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# AI IN JUSTICE

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**Purpose of the document:**

This report is prepared to analyse artificial intelligence in justice as an autonomous institutional factor capable of simultaneously increasing administrative efficiency and intensifying risks to due process, judicial independence, equality of arms, transparency, reasoned adjudication, privacy and the effective remedy. The practical task of the report is to demonstrate that the deployment of AI in justice is not a neutral modernization. It alters the structure of decision-making, access to evidence, the character of procedural asymmetry, the logic of prediction, filtering and classification of cases, and in certain instances may redistribute real power from the judge and the parties to opaque technical systems, their developers and administrative users. For ARGA, this topic has direct practical significance in matters where the right to a fair trial, protection from arbitrariness and the possibility of meaningful challenge depend no longer only on law and human actors, but also on the way algorithmic tools are embedded in the adjudicatory environment. The 2025 UN report is expressly devoted to "AI in judicial systems: promises and pitfalls," while the EU legal framework classifies certain AI systems intended for the administration of justice as high-risk because of their potentially significant impact on the rule of law, individual freedoms, the right to an effective remedy and the right to a fair trial. (OHCHR)

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## 1. Executive Summary

Artificial intelligence in justice is no longer a peripheral technological topic. The 2025 UN Special Rapporteur's report states that judicial systems around the world are adopting AI solutions, while individual judges and legal professionals are increasingly using such tools in ad hoc ways. The Council of Europe, through CEPEJ, had already formulated the European Ethical Charter on the use of AI in judicial systems on the premise that AI may improve efficiency and quality, but only if

implemented responsibly and in conformity with fundamental rights, particularly the ECHR and data-protection standards. (OHCHR)

The central problem, however, is that AI in justice tends to be framed as efficiency before it is examined as power. Algorithmic tools promise speed, consistency, triage support, document processing, prediction, pattern detection and resource optimization. Yet the same technological layer may intensify opacity, automation bias, structural discrimination, overreliance on statistically trained outputs and weakened contestability. The 2025 UN report explicitly speaks of "promises and pitfalls," while the CEPEJ Charter stresses that AI in justice should strengthen guarantees of the rule of law rather than merely improve administrative efficiency. (OHCHR)

The EU legal context makes the issue even sharper. The AI Act classifies certain AI systems intended for the administration of justice and democratic processes as high-risk precisely because of their potentially significant impact on democracy, the rule of law, individual freedoms, the right to an effective remedy and the right to a fair trial. In other words, the Union legislator itself proceeds from the premise that AI in justice is not harmless office automation but a rights-sensitive infrastructure. The practical conclusion for ARGA is that any analysis of a contemporary judicial or quasi-judicial environment must include not only the question whether the law was formally applied, but also how the algorithmic layer may have influenced access, assessment, prioritisation or the meaning of the decision. (EUR-Lex)

## 2. Context & Problem Statement / Why This Topic Has Legal and International Significance

The issue of AI in justice has international significance because justice increasingly interacts not with isolated digital tools, but with an ecosystem of automated processing, predictive models, generative systems, search and ranking tools, document analytics and risk-oriented assessment mechanisms. The 2025 UN Special Rapporteur's report expressly states that the adoption of AI covers both institutional judicial systems and individual professional use by judges and lawyers, often without sufficient normative and methodological discipline. This means that the problem concerns not only public procurement by states, but the everyday professional practice of the legal community itself. (OHCHR)

From a human-rights perspective, the central issue is that AI can intervene before the visible legal conclusion. It may participate in the sorting of cases, classification of documents, selection of relevant case-law, ranking of arguments, preparation of draft reasoning, assessment of risk, probabilistic forecasting or other processes that are not always visible to the parties, yet are capable of materially shaping the outcome. That is why the UN report addresses not only benefits but also threats to independence, transparency, accountability and fairness, while CEPEJ emphasizes that the use of AI must remain compatible with rights guaranteed by the ECHR. (OHCHR)

