Promoting Justice in the Age of AI

Balancing Technological Advancement with People-Centredness in Development

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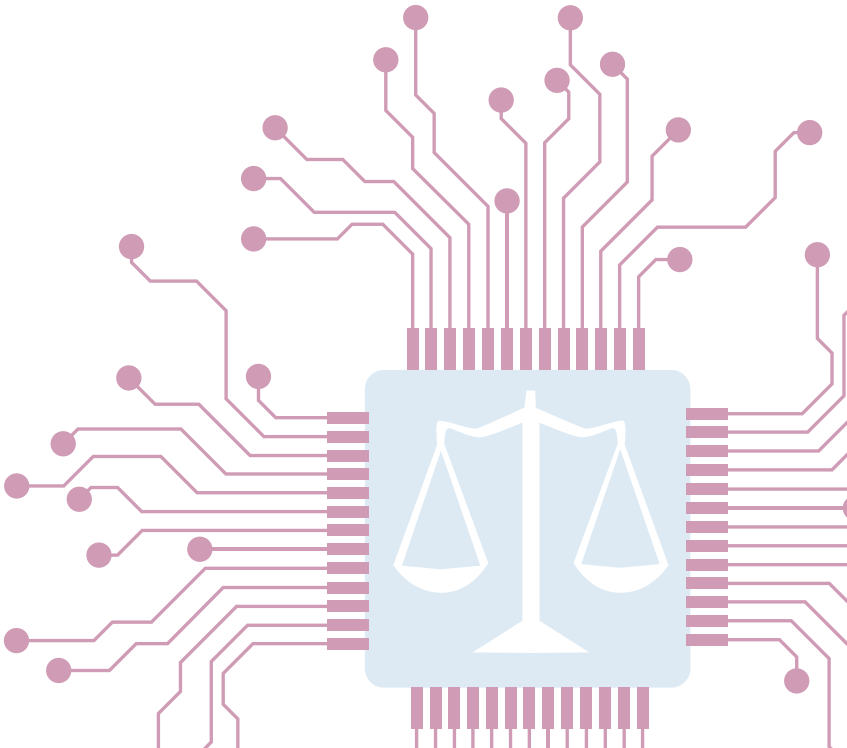
Table of Contents

= back to the table of contents

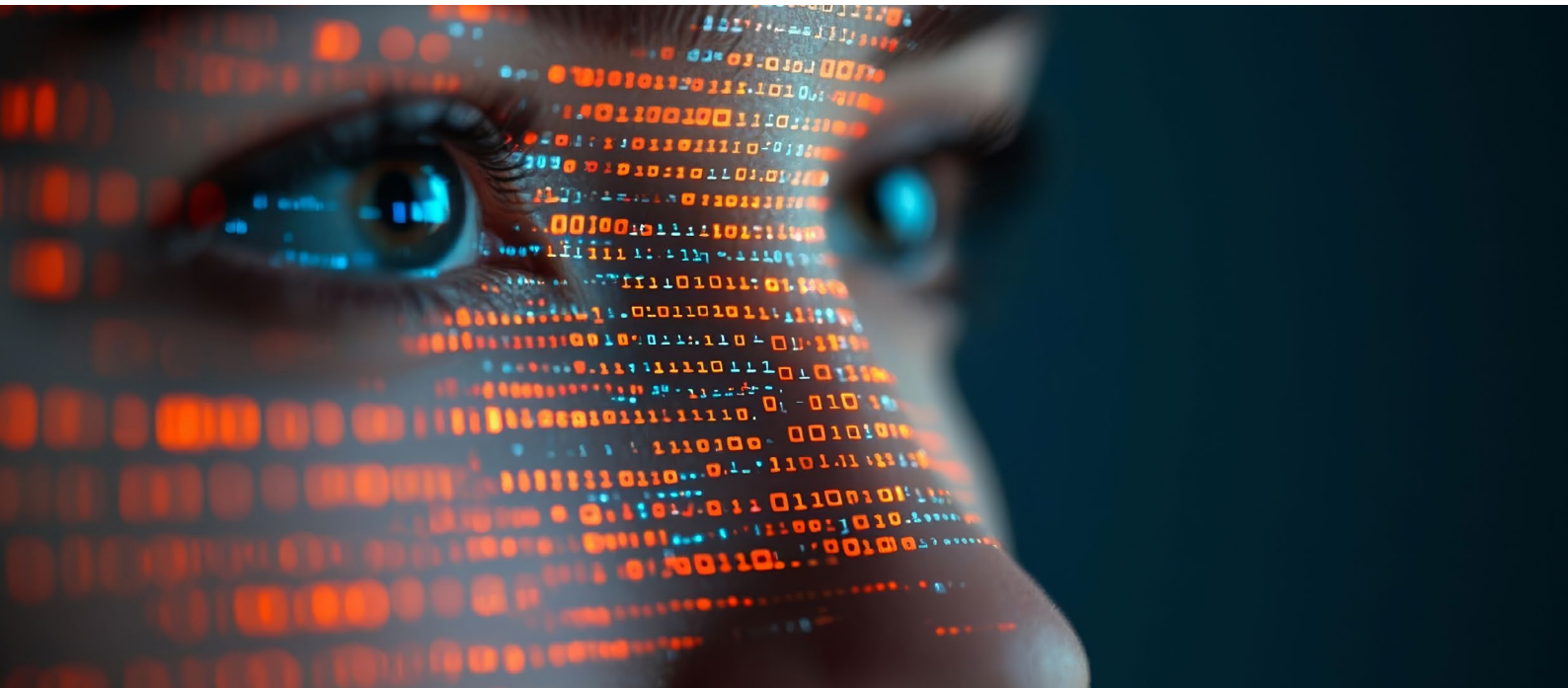


Executive Summary

Artificial Intelligence (AI) is rapidly reshaping sectors worldwide and can enhance the efficiency and effectiveness of Rule of Law institutions. In development contexts, use cases are emerging – particularly where justice systems face case backlogs, weak governance and lack of enforcement. When applied responsibly, AI has the potential to streamline procedures, expand access to legal information and services, and open new ways to address both institutional gaps and individual justice problems. The pace is slow, but the change is gaining ground across Rule of Law institutions. Importantly, because of its reach and data-driven support, AI can help scale access to justice, making its deployment more people-centered.

In contrast, the risks and consequences of the use of AI have to be balanced against the opportunities. Uneven access to technology, skillsets and the infrastructure around it create different kinds of inequalities. In many parts of the world, regulation is only now being introduced. The absence of regulation to address the emerging concerns around data protection, misinformation and manipulative use is likely to create new vulnerabilities. With limited capacity to adapt or govern models and lack of data infrastructure, many countries in the Global South may become passive consumers of AI instead of participating in this digital transformation more actively.

Development cooperation can tackle these issues at multiple levels. By promoting trustworthy, inclusive and responsible AI in Rule of Law support, emerging risks can be mitigated. Priority actions include integrating AI-ready infrastructure in judicial institutions, building AI literacy and capacity, sharing good practices, and supporting locally relevant regulations that are based on human rights, fundamental freedoms and Rule of Law. In addition, multistakeholder partnerships to develop context-appropriate AI solutions can strengthen sustainability and local ownership. As AI becomes increasingly integrated into the global justice systems, its use demands a balanced approach where the opportunities are maximised while potential risks are addressed adequately. In addition, there is a need for regular and continuous monitoring and update mechanism to keep pace with the rapid change occurring in this space. These are precisely the areas where Development Corporation can play a catalytic role across its partner countries.



