Communication on EU Enlargement Policy. SWD(2024) 692 final, 30 October 2024.

European Commission for the Efficiency of Justice (CEPEJ). *European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment*. Adopted at the 31st plenary meeting of the CEPEJ, 3–4 December 2018.

European Commission for the Efficiency of Justice working group on Cyberjustice and AI and the Advisory Board on AI. “1st AIAB report on the use of artificial intelligence (AI) in the judiciary based on information contained in the Resource Centre on Cyberjustice in AI,” CEPEJ-AIAB(2024)4Rev5, 28 February 2025.

Feretzakis, Georgios, Evangelia Vagena, Konstantinos Kalodanis, Paraskevi Peristera, Dimitris Kalles, and Athanasios Anastasiou. “GDPR and Large Language Models: Technical and Legal Obstacles.” *Future Internet* 17, no. 4 (2025).

Fine, Anna, Emily R. Berthelot, and Shawn Marsh. “Public Perceptions of Judges’ Use of AI Tools in Courtroom Decision-Making: An Examination of Legitimacy, Fairness, Trust, and Procedural Justice.” *Behavioral Sciences* 15, no. 4 (2025).

Fine, Anna, and Shawn Marsh. “Judicial Leadership Matters (yet Again): The Association between Judge and Public Trust for Artificial Intelligence in Courts.” *Discover Artificial Intelligence* 4, no. 1 (2024).

Gelvanovska-Garcia, Natalija, Vaiva Mačiulė, and Carlo Maria Rossotto. *Advancing Cloud and Data Infrastructure Markets: Strategic Directions for Low – and Middle-Income Countries*. The World Bank, 2024.

Government of the UAE. "The UAE Charter for the Development and Use of Artificial Intelligence." 10 June 2024.

Gutiérrez, Juan David. *UNESCO Global Judges' Initiative: Survey on the Use of AI Systems by Judicial Operators*. UNESCO, 2024.

Habib Lantyer, Victor. "The Era of Artificial Intelligence in Law: Brazil in a Global Context." 1 December 2023.

Hao, Karen, and Jonathan Stray. "Can you make AI fairer than a judge? Play our courtroom algorithm game." *MIT Technology Review*, 17 October 2019. https://www.technologyreview.com/2019/10/17/75285/ai-fairer-than-judge-criminal-risk-assessment-algorithm/.

Harper, Erica. "The Enduring Utility of Customary Justice in Fragile and Post-Conflict States: Why Development Actors Need to Stop Searching for Magic Bullets and Solve the Political Economy and Human Rights Challenges Associated with Justice Programming." *The Journal of Legal Pluralism and Unofficial Law* 53, no. 3 (2021): 342–355.

Hirst, Megan, and Eurosia De Almeida. *Local Justice in Timor-Leste: Barriers to Access at the Community Level*. The Asia Foundation, 2022.

Human Rights Watch. *Recommendations on Next Steps for Comprehensive Justice for Syria*. 2025.

IBM. "Judicial systems are turning to AI to help manage vast quantities of data and expedite case resolution." 22 October 2025. https://www.ibm.com/case-studies/blog/judicial-systems-are-turning-to-ai-to-help-manage-its-vast-quantities-of-data-and-expedite-case-resolution.

IBM and Morning Consult. *IBM Global AI Adoption Index – Enterprise Report: November 8–23, 2023*. Morning Consult, 2023.

Independent High-Level Expert Group on Artificial Intelligence. "A definition of AI: Main capabilities and scientific disciplines." 18 December 2018.

International Development Law Organization. *Navigating Complex Pathways to Justice: Engagement with Customary and Informal Justice Systems*. Policy and Issue Brief. IDLO, 2019.

Ioannidou, Eirini, Rafail Promikyridis, and Efthimios Tambouris. "Legal and Ethical Issues Arising from the Use of Chatbots in Public Administration." In 28th *Pan-Hellenic Conference on Progress in Computing and Informatics (PCI '24), December 13–15, Egaleo, Greece.* Association for Computing Machinery, 2024.