For transnational and human-rights practice, the risk is particularly acute where AI intersects with criminal justice, migration, law enforcement, sanctions-adjacent compliance and security-sensitive adjudication. The EU AI Act separately treats a number of systems used in law enforcement, migration and justice as high-risk, while OHCHR in its materials on AI and counter-terrorism warns that state AI systems may aggregate and analyse sensitive data including criminal records, travel information and social associations. As a result, justice can no longer be analysed in isolation from the broader algorithmic governance environment. (EUR-Lex)

## 3. Legal Framework / Normative and Institutional Framework

The first layer of the normative framework is formed by international human-rights standards. The 2025 UN report "AI in judicial systems: promises and pitfalls" proceeds from the premise that any use of AI in justice must comply with human rights. This is not a decorative caveat but a foundational

legal position: technological efficiency does not release the state from obligations concerning fair trial, non-discrimination, privacy, judicial independence, accountability and the effective remedy. (OHCHR)

The second layer is the Council of Europe framework. The CEPEJ European Ethical Charter on the use of AI in judicial systems and their environment remains a central European reference point. The Charter proceeds on the basis that AI in justice may improve efficiency and quality, but must be implemented responsibly and in conformity with the ECHR and Convention 108 data-protection logic. The Council of Europe has also developed an assessment tool for the operationalisation of the Charter and, in late 2025, draft guidelines on the use of generative AI for judicial professionals. This shows that the European framework has already moved from general principle to operationalisation. (Portal)

The third layer is EU law. Regulation (EU) 2024/1689, the AI Act, establishes a harmonised framework for AI in the Union and treats certain AI systems intended for the administration of justice as high-risk. The text expressly states that this classification is linked to their potentially significant impact on democracy, the rule of law, individual freedoms, the right to an effective remedy and the right to a fair trial. This is one of the most important normative signals on the subject: the European legislator does not view AI in justice as neutral office automation. (EUR-Lex)

The fourth layer concerns the distinction between prohibited practices, high-risk practices and lower-risk uses. Even though not every justice-related AI system is prohibited, the AI Act creates a regime in which systems used for sensitive public functions are subject to heightened obligations. Public summaries and Annex III materials highlight justice as one of the sectors singled out for this special treatment. For practical analysis, this means that the question "is AI being used?" is insufficient. One must ask: in which procedural segment, with what influence on rights, with what contestability, and under which governance obligations. (Artificial Intelligence Act)

## 4. Mechanisms of Practice / Abuse / Key Mechanisms of Practice, Abuse, or Conflict

The first risk mechanism is automation bias under judicial appearance. An AI system may formally be presented as merely assistive, while in practice its outputs begin to structure the range of options considered by judges, clerks, prosecutors or administrators. The 2025 UN report emphasizes that AI use by judges and legal professionals is often ad hoc and raises human-rights concerns. This means that even without formal delegation of decision-making, the system may materially alter the environment of decision. (OHCHR)

The second mechanism is opacity through technical mediation. The more complex the model, the harder it becomes for a party to understand why a certain ranking, prediction, classification or recommended reasoning path was produced. The CEPEJ Charter places strong emphasis on transparency, non-discrimination and human control precisely because AI can otherwise introduce opaque influence into justice systems. The legal problem is that opacity undermines the ability to challenge, rebut and meaningfully participate in proceedings. (Council of Europe)

The third mechanism is inferential spillover from adjacent domains. OHCHR's AI and counter-terrorism paper shows that state AI systems can aggregate criminal records, travel data, family and social associations and other sensitive datasets. Where justice-adjacent AI tools interact with such data-rich environments, judicial or quasi-judicial reasoning risks being indirectly shaped by predictive or classificatory logics developed elsewhere, often under security or law-enforcement assumptions. This is especially dangerous in criminal, migration and politically sensitive files. (OHCHR)

The fourth mechanism is administrative creep. Even where justice-related AI is introduced for supposedly ancillary functions, such as document management, anonymisation, workflow or triage, the boundary between administrative support and substantive influence can erode over time. The AI Act itself notes that purely ancillary administrative uses should not automatically fall into the same category as systems affecting the real administration of justice in individual cases. But the very need for that distinction shows how easily ancillary technology may drift toward substantive effect. (EUR-Lex)