1 Introduction

The recession in Rule of Law (RoL) continues across the world. Between 2024 and 2025, the RoL Index score fell in 68% of countries compared to 57% in the previous year.[1] Even the countries once regarded as democratic strongholds are sliding towards a decline.[2] As the judicial institutions grapple with backlogs, complex procedures as well as limited accessibility and accountability, there is an urgent need for solutions that can be scaled across countries in the Global South and reach the least privileged.

Recent advances in digital technologies create tangible opportunities – from optimising the flow of information through innovative communication technologies to using court management software for improved decision-making – new opportunities are being created to improve efficiency, accessibility, and quality of justice services and institutions. Unlike previous programmatic interventions, these technologies are built for scale and standardisation, having the potential to make fundamental and far-reaching changes in people's experiences with democratic institutions and with accessing justice.

Artificial Intelligence (AI) technology is a particularly transformative current development in this space. Unlike previous tools, AI operates with a level of autonomy and analytical capability with features such as outcome prediction, large scale data analytics and workflow-mapping to name a few. These enable it to create a far broader impact across domains. For Rule of Law policymaking and programming, AI has the potential to strengthen the sector's capacity to serve diverse populations more effectively than ever before.

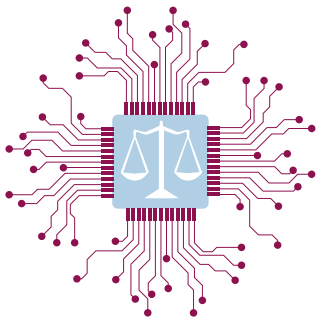
On the other hand, the use of AI raises a different set of risks and policy questions – for instance regarding algorithmic bias, hallucination[3], discriminatory outcomes and possibility for manipulative use of the technology. In the context of Rule of Law policymaking and programming, these risks carry significant consequences potentially undermining procedural transparency, increasing likelihood of errors in judgement, and reducing overall effectiveness of legal remedies. These risks intensify in the context of many countries of the Global South where regulatory gaps, weak enforcement of Rule of Law safeguards, and low institutional AI readiness coincide with digital exclusion, inadequate data protection, and constrained supervisory capacity. Weak judicial independence, inadequate oversight and absence of effective remedies further compound governance challenges and undermine accountability. While the use cases of AI are creating endless possibilities, the concerns create a strong need for programmatic interventions such as capacity building, creation of regulatory frameworks focused on ethical and responsible use of AI, independent oversight, and robust data governance.

1 World Justice Project Rule of Law Index, 2025.

2 Liberties Rule of Law Index, 2024.

3 Refer to the List of Terminologies below.

2 Rule of Law and AI: Current State and Relevance for Development Cooperation



Globally, 253 million people live in extreme conditions of injustice with no legal protection.[4] These problems range from land disputes to labour issues to housing challenges or barriers in accessing public services. In most contexts, nearly 40% of these problems[5] remain unresolved, reinforcing cycles of inequality and economic vulnerability.

Justice systems around the world remain ill-equipped to handle this demand effectively and efficiently. In many countries of the Global South, approximately 80% of the justice problems are addressed through informal mechanisms such as community leaders, village elders or family networks, while the formal legal systems remain under-resourced and inaccessible to the majority. [6]

Artificial Intelligence technology is a new avenue for addressing the justice gap. Unlike earlier tools, AI possesses adaptive learning capabilities which enable it to evolve in sophistication and performance over time. With its unique ability to analyse large amounts of data to predict outcomes in forms ranging from text to audio/visual content to even computer codes, AI can open new frontiers of managing information for better access and decision-making. With successful use-cases already emerging across sectors, AI has the potential to transform Rule of Law, making justice systems more efficient, inclusive and capable of responding to people's needs.

AI as a tool is seen as enhancing efficiency, streamlining tasks and supporting administrative processes within the judiciary. AI can deliver efficiency gains, improve functioning of the court systems, reduce administrative burdens, and streamline processes through automating repetitive tasks. Early data suggests that the judiciary is seeing one of the fastest adoption of AI among government services along with public services and civic participation.[7] Across the world, including in the Global South, governments, courts and different justice actors are beginning to apply AI in diverse ways to address long-standing inefficiencies and improve administration of justice. Even as these programmes are being piloted, according to a UNESCO survey[8], 44% judicial workers across 96 countries use AI tools like ChatGPT currently for work-related tasks such as drafting and translating documents. A report from European Commission[9] for Efficiency of Justice noted that AI systems, particularly those based on machine learning and natural language processing, are becoming increasingly important within courts, with generative AI seeing a notable rise.[10]

4 World Justice Project, 2023.

5 HiiL, 2024.

6 HiiL, 2025.

7 Ibid.

8 UNESCO, 2024.

9 European Commission for the Efficiency of Justice, 2025.

10 OECD, 2025.

The Promise of Artificial Intelligence

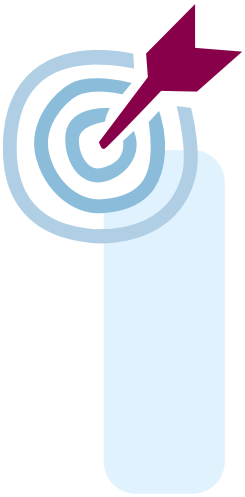
Artificial Intelligence is a branch of computer science focused on building systems capable of human-like intelligence such as learning, reasoning, problem-solving and decision-making. Unlike other digital tools, AI operates with a degree of autonomy and analytical capability. This enables it to have broader social, economic and governance consequences. Data is foundational to AI: The technology 'learns' from patterns in historical data to emulate aspects of human-like intelligence.

Breakthroughs in neural networks – and more generally, transformer architectures – have enabled generative AI (Gen-AI) models such as ChatGPT, now widely available for public and professional use. These "foundation models" can be adopted across multiple domains and modalities (for example text, images, audio, and video). While public understanding confines the scope of AI to tools such as ChatGPT or other chatbots, the technology's capabilities extend well beyond the generative or conversational functionalities. AI can, for example, support outcome prediction (including in social contexts), automate information and service delivery, map workflows and enable large-scale data analytics.

In countries where governance is weak and institutions lack the capacity to safeguard the Rule of Law, large parts of society are left without access to justice and essential services. Where social and human capital deficits persist, political instability and polarisation combine with poor digital infrastructure, and judicial independence is often lacking. In several countries, regulatory initiatives to govern AI have started to take shape but authorities are struggling to keep up, given the pace of technological development. For example, there are over 1,300 initiatives in 80 countries and international organisations to regulate AI[11] but not all of them are laws and nor do they all reach the threshold of being enforced in letter and spirit. Thus, the application of AI in Rule of Law and development settings highlights both the opportunities for enhancing the institutional and policy interventions as well as the need for frameworks that ensure responsible and equitable deployment.