Jackowski, Michał, and Michał Araszkiewicz, eds. *First Global Report on the State of Artificial Intelligence in Legal Practice*. LLI Whitepaper No.3. 2023.

Jenkins, Matthew. *Mitigating corruption in the post-war reconstruction of Ukraine*. U4 Helpdesk Answer. Transparency International, 2023.

Kauffman, Marcos Eduardo, and Marcelo Negri Soares. "AI in legal services: new trends in AI-enabled legal services." *Service Oriented Computing and Applications* 14, no. 4 (2020): 223–226.

Komarla, Aparna. "Can LLMs Synthesize Court-Ready Statistical Evidence? Evaluating AI-Assisted Sentencing Bias Analysis for California Racial Justice Act Claims." In *CHI '26: Proceedings of the 2026 CHI Conference on Human Factors in Computing Systems* (13–17 April 2026, Barcelona). Association for Computing Machinery, 2026.

Kozhukhar, Oleksandr, and Mykhailo Petrenko. "Regulation of artificial intelligence: Ukraine's current approach." International Bar Association, 10 March 2026. https://www.ibanet.org/Regulation-of-AI-Ukraine-current-approach.

Lamont, Christopher K. "Post-digital transitional justice, artificial intelligence-enabled digital investigations, and pluriversal peacebuilding." *Peacebuilding* 14, no. 1 (2026): 95–106.

Langford, Malcolm. "AI in Courts and the Role of Anticipatory Governance." In *The Cambridge Handbook of AI and Technologies in Court*, edited by Monika Zalnieriute and Agne Limante. Cambridge University Press, 2026.

Larson, Jeff, Surya Mattu, Lauren Kirchner, and Julia Angwin. "How We Analyzed the COMPAS Recidivism Algorithm." *ProPublica*, 23 May 2016. https://www.propublica.org/article/how-we-analyzed-the-compas-recidivism-algorithm/.

Lewis, Jason Edward, ed. *Indigenous Protocol and Artificial Intelligence Position Paper*. The Initiative for Indigenous Futures and the Canadian Institute for Advanced Research, 2020.

Li, Zhiyu. "AI and Human Judges in Chinese Courts." 10 January 2025.

Limantė, Agnė, and Yuliia Moskvytyn. "Integrating Artificial Intelligence in Ukraine's Courts." *Verfassungsblog*, 12 December 2024. https://verfassungsblog.de/ai-ukraine-judiciary/.

(Lu) Xu, Alison. "Chinese judicial justice on the cloud: a future call or a Pandora's box? An analysis of the 'intelligent court system' of China." *Information & Communications Technology Law* 26, no. 1 (2017): 59–71.

Manti, Felice. "Sentenze con ChatGpt. Ora il Csm corre ai ripari." *il Giornale* (Milan), 11 October 2025. https://www.ilgiornale.it/news/politica/sentenze-chatgpt-ora-csm-corre-ai-ripari-2550492.html.

Mark, David, Tomás McInerney, and John Morison. "Regulating Automated Decision-Making in the Justice System: What Is the Problem?" In *Handbook on Public Policy and Artificial Intelligence*, edited by Regine Paul, Emma Carmel, and Jennifer Cobbe. Edward Elgar Publishing, 2024.

Matthew Schwartz. *Policing and (in)security in fragile and conflict-affected settings*. Global Center on Cooperative Security, 2015.

McLeod, Abby, and Lisa Denney. *Timor-Leste Safety, Security, and Justice Perceptions Survey, 2022*. The Asia Foundation, 2022.

Melo, Gustavo. "Mechanisms to prevent anticompetitive practices by Big Tech in the use of AI." *Brazilian Journal of Law, Technology and Innovation* 3, no. 1 (2025): 29–45.

Microsoft AI Economy Institute. "Global AI Adoption in 2025: A Widening Digital Divide." January 2026.