## 5. Case Patterns / Typical Scenarios, Patterns of Development, or Practice Models

The first typical scenario is case triage and prioritisation tools affecting access to justice. A system may be used ostensibly to allocate resources, sort cases or assist clerks, but in practice influence which matters move faster, which filings are flagged as problematic, and which claims receive early attention. That is why AI in justice must be assessed not only at the final judgment stage, but across the procedural chain. This follows from the UN report's concern with AI across judicial systems generally, not only in formal adjudication. (OHCHR)

The second scenario is generative AI use by judicial professionals without sufficiently robust safeguards. CEPEJ in late 2025 issued draft guidelines on the use of generative AI for judicial professionals, which in itself indicates that such use is now real enough to require dedicated guidance. This means that the issue is no longer theoretical: generative tools are entering the professional environment of justice, and the central question becomes how to preserve independence, quality of reasoning and accountability when such tools are used. (Council of Europe)

The third scenario is predictive or classificatory systems in criminal-justice-adjacent settings. Public summaries of the AI Act highlight justice and law-enforcement uses such as evaluating evidence reliability, profiling in criminal investigations or assessing offending risk as especially sensitive. Even when such systems are formally used outside the courtroom core, their outputs may shape prosecutorial choices, detention positions, evidentiary assumptions or judicial expectations. This makes them human-rights relevant long before a formal judgment is issued. (Artificial Intelligence Act)

The fourth scenario is jurisdictions and institutions moving faster on digitisation than on rights safeguards. The Council of Europe's operationalisation tools and the UN Special Rapporteur's 2025 report both exist because there is already enough deployment and experimentation to create systemic concern. The typical pattern therefore is not "AI completely replaces the judge," but rather "AI quietly enters multiple layers of justice before accountability doctrine catches up." (Portal)

## 6. Risk Assessment / Main Risks, Legal Vulnerabilities, and Problem Areas

The first risk is weakened contestability. If litigants do not know whether, where and how AI shaped triage, evidence assessment, draft reasoning or administrative handling, they cannot meaningfully challenge its influence. This affects equality of arms and the effective remedy. The CEPEJ ethical principles and the 2025 UN report both point toward transparency and human-rights compliance as necessary safeguards precisely because opaque influence threatens fairness. (Council of Europe)

The second risk is discrimination and bias under technical neutrality. AI systems trained on historical data or deployed in structurally unequal environments may reproduce and amplify pre-existing inequalities. The Council of Europe Charter explicitly addresses non-discrimination, and the UN report frames AI in judicial systems as raising risks for human rights generally. In justice, this dynamic is especially dangerous because algorithmic bias can masquerade as objectivity. (Council of Europe)

The third risk is erosion of judicial independence through outsourced cognition. Even if the formal decision remains with the judge, repeated reliance on AI-generated summaries, recommendations, rankings or draft outputs can gradually shift practical authority away from independent human evaluation. This risk is consistent with the UN report's concern about ad hoc AI use by judges themselves and CEPEJ's insistence on responsible human-centred implementation. (OHCHR)

The fourth risk is privacy and data concentration. AI in justice rarely functions without data-rich inputs, and OHCHR's AI/counter-terrorism paper warns about aggregation of highly personal and sensitive datasets by state authorities. When combined with justice or quasi-justice environments, this creates heightened risks for privacy, proportionality and secondary use of data. (OHCHR)

## 7. Institutional Gaps / Institutional Limitations, Gaps, Deficits of Safeguards, or Systemic Weaknesses

The first systemic weakness is governance lag. Technology adoption and experimentation are moving faster than settled doctrinal and procedural safeguards. The existence of a fresh UN report from 2025, operationalisation tools from CEPEJ and draft generative-AI guidelines from late 2025 shows that institutions are still building the normative vocabulary while deployment is already underway. (OHCHR)

The second weakness is fragmentation of oversight. Different elements of AI in justice fall under different regimes: judicial ethics, data protection, procurement, administrative procedure, fair-trial doctrine and, in the EU, AI Act compliance. This means the same rights risk may be visible everywhere in part and nowhere in full. EU classification of justice AI as high-risk partly responds to this problem, but does not in itself solve fragmentation. (EUR-Lex)