11 OECD, 2025.

3 Use Cases and Opportunities for AI in Rule of Law Support and Development



Key opportunities

- Using AI tools to enhance documentation, legal research, transcription and retrievability of court proceedings – ensuring public accountability.
- Streamlining court processes, improving judicial decision-making through deploying AI for court management and automating repetitive tasks while upholding due process and procedural fairness.
- Improving access to legal information, case law and procedures at scale – including available remedies, so people can understand their rights and seek redress in a fair and transparent manner.
- Employing AI tools for data-driven resource allocation and performance monitoring, bringing higher accuracy in decision-making and administration of justice.

Enhancing legal outcomes

Well-designed justice systems are more likely to be accessible and responsive to people's needs.[12] Although the pace of change has been slow, the digital transformation of justice systems has been underway for many years. Over time, substantial data – case law, regulations, judgments, and statues – has accumulated across institutions of legal service delivery. This data now provides a critical foundation to train AI models, including tools that use generative AI capabilities. These tools have improved legal research, generated actionable insights, and enabled predictive analysis to forecast legal disputes and reduce their likelihood or impact. In the Caribbean, for example, legal reform accelerated after the Covid-19 pandemic, and AI applications added further momentum. The Caribbean Agency for Justice Solutions (CAJS) is developing AI-powered tools such as JUDI (to automate creating of court documents), and AIDA (to facilitate legal research).

Vietnam, on the other hand, is working to provide virtual assistants to support the judges to accurately respond to the user requests of the parties to the court proceedings. Viettel, Vietnam's AI-based legal virtual assistant, has integrated over 170,000 legal documents and 1.4 million judgements and provided 5.7 million answers to queries till date. Its technology at the backhand is continuously improving and is gradually paving the way for providing more comprehensive support for the Vietnamese judiciary.

12 OECD, 2025.

Artificial Intelligence for the court system

Courts can benefit from a range of different AI tools. For example, generative AI can ease the tasks such as drafting of documents, summarisation, trend analysis and predictive insights to provide decision support, enhance efficiency and improve productivity. Conversational AI such as Chatbots can provide user-friendly interfaces for citizens to access legal information better.

Natural Language Processing (NLP) can further enable intelligent search, classification of cases and interpretation of complex legal language which can improve access to legal information.

Machine Learning (ML) models can assist in evidence management, fraud detection and pattern recognition.

Decision Support Systems (DSS) can help judges access relevant precedents or comparable sentencing data without replacing discretion of the judge.

Streamlining processes

Efforts are underway across multiple countries to use AI in automating repetitive tasks and streamlining administrative processes. In court administration, activities such as file management, case numbering, and scheduling are typically cumbersome and resource-intensive. These tasks can be streamlined through case or court management tools such as natural language processing or decision support systems.[13]

In Columbia, the Constitutional Court has acknowledged the utility of AI in managing administrative tasks and assisting in drafting decisions but has also cautioned against excessive reliance on these systems. The PretorIA system assists the Court in managing high-volume tutela cases (those concerning fundamental rights) by pre-selecting cases for review by detecting pre-defined legal criteria. The system prioritises human-oversight and explainability in assisting the judges in their review of the tutela cases. MARIA (acronym for "AI Writing Support Module"), an LLM[14] platform used by the Brazilian Supreme Court to summarise documents, produces first drafts and conducts preliminary assessment of cases is another example. [15]

13 Refer to the List of Terminologies below.

14 Refer to the List of Terminologies below.

15 OECD, 2025.

AI-enabled transcription services can provide support to judicial systems by generating real time written records of court proceedings and judgements. The system rapidly converts spoken words into written text, making the process more transparent and accessible. AI translation is another feature used by the multilingual contexts where legal documents and judgements need to be made accessible across different local languages. Using text-to-speech conversion, enhancing accessibility to court proceedings for citizens. Indian Supreme Court's SUVAS (Supreme Court Vidhik Anuvaad Software) is a notable example, which has translated over 31,000 judgements into 16 regional languages.

Innovation in Focus: AI improving efficiency in Tanzanian Courts

The Tanzanian judiciary aims to use AI technology to speed up court processes and address the issue of backlog of cases. As part of the collaboration with the Italian company Almaware, the country's courtrooms are being equipped with AI-powered transcription and translation services in Kiswahili and English. The project also involves improving system algorithm for speech recognition. The target is to cover 50 courtrooms in Tanzania's 169 courts. Signed in 2022, this project spanning 4 years and costing USD 3 million is funded by the World Bank and International Development Association (IDA).

Large amount of data and training enable AI models that can assist with legal decision-making. At the moment, such models can be applied to less complicated cases, as it is seen in China. The Xiao Zhi 3.0 (Translated 'Little Wisdom') records testimonies with voice recognition, analyses case materials and verifies information in real time. Instead of requiring 10 separate sessions, the system delivers the decision in 30 minutes. Though it remains unclear what is the nature of the cases that are expedited or what safeguards exist in ensuring accountability and transparency in how these decisions are made. Members of judiciary in ASEAN countries, especially in South Korea have been advocating the use of AI tools for case management. The Supreme Court of South Korea has launched the Judiciary AI Committee to drive the digital transformation of the court processes. The case analysis functions built into their AI system extract key information from cases, generate procedural checklists, predict time-lines as well as identify the governing law. To address the concerns of AI use, the judges are proactively being involved in development of the models, creating guidelines and offering training programmes to litigants and citizens at large.

AI is helping courts to forecast future service needs, improve resource allocation and enhance overall responsiveness. In Peru, for example, the Supreme Court of Lima Norte has piloted an AI system on cases of domestic violence called Amauta Pro, which standardises the templates for judicial decisions to determine whether to provide or decline protection measures. The system creates machine-readable formats for text which help in managing files and case-matching more efficiently. For matching cases, it extracts data from police reports and other relevant documents and drafts resolutions based on analysed data that the judges can review and finalise. This has reduced the time taken by a judge to draft a resolution from 3 hours to 40 seconds.