Milmo, Dan. “Two US lawyers fined for submitting fake court citations from ChatGPT.” *The Guardian*, 23 June 2023. https://www.theguardian.com/technology/2023/jun/23/two-us-lawyers-fined-submitting-fake-court-citations-chatgpt.

Montini, Nelson Alexander Schepis. “PL 2338/2023: Regulamentando a Inteligência Artificial no Brasil – Impactos e Implicações.” *Jusbrasil*, 8 September 2025. https://www.jusbrasil.com.br/artigos/pl-2338-2023/4730933994.

Moukala, Dalanda, and Fatima Al-Ansar. *Sahelian Women in Digital Spaces*. Search for Common Ground, 2024.

Neumann, Oliver, Katharina Guirguis, and Reto Steiner. “Exploring artificial intelligence adoption in public organizations: a comparative case study.” *Public Management Review* 26, no. 1 (2024): 114–141.

Ochsner, Evan. “Legal AI Revolution Moves Ahead at Measured Pace, Survey Says.” *Bloomberg Law*, 6 October 2025. https://news.bloomberglaw.com/legal-ops-and-tech/legal-ai-revolution-moves-ahead-at-measured-pace-survey-says.

Odilla, Fernanda. “Bots against corruption: Exploring the benefits and limitations of AI-based anti-corruption technology.” *Crime, Law and Social Change* 80, no. 4 (2023): 353–396.

Office of the Commissioner for Federal Judicial Affairs Canada. Action Committee on Modernizing Court Operations. "Demystifying Artificial Intelligence in Court Processes," 20 November 2024. https://www.fja.gc.ca/COVID-19/Demystifying-Artificial-Intelligence-Demystifier-lintelligence-artificielle-eng.html.

Organisation for Economic Co-operation and Development. *Advancing Accountability in AI: Governing and Managing Risks throughout the Lifecycle for Trustworthy AI*. OECD Digital Economy Paper No. 349. OECD, 2023.

Organisation for Economic Co-operation and Development. *Governing with Artificial Intelligence: The State of Play and Way Forward in Core Government Functions*. OECD, 2025.

Organisation for Economic Co-operation and Development. “OECD Principles on Artificial Intelligence.” May 2019.

Organisation for Economic Co-operation and Development. *States of Fragility 2025*. OECD, 2025.

Oxford Institute for Technology and Justice. AI Justice Atlas. "The United Kingdom.” https://www.techandjustice.bsg.ox.ac.uk/research/united-kingdom.

Papagianneas, Straton. "Smart Courts, Smart Justice? Automation and Digitisation of Courts in China." Doctoral thesis, Leiden University, 2024.

Papagiannidis, Emmanouil, Patrick Mikalef, and Kieran Conboy. “Responsible artificial intelligence governance: A review and research framework.” *Journal of Strategic Information Systems* 34, no. 2 (2025).

Patalay, Prathamesh. “COMPAS : Unfair Algorithm ?” *Medium*, 22 November 2023. https://medium.com/@lamdaa/compas-unfair-algorithm-812702ed6a6a.

Perlman, Andrew. “The Implications of ChatGPT for Legal Services and Society.” *The Practice* (March/April 2023).

Pfleger, Linda. “Was kann KI an deutschen Zivilgerichten?” *Legal Tribune Online*, 14 July 2023. https://www.lto.de/recht/justiz/j/justiz-ki-kuenstliche-intelligenz-e-akte-digitalisierung-zivilgerichte.

Prescott, J. J. “Improving Access to Justice in State Courts with Platform Technology.” *Vanderbilt Law Review* 70 (2017): 1993–2050.

Qamili, Shpend. “Justice Being Served: The Expanding Reach of Free Legal Aid.” United Nations Kosovo, 9 April 2024. https://kosovoteam.un.org/en/265514-justice-being-served-expanding-reach-free-legal-aid.

Rawadari. *Justice Denied: An Examination of the Legal and Judicial System in Taliban-Controlled Afghanistan*. 2023.