Brazil's judges are clearing cases faster than before

Backlog in the system is falling, thanks to AI

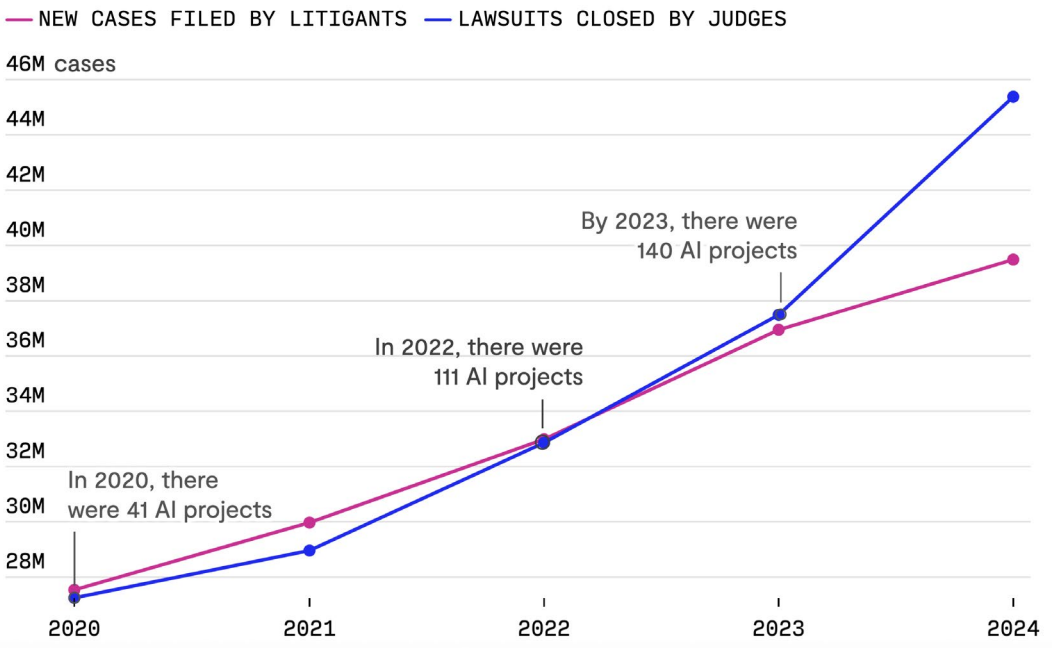
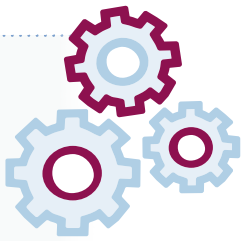


Chart: Rest of World | Source: National Council of Justice



Innovation in Focus: Various AI initiatives in Brazil

In Brazil, the VICTOR AI system automates the examination of appeals of the Supreme Court by identifying cases with 'general repercussions'.

The dataset used to train VICTOR contained more than hundred thousand lawsuits and almost three million extracted case dockets. The system applied Optical Character Recognition (OCR) to make different data forms into machine readable formats. It classifies and structures the raw data, analysing all lawsuits that reach Supreme Court for faster delivery of judgements. AI tools are supporting broader case management reforms as well, enabling end-to-end tracking of cases, identification of bottlenecks, and better understanding of resources that each case requires. Taks that would take a court clerk 44 minutes to evaluate can be processed by VICTOR AI within seconds. VICTOR's software allows the users to create personalised digital assistants tailored to specific needs within the judicial workflows.

In addition, Brazil's Supreme Court of Labour Justice launched Chat-JT that supports judges, lawyers and court staff by automating tasks such as legal research and drafting automated documents. The Brazilian Supreme Court also uses the LLM-driven tool MARIA (short for "AI Writing Support Module") to summarise documents and conduct preliminary 'precedence assessment' on incoming cases. Court clerks are now able to devote their time for more complex tasks. MARIA was developed by the Supreme Court's tech team by using Google's Gemini and OpenAI's ChatGPT models.

Improving access to legal information

AI tools are able to provide targeted support to individuals by explaining legal procedures, helping to navigate the system more effectively and providing legal information in accessible and user-friendly language. One of the most visible applications is the use of people-facing chatbots, which a number of governments and private actors are actively facilitating. They not only help reduce barriers to accessing justice but also support those who prefer representing themselves in the courts. Efforts are under way across several countries. For example, in Kenya, the AI-powered chatbot 'Wakili' (which translates as 'lawyer') was launched to provide information about legal rights and remedies to Kenyans, with specific focus to issues around property ownership and gender-based violence.

The Digital Innovation Project piloted by UNCHR in Jordan is another example. The agency uses an AI-assisted tool to help respond to requests of Syrian refugees. AI is enabling traditional legal service providers such as lawyers and law firms to offer more targeted pro-bono services. A notable example is Migrasia, a generative AI chatbot developed by an NGO in collaboration with a prominent lawfirm in Hongkong that supports Filipino and Indonesian domestic workers by providing advice and legal guidance.

In Costa Rica, German Development Cooperation (GIZ) supported Themis AI has been developed to help the national courts to apply the standards of the Inter-American Court of Human Rights (IACtHR), which had not always been enforced in the past, largely due to limited awareness. The platform compiles judgements of the IACtHR and makes them accessible to practitioners, students and judges, using AI in the analysis, compilation and efficient organisation of the legal rulings.

Optimising for agentic AI

Emerging early forms of "agentic" AI may yield further opportunities. Unlike single-purpose applications, agentic systems can orchestrate multiple steps – and in some setups, multiple specialised agents – to pursue defined goals. Individual AI agents typically specialise in one specific task (for example, research or document drafting). The individual agents follow concrete steps and operate with limited human oversight while providing logs or rationales of their action. The decision-making based on agentic AI workflows is far more accurate than traditional methods. Law firms have started integrating AI agents into their workflows for tasks such as reviewing large numbers of documents for privilege, checking the accuracy of citations or for document comparison. There are clear efficiency gains. For example, it is noted that AI-assisted contract tools can achieve up to 92% of accuracy on specific tasks, a higher degree than LLM[16] based tools.

16 Refer to the List of Terminologies below.

For the justice sector, the use cases of AI agents can mean assessing legal needs, making recommendations, and even predicting or preventing a dispute before it escalates. These functionalities hold significant potential as the agents operate in somewhat autonomous manner without the constant need for human guidance.

Did you know: Regional courts across 12 African nations participated in a workshop on AI and Rule of Law organized by UNESCO, the African Court on Human and Peoples' Rights and the East African Court of Justice in November 2024. Adding to the efforts of the African courts to align technological advancement with protection of human rights, the workshop focused on ethical use of AI and its alignment with international human rights standards.

Did you know: To speed up the judicial processes, Colombia's Constitutional Court has allowed the use of AI by judges. As per the regulations mandated by the Judicial Governing Body, judges must review and verify AI-generated information and disclose their use. AI cannot be used to draft the judgements or final rulings in their entirety. Supported by UNESCO, there are training spaces created for the judges to learn about responsible and ethical use of AI.

Did you know: Brazil's courts have over 140 AI projects to cope with more than 70 million pending cases.

Did you know: Digitising of court data is an essential step to fast tracking their performance. Once judicial data is digitised, AI can be applied to analyse how cases move through the system, where delays occur and how resources are allocated.

4 Challenges for Developing and Deploying AI in Rule of Law Support and Development

Key challenges

- Access to technology, skills and infrastructure remain unevenly distributed creating new or deepening existing inequalities within the society.
- Absence of robust regulation or institutional frameworks to govern AI creates vulnerabilities in data privacy, misinformation and algorithmic manipulation – eroding transparency and trust within the judicial systems.
- Limited capacity and digital sovereignty restrict partner countries to shape or adapt AI-driven systems, leaving them as passive recipients rather than co-creators of technology that can assist in Rule of Law programming and policy-making technology.

Inequalities of access, skills and infrastructure

AI can be a great leveller. The question is no longer whether partner countries should embrace AI but how they can without compromising democratic norms, preventing abuse and providing genuine value to citizens. In many countries of the Global South, however, the access, skills and infrastructure limit who the technology benefits.

Accessibility and affordability of technology remain a key issue. Limited access to and lack of understanding of AI can create, manifest or deepen existing inequalities in the society. In countries with weak governance, where Rule of Law institutions are already strained, the effects of the increasing technological gap, can be even more dire.