Regilme, Salvador Santino F. “Artificial Intelligence Colonialism: Environmental Damage, Labor Exploitation, and Human Rights Crises in the Global South.” *SAIS Review* 44, no. 2 (2024).

Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act). Official Journal of the European Union L, 2024/1689, 13 June 2024.

Resimić, Miloš. *Harnessing artificial intelligence (AI) for anti-corruption*. U4 Helpdesk Answer. Transparency International, 2025.

Robin AI. “Poll: 1 in 3 would let an AI lawyer represent them.” 29 April 2025. https://robinai.com/news-and-resources/news/new-poll-one-in-three-would-let-an-ai-lawyer-represent-them-but-only-if-a-human-is-watching.

Rodà, Antonio. “The COMPAS case: an educational journey for explaining fairness in AI-based applications.” Paper presented at the AIMMES 2025 Workshop on AI bias: Measurements, Mitigation, Explanation Strategies, co-located with the EU Fairness Cluster Conference 2025, Barcelona, 20 March 2025.

Rodríguez-Salcedo, Eliana, et al. “Evaluating AI decision tools in Ecuador’s courts: efficiency, consistency, and uncertainty in legal judgments.” *Frontiers in Artificial Intelligence* 8 (November 2025).

Rostain, Tanina. “Techno-Optimism & Access to the Legal System.” *Daedalus* 148, no. 1 (2019): 93–97.

Russell, Stuart, Karine Perset, and Marko Grobelnik. “Updates to the OECD’s Definition of an AI System Explained.” 29 November 2023. https://oecd.ai/en/wonk/ai-system-definition-update.

Schneiders, Eike, et al. “Objection Overruled! Lay People Can Distinguish Large Language Models from Lawyers, but Still Favour Advice from an LLM.” In *CHI Conference on Human Factors in Computing Systems (CHI '25), April26-May 1, Yokohama, Japan*. Association for Computing Machinery, 2025.

Segura, Alicia Medina. “Civil Registry Suspensions Lead to Administrative Paralysis and Legal Ambiguity.” *Syria Report*, 20 May 2025. https://syria-report.com/civil-registry-suspensions-lead-to-administrative-paralysis-and-legal-ambiguity/.

Selbst, Andrew D., Suresh Venkatasubramanian, and I. Elizabeth Kumar. “Deconstructing Design Decisions: Why Courts Must Interrogate Machine Learning and Other Technologies.” *Ohio State Law Journal* 85, no. 3 (2024): 415–470.

Senate of the Republic of Italy. “Disposizioni e Deleghe al Governo in Materia Di Intelligenza Artificiale (MES 1146-B).” 17 September 2025.

“Sheik Mohammed reviews progress of project to deploy Agentic AI across 50% of government sectors within 2 years.” *Gulf News*, 12 May 2026. https://gulfnews.com/uae/sheikh-mohammed-reviews-progress-of-project-to-deploy-agentic-ai-across-50-of-government-sectors-within-2-years-1.500538266.

Skinnider, Eileen, Ruth Montgomery, and Stephanie Garrett. *The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam*. UN Women, UNDP, and UNODC, 2017.

Soulé, Folashadé. “Digital Sovereignty in Africa: Moving beyond Local Data Ownership.” Policy Brief No. 185, Centre for International Governance Innovation, June 2024.

South Korean Ministry of Government Legislation. Framework Act on the Development of Artificial Intelligence and Establishment of Trust (The AI Basic Act). Law No. 20676, 21 January 2025.

Spoenle, Jan. “OLGA – der KI-Assistent für Dieselverfahren.” In *Göttinger Kolloquien zur Digitalisierung des Zivilverfahrensrechts*, edited by Philipp Reuß and Jessica Laß. Göttingen University Press, 2024.

Srivasatava, Abhishek. "When Justice Becomes Code: Rebuilding Trust when AI enters Courts." *Cambridge Core* (blog), 12 September 2025. https://www.cambridge.org/core/blog/2025/09/12/when-justice-becomes-code-rebuilding-trust-when-ai-enters-courts/.