A large number of people in partner countries, especially women, marginalised groups and people in remote areas, have limited access to technology. For example, a study by UN Women found that compared to 69% of men, only 63% of women have access to internet today on an average. Women are generally 12% less likely to own a mobile phone.[17]

Limitation in or restrictions of infrastructure remains another challenge. Conflict-affected or fragile states often have irregular or surveilled access to the internet. In Iran, authorities have repeatedly weaponised connectivity restrictions to disrupt information flows and civic mobilisation. Most recently, a near-total nationwide internet blackout was reported from 8 January 2026 amid escalating protests, severely limiting access to communication tools and independent reporting. Such deliberate disruptions – combined with frequent power cuts, limited data storage capacity, and constrained resources – restrict sustained use and, without targeted measures, risk widening inequalities rather than closing them. Access to technology includes having the right skills such as basic digital literacy and institutional capacity. In 2022, the general literacy rates in South Asia stood at ~74%. In Sub-Saharan Africa, it was ~66% (some countries fared even lower numbers, such as Mali at ~31%, South Sudan ~35% and Afghanistan ~37%). This compounds the digital divide and limits the potential of AI to spread more evenly.

17 UN Women, 2024.

Governance Models for AI Regulation and Rule of Law Safeguards

Emerging AI regulations differ across jurisdictions, reflecting differing governance models, institutional capacity as well as societal values.

(i) The three regulatory archetypes can be seen as the follows:

1) **Risk- and rights-based model** (European Union's EU AI Act): Comprehensive legislation focusing on compliance requirements related to data governance, human oversight, robustness and transparency.

2) **Market-based model** (United States' innovation-driven approach): No comprehensive federal legislation, AI is governed through some state laws and voluntary corporate practices.

3) **State-steered model** (China's centralized governance): Mandatory algorithmic filing, sectoral control and state oversight integrated with industrial policy.

(ii) The implications for Rule of Law safeguards:

Establish due-diligence obligations (AI/data protection impact assessments), ensure transparency in algorithmic decision-making, mandate independent supervisory authorities to provide human-oversight and guarantee adequate legal mechanism to appeal AI-driven decisions.

(iii) Stop/go criteria and procurement clauses are needed to ensure rights-compatible compliance of AI systems. For example,

- **Stop:** Deployments without documentation on impact assessments and internal audits, no human-in-the-loop for adverse decisions, or unverifiable training data lineage.
- **Go:** Systems meeting verified standards of fairness, explainability, security, and data governance thresholds; human review and remedies in place; incident reporting enabled.
- **Ideal procurement clauses** would include mandatory disclosure of training data sources, robust human oversight and redress mechanisms for violations of fundamental rights.

Lack of Transparency and Accountability

Lack of algorithmic transparency is another major concern in using AI for judicial processes. In many cases AI systems that are designed to bring enhanced efficiency and automating repetitive processes operate as "Black Boxes"[18]. It becomes almost impossible to know why and how AI produced a certain outcome as the data the system is trained on remains including the biases present. Their methodology is not and cannot be shared openly owing to the proprietary nature of the technology. This can have serious consequences in a critical area such as justice delivery which can reinforce systemic inequalities. Away from the external scrutiny and with limited knowledge as to how the AI is integrated or applied within the judicial processes or decision-making, the public is often left with limited understanding of the associated risks and the influences on decision-making. In Rule of Law policymaking and programming, the unexplainable outputs coupled with lack of transparency can impede the use of effective remedies and perpetuate further vulnerabilities, geopardising due process and fairness in judicial decisions, negatively impacting human rights and fundamental freedoms – and consequently lower trust in democratic institutions.

Societies in fragile states in general and governments in particular, are not adequately prepared for the disruptive impact of AI. Many senior judges, policymakers, and bureaucrats have little exposure to how these systems function. Without targeted training and awareness-building, even the best infrastructure investments cannot translate into effective governance.

Yet, we see data suggesting growing use of AI tools among judiciary. For example, according to a study, 85% of judges in Colombia are using free versions of ChatGPT or Microsoft Copilot. Most judges have received only minimal AI training and are independently navigating the process of integrating the AI use into existing ways of doing things. At the same time, not all judges are convinced of using AI systems in the justice systems and have concerns on their applications. For example, 27% of respondents to a UNESCO survey among judicial operators expressed concerns about the AI chatbot's output quality, highlighting issues such as inaccuracy, falsehoods, and unreliability.

As mentioned above, even as 44% judicial operators including judges, prosecutors and lawyers are utilising AI tools like ChatGPT in their own work, and over 90% are familiar with these tools, only 9% have received proper institutional training or guidelines.[19]

A key limitation is also the absence of systematic impact assessment, data collection and evaluation metrices within the judiciary – especially in understanding the role that technology can play in enhancing efficiency as well as justice outcomes. Without this, it remains difficult to assess where and to what extent AI can provide value to the existing frameworks.

Ultimately, a robust regulation becomes an imperative to mitigate these challenges, in absence of which, the accountability of the providers and deployers of the AI systems is limited. This can in turn create distrust limiting the uptake of AI even when there is a strong case to be made for its use.

18 Refer to the List of Terminologies below.

19 UNESCO, 2024.

Loss of digital sovereignty

Creating, maintaining and operationalising AI requires other enabling and peripheral technologies such as cloud computing, data infrastructure, network connectivity, search engines and even human-computer interfaces for smoother operations and management. Relying on outdated technological systems, limited data infrastructure and often legacy legal frameworks – many partner countries risk remaining passive consumers of AI technology rather than being active participants. This dependency constraints their ability to ensure that AI systems align with local legal norms and societal needs – eventually creating questions around digital sovereignty.

Without adequate local digital or physical infrastructure, AI adoption will create strategic dependencies for these countries and vendor lock-in on a few global technology hubs, which are mainly located in the United States, Western Europe and China. In many cases, large volumes of data, including sensitive information, must be transferred abroad to where these technologies are developed (See recommendation 'Open Data Principles of Responsible AI'). With no significant homegrown alternatives, this raises questions on privacy, data sovereignty[20], and long-term digital resilience, with potential implications for national security, governance, and the administration of justice.

Developing core infrastructure – such as foundation models like OpenAI's GPT series, Google's Gemini, Anthropic's Claude – is, for most of these countries, not a near-term option. Even with political will and funding, significant data challenges remain. Building AI systems need structured datasets that can be used to train these systems. Often, in partner countries, the datasets are poorly maintained, incomplete, in paper form, or are largely unstructured.

AI trained on data generated abroad is largely unsuitable for their local contexts. It is a paradox that many countries from the Global South such as the Democratic Republic of Congo, Namibia, Guinea and South Africa, supply the raw materials needed to build the foundation systems and hardware such as semiconductors, which serve as the backbone of AI technologies. Structural global inequalities, manifested in Global North's concentration of intellectual property, compute power and data governance continues to marginalise the Global South, which is constrained by limited resources and technical capacity and remains excluded from equitable participation in the AI economy.

Absence of robust regulation

Without adequate safeguards, AI can be misused with profound implications such as spreading mis- and disinformation at scale, reinforcing social inequalities, or manipulating or influencing decisions. This can exacerbate when personal and sensitive data of a large number of people are involved.