Stürmer, Matthias Emmanuel, Jasmin Myriam Nussbaumer, and Pascal Stöckli. *Security implications of digitalization: The dangers of data colonialism and the way towards sustainable and sovereign management of environmental data*. Federal Department of Foreign Affairs of Switzerland, 2021.

Sun, Tara Qian, and Rony Medaglia. “Mapping the Challenges of Artificial Intelligence in the Public Sector: Evidence from Public Healthcare.” *Government Information Quarterly* 36, no. 2 (2019): 368–383.

Susskind, Richard. *Online Courts and the Future of Justice*. Oxford University Press, 2019.

Susskind, Richard. *The Next Generation of Lawyers Is at Risk*. YouTube, 6 October 2025. https://www.youtube.com/shorts/BOiIy6Nyg5U.

Tan, Jinzhe, Hannes Westermann, and Karim Benyekhlef. “ChatGPT as an Artificial Lawyer?” Proceedings of the Workshop on Artificial Intelligence for Access to Justice (AI4AJ 2023), Braga, Portugal, 19 June 2023.

Teo, Sue Anne. *Artificial Intelligence and Transitional Justice: Framing the Connections*. Impunity Watch, 2025.

Thailand Institute of Justice. "MySis Bot, Thailand," 29 March 2022. https://jitij.org/2022/03/30/story-01/.

The Hague Institute for Innovation of Law. *Poverty and Access to Justice*. 2021.

The Hague Institute for Innovation of Law. "The Syria Justice Innovation Process." n.d. https://www.hiil.org/programmes/syria/.

Thomson Reuters Institute. *2025 Generative AI in Professional Services Report*. 2025.

Thorniley, Tessa. “Pro bono lawyers look to AI to offset funding cuts to aid.” *Financial Times*, 16 May 2025. https://www.ft.com/content/1fe18586-16c4-4eb5-89cf-41afdf16cf85.

Tomazelli, Idiana. “Gasto Com Tribunais de Justiça No Brasil é Quatro Vezes a Média Internacional.” *Folha de S.Paulo*, 6 March 2025. https://www1.folha.uol.com.br/mercado/2025/03/gasto-com-tribunais-de-justica-no-brasil-e-quatro-vezes-a-media-internacional.shtml.

Tsuvina, Tetiana. “Artificial Intelligence Technologies in the Judiciary: European Standards and Ukrainian Practice.” *Foreign Trade: Economics, Finance, Law* 139, no. 2 (2025).

Ubanyionwu, Josephat. “Ethical and Cultural Considerations in Artificial Intelligence (AI) Applications to Customary Law.” *African Journal of Law, Ethics and Education* 7, no. 2 (2024): 142–159.

UN Human Rights Council. *Visit to Timor-Leste: Report of the Special Rapporteur on the Rights of Indigenous Peoples*. A/HRC/42/37/Add.2, 2 August 2019.

United Nations Human Rights Special Procedures. “UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support." Media statement, 20 January 2023.

UNESCO. *Global Toolkit on AI and the Rule of Law for the Judiciary*. 2023.

UN General Assembly. “The Pact for the Future.” A/79/L.2, 20 September 2024, Annex 1.

UN Women. *Progress of the World’s Women: In Pursuit of Justice*. 2011.

UN Women. “Using AI in accessing justice for survivors of violence.” 30 May 2019. https://www.unwomen.org/en/news/stories/2019/5/feature-using-ai-in-accessing-justice-for-survivors-of-violence.

UNDP, UNICEF, and UN Women. *Informal Justice Systems: Charting a Course for Human Rights Based Engagement*. 2013.

United Nations Conference on Trade and Development. *Artificial Intelligence and Consumer Protection*. Technical note. UNCTAD, 2024.

United Nations Conference on Trade and Development. “Data Protection and Privacy Legislation Worldwide.” UNCTAD Global Cyberlaw Tracker, updated 17 February 2026. https://unctad.org/page/data-protection-and-privacy-legislation-worldwide.