To take one instance, justice systems across the world are struggling to address the harms from deepfakes. The number of deepfake videos surged by 550% between 2019 and 2023 worldwide. 98% of such videos are made up of pornographic material, of which 99% individuals targeted are women. This alarming trend reveals the increased vulnerabilities of women to digital abuse, exploitation and gender-based harm exacerbated by the misuse of AI in absence of required guardrails.

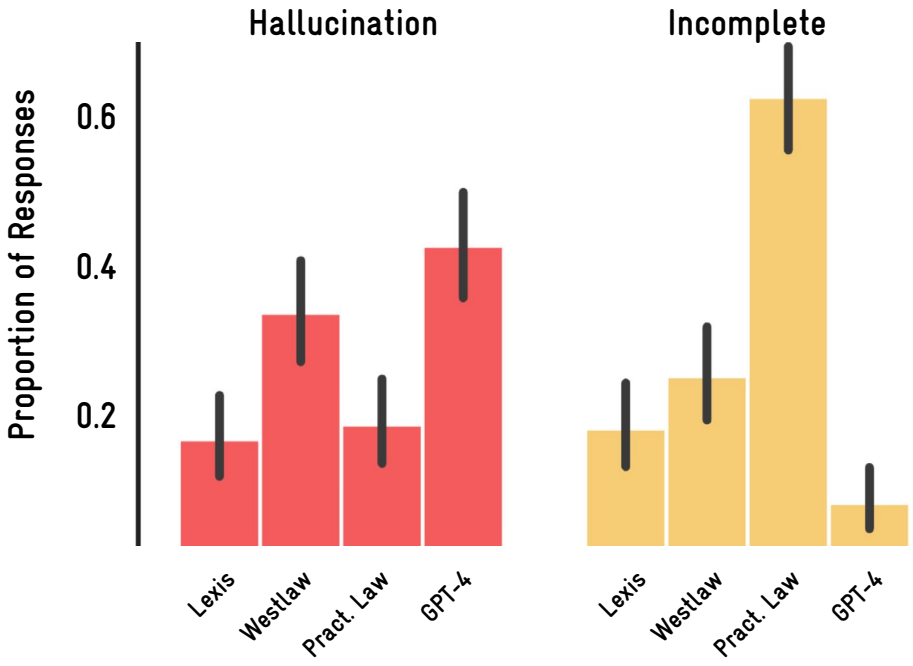
20 ORF Online, 2024.

Data protection laws have become a policy imperative to mitigate and manage the adverse implications of these developments. Across the 55 African countries, 36 have established data protection laws. Unfortunately, only very few have implemented them or have appointed regulatory bodies for oversight. Because AI systems rely heavily on data, the absence of robust data protection and context-sensitive AI regulation (e.g., European GDPR or AI Act) leaves populations vulnerable and negatively impacts their trust in the local institutions of governance.

Additionally, there are growing instances of over-reliance on technology in general. Digital data aided by the capabilities of AI is leading to loss of cognitive faculties and developing a tendency of 'outsourcing' decision-making to the AI without required due-diligence and double-checking the outputs produced by the system. The case Mata v. Avianca (2023), where a New York attorney relying on ChatGPT for legal research, produced fabricated case citations in his official submissions which created much stir. The attorney who was later sanctioned, admitted that he was unaware that AI could generate falsehood. Hallucinations are common across different models of AI and their blind-use can create adverse consequences for critical and sensitive area such as justice service delivery.

Comparison of hallucinated (Red) and incomplete (Yellow) answers across generative legal research tools

developed by HAI, Stanford's Center for human-centered artificial intelligence.



On the other hand, gaps in and the misuse of regulation are particularly relevant, often occurring in countries with limited institutional capacity and weak data protection frameworks.

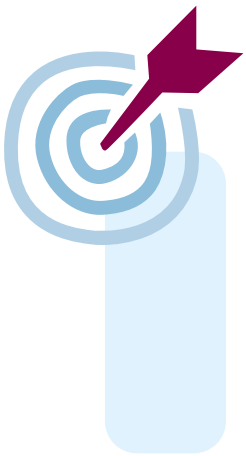
From a Rule of Law perspective, the risks can include:

1. Too much or disproportionate regulation that violates general monitoring mandates and lead to surveillance, at times even bordering unlawfulness. An example of this can be compulsions to use real-name or pressures for data-localisation.
2. Situations where notices or explanation for the legal provisions are not provided to citizens and avenues for effective appeal or remedies do not exist. The legal processes are weak and there is a lack of clear legal basis for the regulation.
3. Discrimination and unequal treatment from biased data and AI models, harming the principles of 'leaving no-one behind' and equality before the law.
4. Accountability is compromised through opaque and non-auditable processes. Questionable standards exist on admissibility of the algorithmic evidence or the weights[21] thereof.
5. Absence or powerlessness of supervisory authorities that creates enforcement gaps. Impact assessment practices are poor or non-existent.
6. Procurement lock-in from the vendors that provide AI software and infrastructure. Transparency of processes is low with no audit or exit rights, interfaces remain closed and public control is weakened.
7. Regulation creates overreach with creating content control, weakened encryption, ultimately chilling fundamental freedoms and civic space.

Regulating AI is essential, but it must not be weaponised or misused in ways that undermine fundamental rights and freedoms. A governance framework should include minimum Rule of Law safeguards such as clear legality and necessity tests, transparency through public registers, independent supervisory mechanisms, and robust human oversight. These should be complimented by enforceable rights to explanation and appeal, non-discriminatory obligations, and traceable, auditable systems for evidence handling.

21 Refer to the List of Terminologies below.

5 Recommendations



Key recommendations

- Support Rule of Law institutions with investments in digital and physical infrastructure to enhance AI integration optimising for efficiency and productivity while ensuring minimum safeguards.
- Ensure creation of Digital Public Infrastructure with locally relevant policies on data governance and fair, ethical and responsible use of AI and open-data policies.
- Adopt creative approaches for promoting AI awareness and digital literacy across multistakeholder groups.
- Build independent oversight capacity by developing sector-specific checklists, certification schemes.

AI should not be treated as one-size-fits-all solution, but as a gateway to institutional transformation. Given both the risks and transformative potential of AI, a key priority for development cooperation actors should be to understand AI as a tool to augment human judgement and not replace it. Parallelly, interventions in AI in Rule of Law should aim at achieving the required balance between innovation and protection of human rights and accountability while developing relevant safeguards to prevent misuse.

Some of the recommendations to create this balance include:

Facilitate AI infrastructure investment in Rule of Law institutions

Practical tips:

- A sound needs-assessment should be done prior to facilitating investment support
- Support must be provided to enhancing ancillary technology that can enable faster AI integration

As a priority towards strengthening Rule of Law, national and local governments can be sensitised to make long term investments in physical and digital infrastructure in a holistic manner. Development of customised AI solutions based on needs assessment for enhancing justice service delivery at the institutional level can be made a strong long-term priority. Investment can be facilitated in enhancing integration of AI within the court systems and processes, enabling justice data governance facilities in remote locations, among others. This can leverage either from the cross-cutting priority for digital transformation programmes of the development cooperation, or by forging strategic partnerships between local governments and tech companies to aid the process of AI enhancement. Development cooperation should provide advisory support to such efforts of the partner governments that ensure minimum safeguards such as investing in AI that adheres to the legality and necessity tests, transparency and auditability requirements, human oversight with contestability provisions, data protection, and rights-preserving procurement standards.

Support in building and implementing locally relevant regulations

Practical tips:

- Multistakeholder consultations are a helpful starting point for building regulatory guardrails
- Creating clear pathways to implementation of the regulation should be the focus that guide creation of relevant legislation

Laws and regulations governing fair and ethical adoption of AI are an essential priority to protect democratic freedoms and safety of citizens. Establishing domestic laws embedded in required technical standards for protection of data privacy and mitigation of risk associated with AI use, along with protection of fundamental rights are needed to achieve the desired proportionality. While international legal frameworks can be helpful benchmarks, the effects of AI are differently experienced by the fragile countries. There are instances of regulation misuse to justify surveillance, restrict freedom of speech and entrench state control (See the limitation "Inequalities of access, skills and infrastructure) which must be avoided. As mechanisms governing AI expand in scope, their focus must continuously be on addressing needs of local citizens while upholding human dignity, accountability, transparency and protection of democratic standards - values which are central to Rule of Law programming and policy-making.

Fostering multistakeholder collaborations from academia, startups, civil society, judiciary, media and local AI communities with international peers and development actors to promote inclusive and balanced regulation for AI use in the justice sector can create the necessary ecosystemic impact. These partnerships can be leveraged to forge inter-sector collaboration in developing and deploying AI tools as well as in creating context-specific regulatory standards to ensure both fostering of innovation and protecting of fundamental rights can coexist.

AI literacy and awareness among stakeholders

Practical tip:

- Embed AI literacy and digital ethics into professional development programmes for justice sector stakeholders to make awareness of AI becomes sustainable and scalable across Rule of Law institutions

As technology evolves rapidly, capacity building and sensitisation become essential for safeguarding the Rule of Law. Development cooperation partners can play a pivotal role by placing stronger emphasis on AI education and literacy – not only explaining its functions, opportunities and risks but also contextualising them within the principles of accountability, transparency and upholding of institutional safeguards as well as human rights use cases and challenges. Comprehensive training and certification programmes for judges, legal professionals, media, AI builders' community, civil society and policy-makers can focus on core themes such as privacy jurisprudence, due process in digital evidence, algorithmic transparency and AI ethics principles to build awareness of digital rights and its implications. Innovative pedagogical approaches such as gamification, interactive online methods, and blended approaches that combine digital tools with in-person workshops can enhance necessary engagement and participation from the public at large.

Build independent oversight capacity

Practical tips:

- Create working groups that bring together diverse stakeholders and ground them in local contexts to build digital literacy and public trust
- Mandate all AI vendors to adopt privacy-by-design and human oversight mechanisms at the outset
- Adopt sector-specific checklists, accountability guidelines and certification schemes to standardise risk management

Developing synergies with the local civil society initiatives, media houses, community justice workers, notaries, members of the judiciary and academic institutions can be an effective way to enhance oversight on AI governance in the partner countries. Such collaborations can ensure that oversight is not only institutionally entrenched but is also anchored across the community. This can be complemented with co-creating programmes on mis- and dis-information, dark patterns and data sovereignty enabling collective community resilience against emerging digital threats. Requiring vendors of AI technology to implement privacy-by-design as well as justice data protection impact assessments (DPIAs) for high-risk processing can provide helpful overview on automated decision-making and overall use of AI in the justice services. Sector-specific checklists (example of which is provided in Annex-I), guidelines to promote accountability, templates and certification schemes and building systematic human or judicial oversight in AI deployment can help reduce the burden of compliance while upholding of rights-based architecture.

Digital public infrastructure (DPI)

Practical tips:

- Advise governments to avoid surveillance-heavy or vendor-locked systems when investing in DPI
- Encourage open standards and interoperable APIs that can be embedded in the governance frameworks without compromising legal integrity

DPI refers to shared digital systems and foundation technologies that enable essential public services to function securely. Supporting partner countries to codify DPI governance, defining institutional mandates for the justice sector with adequate mechanisms for grievance redressal can prevent unchecked use of data and misalignment of processes. This can be coupled with promoting open standards and APIs that enable competition while preserving legal consistency between digital platforms. It must be ensured, however, that investments by partner countries do not impose surveillance-heavy or vendor-locked architectures. Coordination mechanisms can be encouraged between relevant justice institutions to harmonise data policies, particularly where justice and legal data intersect with personal or sensitive information. This will ensure that the data quality across the board is maintained and interoperability standards[22] are adhered to.

22 Refer to the List of Terminologies below.

Supporting locally rooted AI innovations

Practical tips:

- Partner with local governments to co-create AI solutions that can further Rule of Law initiatives. Ensure data protection, transparency and fairness checks are built-in from the beginning
- Fund small AI-based projects that solve community justice problems that has scale potential

Strategic integration of AI use case within Rule of Law policymaking and programming can be supported within partner countries, fostering local innovation ecosystem that respond directly to the community-level justice needs. Governments of partner countries can work alongside private sector, academia and AI developers' communities by embedding public-private partnerships to scale AI solutions that are aligned with the national strategies for supporting justice institutions. On the other hand, civil society and community-based organisations should be engaged to ensure that the AI-based solutions deployed in the field of Rule of Law are not only commercially viable but also adhere to the standards of fairness, transparency and accountability through regular audits, citizen-centricity, and data protection impact assessments.

Open data principles for responsible AI

Practical tips:

- Help partner countries develop and update National Open Data Platforms and Strategies
- Work with the relevant authorities for developing data governance guidelines that require AI systems to disclose data sources and training information

Open data principles are the foundation to ensure transparency, accountability and public participation, which can provide the necessary guardrails against opacity and concentration of power in the AI systems applied to the Rule of Law institutions. Development cooperation work can support partner countries in formulating and updating national open data strategies to align with fundamental rights and principles of privacy, data protection and access to information. An example of this could be launching 'Open Justice Data Platforms' to publish anonymised datasets on judicial data enabling researchers, innovators, journalists and civic actors to analyse systemic challenges without compromising individual privacy. This can include guidelines on Data Governance Documentation, mandating all AI systems deployed in Rule of Law contexts to disclose dataset sources and information on model-training for the oversight of authorities, judicial offers, AI developers and public at large.

Cross-country knowledge integration

Practical tips:

- Facilitate South-South learning platforms on AI and Rule of Law where partner countries are encouraged to exchange case studies and best practices
- Encourage research partnerships with academic institutions to codify and disseminate 'What Works' in using AI for Rule of Law programmatic interventions

A systematic approach to cross-contextual learning can be achieved by integrating and adapting diverse AI use-cases across partner countries that can be replicated across geographies. This can amplify the impact, reduce duplication of efforts and enhance scale in AI-enabled Rule of Law practices. An example of this can be developing South-South learning platforms for AI, enabling peer to peer exchange of case studies, evaluation frameworks and shared repositories of knowledge. Partnerships with regional centres and innovation hubs can help codify and disseminate "what works", supported by open data principles. Advancing balanced AI order demands shared responsibilities, promoting fair data governance, capacity transfer and inclusive innovation ecosystems in Rule of Law programming across regions.