United Nations Development Programme. *Legal and Service Provision: A Guide on Programming in Africa*. UNDP, 2014.

United Nations Development Programme. *Programming for Justice: Access for All – a Practitioner’s Guide to a Human Rights-Based Approach to Access to Justice*. UNDP, 2005.

United Nations Development Programme. “The Next Great Divergence: Why AI May Deepen Inequality between Countries.” UNDP. Accessed April 13, 2026. https://www.undp.org/asia-pacific/next-great-divergence.

United Nations Development Programme. *The Next Great Divergence: Why AI May Widen Inequality between Countries*. UNDP, 2025.

United Nations Development Programme and Government of Timor-Leste. *Towards Better Justice: Analysis and Recommendations for Improving the Justice Sector in Timor-Leste*. 2024.

United Nations Educational, Scientific and Cultural Organization. *Recommendation on the Ethics of Artificial Intelligence*. UNESCO, 2021.

Villa Coimbra Campos, Eduardo. “Artificial Intelligence, the Brazilian Judiciary and Some Conundrums.” *Sciences Po*, 3 March 2023. https://www.sciencespo.fr/public/chaire-numerique/en/2023/03/03/article-artificial-intelligence-the-brazilian-judiciary-and-some-conundrums/.

Vinck, Patrick et al. *Ukraine Justice and Accountability Survey 2024*. Georgetown Law and Harvard Humanitarian Initiative, 2024.

Vos, Hon. Sir Geoffrey. “AI – Transforming the work of lawyers and judges.” Keynote speech, The Manchester Law Society AI Conference 2024: Transforming the Legal Landscape, 8 March 2024.

Vos, Hon. Sir Geoffrey. Keynote speech, Human Rights, Algorithmic Justice and Global AI Policy Conference. Durham University, 15 May 2025.

Vos, Hon. Sir Geoffrey. Speech, Bar Council of England and Wales, 20th Annual Law Reform Lecture, Lincons Inn, 21 June 2023.

Vos, Hon. Sir Geoffrey. Speech, Irish Law Society Industry Event, 9 October 2024.

Walker, Tom, and Paola Verhaert (The Engine Room). *Technology for Legal Empowerment: A Global Review*. 2009.

Wang, Nyu, and Michael Yuan Tian. “‘Intelligent Justice’: AI Implementations in China’s Legal Systems.” In *Artificial Intelligence and Its Discontents*, edited by Ariane Hanemaayer. Springer International, 2022.

Warren, Zach. "GenAI hallucinations are still pervasive in legal filings, but better lawyering is the cure." *Thompson Reuters*, 18 August 2025. https://www.thomsonreuters.com/en-us/posts/technology/genai-hallucinations/.

Weiser, Benjamin, and Nate Schweber. “The ChatGPT Lawyer Explains Himself.” *The New York Times*, 8 June 2023. https://www.nytimes.com/2023/06/08/nyregion/lawyer-chatgpt-sanctions.html.

Wessing, Taylor. “AI & Copyright Case Tracker.” n.d. https://www.taylorwessing.com/en/campaigns/de/2025/ai-and-copyright-tracker.

Wirtz, Bernd W., Jan C. Weyerer, and Carolin Geyer. “Artificial Intelligence and the Public Sector—Applications and Challenges.” *International Journal of Public Administration* 42, no. 7 (2019): 596–615.

Woemmel, Arna, Hendrik Hüning, and Lydia Mechtenberg. “Public Attitudes Toward Algorithmic Risk Assessments In Courts: A Deliberation Experiment.” 26 March 2024.

Wolf, Thomas. “Künstliche Intelligenz zwischen Ethik und Effizienz.” *Dispute Resolution*, 5 November 2025. https://www.deutscheranwaltspiegel.de/disputeresolution/dispute-resolution/kuenstliche-intelligenz-zwischen-ethik-und-effizienz-161022/.

Working Group on Customary and Informal Justice and SDG16+. *Diverse pathways to people-centred justice: Report of the Working Group on Customary and Informal Justice and SDG16+*. International Development Law Organization, 2023.