Balancing opportunities for AI in development with caution

Practical tip:

- Encourage responsible adoption of AI with strong risk assessment frameworks and focus on evidence-based use-cases while choosing for adoption and deployment

AI in development contexts presents enormous potential for access, efficiency and productivity enhancement. But it also presents significant challenges alongside. The use cases are expanding rapidly and while the opportunities are exciting, it is equally important to exercise caution and recognise the risk of projecting future capabilities of the technology based only on today's developments. Responsible and ethical adoption of AI with clear risk metrics can help choose the right models for adoption, scale and sustainability.

Annex I: Responsible AI Checklist for Rule of Law and Development Programming:

This checklist is designed to guide stakeholders working on responsibly integrating AI into Rule of Law and development programming:

1. Ensure transparency & accountability of AI systems used in judicial decision-making processes:

- [ ] Ensure transparency in AI systems relevant for Rule of Law, including in data-sets, models and methodologies used in building or in deployment.
- [ ] Establish clear lines of accountability for AI-driven decisions in Rule of Law related development programming.
- [ ] Establish clear lines of accountability for decisions on procurement of AI systems in Rule of Law related development programming.

2. Strengthen data protection & privacy frameworks through international alignment and context-specific adaptation:

- [ ] Ensure alignment with international best practices (e.g. EU GDPR and AI Act) while developing context specific regulations tailored to local governance realities
- [ ] Support governments in developing context-sensitive regulations around data protection and ethical AI guidelines – while safeguarding against potential misuse of regulation for autocratic purposes.
- [ ] Incorporate international human rights standards in national and local AI governance relevant for Rule of Law.

3. Enhance risk management systems and practices for safe and responsible AI implementation:

- [ ] Identify risks in deployment of AI systems in Rule of Law through continuous testing, audits and use of diverse datasets.
- [ ] Put relevant risk assessment frameworks in Rule of Law in place, specifically in the area of AI-assisted decision-making or predictive analysis involving sensitive data of individuals or those involving impact of high-risk AI.
- [ ] Establish procedures for redress where AI systems in Rule of Law can make adverse decisions or where they pose high risk to health, safety or fundamental rights.

4. Develop judicial oversight for ethical and accountable use of AI:

- [ ] Develop comprehensive judicial oversight mechanisms to monitor, evaluate and guide the use of AI tools in Rule of Law and justice contexts. Judicial institutions should be equipped with technical capacity and independence of decision-making.
- [ ] Create procedures for reviewing judicial decisions that involve the use of AI. Ensure human accountability at each step and benchmark the changes at the standards of fundamental rights including fairness, due process and access to remedial measures.
- [ ] Require human-in-the-loop for critical decision-making with AI in legal workflows or judicial decision-making especially when sensitive data is used.

5. Build capacity for effective, ethical and sustainable AI integration in Rule of Law programming:

- [ ] Invest in continuous capacity building for judges, policymakers, justice officials, and legal practitioners to understand, evaluate and responsibly use AI.
- [ ] Incorporate AI literacy and digital ethics training into judicial education programmes and public administration curricula.
- [ ] Strengthen digital inclusion by providing access to affordable devices, training and connectivity.
- [ ] Support institutional learning and knowledge exchange through regional networks, peer learning platforms and South-South cooperation to share best practices and strengthen collective readiness.

6. Promote inclusion and equity in design and deployment of AI for Rule of Law systems:

- [ ] Ensure inclusive partnership of women, marginalised group, and underrepresented communities in the design, testing and governance of AI systems to prevent bias and exclusion.
- [ ] Promote equitable access to AI-driven justice solutions by addressing linguistic, digital and socio-economic barriers that hinder participation.

7. Advance localisation and contextual relevance in AI deployment for Rule of Law programming and policymaking:

- [ ] Support local universities, civil society members and startup ecosystems in the Global South in developing local expertise in AI through skill-building and access to know-how.
- [ ] Prioritise open-source and locally adaptable AI tools for adaptation in Rule of Law over "black box" imported solutions.

8. Impact evaluation and value-based monitoring to build trust and accountability:

- [ ] Conduct regular, independent evaluations of AI initiatives within justice and Rule of Law sectors with transparent public reporting.
- [ ] Build feedback loops with judges, court staff, legal professionals and citizens to iteratively improve design, deployment and integration of AI tools in judicial and governance processes.
- [ ] Integrate gender equality, participation, localisation and "leave no-one behind" approach as core elements of AI-Rule of Law programming.
- [ ] Ensure AI initiatives support and complement existing institutional and legal reform efforts without undermining judicial independence or procedural fairness.

Annex II: List of Terminologies

1. **Artificial Intelligence:** A broad set of technologies enabling systems to process data and act in ways that resemble intelligent behaviour. (UNESCO)
2. **Algorithm:** An algorithm is a sequence of instructions that tells a computer what to do. Deterministic algorithm follows the path defined by the programmer. Probabalistic algorithm creates their own code based on data and desired results. (Pedro Domingos)
3. **Machine Learning:** Practice of using algorithms to collect, interpret and make predictions based on data. (Pedro Domingos)
4. **LLM:** Large Language Models refer to AI programmes that can process, understand and generate human-like text based on massive amounts of training data. LLM stands for Large Language Model is a type of AI that is an advance pattern recognizer. It is part of the Generative AI technologies such as ChatGPT.
5. **API:** Application Programming Interface. It is like contract of service between two digital applications on how to communicate with each other.
6. **Hallucination:** Hallucination is where an AI model generates false, nonsensical or factually ncorrect information that may seem plausible. These can range from minor inaccuracies to completely fabricated information.
7. **Open Data:** Open Data is information that can be freely accessed, used, modified and shared with anyone for any purpose without requiring any permission.
8. **DPI:** Digital Public Infrastructure refers to a set of shared, secure and interoperable digital systems that can create delivery of public and private services at societal scale.
9. **Interoperability:** Interoperability refers to the technology and mechanisms that allow data to flow from diverse systems with minimum human intervention.
10. **Foundation/al models are trained** on massive dataset that allows them to learn broad patterns and relationships with languages, images and code. These models are suitable to be adapted or fine-tuned for a wide variety of specific tasks or applications. Largely, they provide ease to the users and deployers of AI systems from training an AI model from scratch.
11. **Mis- and Disinformation:** Misinformation refers to inaccurate, incorrect or misleading information shared without malicious intent. Disinformation is false information created and disseminated with a clear intention to mislead, manipulate and cause harm.
12. **Natural Language Processing (NLP):** NLP is a field of artificial intelligence that enables omputers to understand, interpret, and generate human language.
13. **Decision Support Systems (DSS):** DSS is a computer-based information system that analyses complex, semi-structured or unstructured data to help organisations make better decisions.
14. **Optical Character Recognition (OCR):** OCR is an advanced text extraction technology which improves its ability to handle low-quality images and different kinds of data by understanding the context of the document.

15. **Black Box problem:** Black Box problem is the lack of transparency in how an AI system arrives at its decisions. It is possible to view the inputs and outputs of the system but not the process through which the output is arrived at.
16. **Weights for the training data:** Model weights are numerical parameters or parameters that a model has learnt during the training to arrive at an objective specified by its developers.

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