World Bank Group. “Classification of Fragility and Conflict Situations (FCS) for World Bank Group Engagement.” 2024.

World Justice Project. *Measuring the Justice Gap: A People-Centred Assessment of Unmet Justice Needs Around the World*. 2019.

World Justice Project. *Rule of Law Index 2024*. 2024.

World Justice Project and World Bank. *Advancing Access to Justice via Information and Communications Technology: A Literature Review*. 2025.

Wu, Wanqiang, and Xifen Lin. “Access to technology, access to justice: China’s artificial intelligence application in criminal proceedings.” *International Journal of Law, Crime and Justice* 81 (June 2025).

Yin, Cao. “China launches artificial intelligence platform to boost judicial efficiency.” *China Daily*, 2 December 2024. https://www.chinadaily.com.cn/a/202412/02/WS674d1673a310f1265a1d0785.html.

Zuboff, Shoshana. *The Age of Surveillance Capitalism: The Fight for the Future at the New Frontier of Power*. Profile Books, 2019.

Zuiderwijk, Anneke, Yu-Che Chen, and Fadi Salem. “Implications of the use of artificial intelligence in public governance: A systematic literature review and a research agenda.” *Government Information Quarterly* 38, no. 3 (2021).

Annex A. Interview questionnaire

Interviews were semi-structured and followed up on specific topics if relevant to the research. Depending on the interviewee, some questions were altered or added. In general, there were two templates: one for general experts on technology and justice, and one for experts on access to justice in specific FCS.

For experts on technology and justice:

1. Who are you and what is your role?
2. Why and how is AI relevant to justice?
    a. What are the operational challenges that you want to meet with AI?
    b. What is the impact of using AI for this challenge?
3. What are the preconditions to work with AI [in the justice sector]? (E.g. data, skills, staff, collaboration, infrastructure, structure.)
    a. What kind of technology are you using, if any?
    b. How did your organization adopt AI from a process point of view?
4. What are the risks associated with involving AI in justice systems?
    a. How are risks managed when you work with AI?
    b. What are the risks of not using AI?
5. How does this use of AI help you improve access to justice?
6. Do you see any common justice challenges where AI can make a difference?

For experts on access to justice in specific settings:

1. Who are you and what is your role?
2. What are the major challenges for access to justice in [context]?
3. How do these challenges differ per social group (e.g. gender, age, geography, ethnicity, religion)?
4. What effect do these challenges have on stability and security at the national and community level?
5. What technology is currently being used in [context] justice system (if any)? Is AI a factor in this?
6. How is technology used in [context] justice system, and to what extent are justice users and legal professionals using AI (such as ChatGPT)?
    a. What is the general usage of chatbots and internet coverage?
7. What are priority areas in [context] for improving access to justice?
8. What major human rights concerns do you see in [context] justice system?
9. Are there any other questions that we should have asked but did not?

Annex B. World Bank List of FCS, 2024

Conflict		
Afghanistan	Burkina Faso	Cameroon
Central African Republic	Congo, Democratic Republic of	Ethiopia
Iraq	Mali	Mozambique
Myanmar	Niger	Nigeria
Somalia	South Sudan	Sudan
Syrian Arab Republic	Ukraine	West Bank and Gaza (territory)
Yemen, Republic of		
Institutional and social fragility		
Burundi	Chad	Comoros
Congo, Republic of	Eritrea	Guinea-Bissau
Haiti	Kiribati	Kosovo
Lebanon	Libya	Marshall Islands
Micronesia, Federated States of	Papua New Guinea	São Tomé and Príncipe
Solomon Islands	Timor-Leste	Tuvalu
Venezuela, RB	Zimbabwe	

DCAF Geneva Centre for Security Sector Governance

Maison de la Paix
Chemin Eugène-Rigot 2E
1202 Geneva, Switzerland

+41 (0) 22 730 94 00
info@dcaf.ch
www.dcaf.ch