The third weakness is the ancillary-use blind spot. Institutions may treat document sorting, anonymisation, workflow assistance or generative drafting support as harmless because they appear non-decisional. Yet, as the AI Act's distinction between purely ancillary administrative tasks and systems affecting the real administration of justice suggests, the line is fragile and requires active guarding. (EUR-Lex)

## 8. Practical Guidance / Practical Recommendations and Model of Legal Action

The first step is to ask the AI question early. In any sensitive file, counsel should ask whether AI or algorithmic tools may have influenced case sorting, evidentiary handling, drafting, prioritisation, profiling or adjacent decision-making. Without this, the defense may challenge only the visible legal act while ignoring the technical environment that shaped it. This follows from the UN report's broad framing of AI across judicial systems rather than only at the final judgment stage. (OHCHR)

The second step is to insist on traceability and human accountability. Where AI is used in justice-related processes, defense strategy should demand clarity as to the role of the system, the nature of the output, the scope of human review and the possibility of contesting the result. This is aligned with CEPEJ's ethical logic and with the rights-sensitive classification of justice AI under EU law. (Council of Europe)

The third step is to distinguish ancillary assistance from substantive influence. Not every digital tool threatens fair trial equally. But counsel should test whether a supposedly administrative tool in fact affects the treatment of the individual case. The AI Act's own distinction makes this analytical step unavoidable. (EUR-Lex)

The fourth step is to integrate AI concerns into broader human-rights litigation. In criminal, migration, sanctions-adjacent or politically sensitive files, AI should be analysed together with privacy, profiling, law-enforcement data use, due process and equality concerns. OHCHR's materials on judicial AI and AI in counter-terrorism support this integrated approach. (OHCHR)

## 9. Policy Recommendations / Recommendations on Legal and Institutional Approach

First, AI in justice should be governed as a rule-of-law issue, not merely as an innovation or efficiency issue. The Council of Europe Charter and the 2025 UN report both support this framing. Any contrary approach effectively invites technical modernization to outrun legal restraint. (Council of Europe)

Second, justice institutions should operationalize high-risk thinking even where the law does not yet compel it in every instance. The EU AI Act's classification of certain justice AI systems as high-risk provides a clear normative signal that strong safeguards, documentation and accountability are warranted. (EUR-Lex)

Third, legal practice should adopt an AI-in-justice doctrine for sensitive litigation. Such a doctrine should proceed from the premise that algorithmic systems can shape justice before the final decision becomes visible and contestable. For ARGA, this is especially important in files where formal legality and substantive fairness are already under heavy tension. (OHCHR)

## 10. Conclusion

AI in justice is not a future problem. It is a present institutional condition. Official materials from the UN, the Council of Europe and the EU all point in the same direction: AI can increase efficiency and assist judicial work, but it can also threaten transparency, equality, privacy, accountability, fair trial and the effective remedy if deployed without rigorous safeguards. (OHCHR)

For ARGA, the main conclusion is that justice today must be analysed not only through the text of the decision and not only through the behaviour of the human judge. It must also be analysed through the invisible technical layers that may have determined access, priority, probability, interpretation and even the language of the future decision. Once the algorithm enters the judicial environment, the question is no longer whether it "helps" justice. The question is who, in this new architecture, is actually deciding. (OHCHR)

## 11. Appendix A. Terminology

AI in justice. The use of artificial intelligence systems in judicial systems, their surrounding environment, or the professional work of judges, clerks, lawyers and related actors. In the official UN and Council of Europe framework, the issue covers both institutional deployment and ad hoc professional use. (OHCHR)

High-risk AI in justice. AI systems intended for the administration of justice that are classified in EU law as high-risk because of their potentially significant impact on democracy, the rule of law, individual freedoms, the effective remedy and the fair trial. (EUR-Lex)

Automation bias. The tendency to place excessive trust in machine-generated output even where formal human decision-making remains in place. This category follows logically from the ethics-based warnings in the CEPEJ framework and the UN report's concern with AI use by judicial actors. (Council of Europe)

Ancillary administrative use. The use of AI for tasks formally presented as purely administrative, such as anonymisation or workflow assistance, which under EU law may be distinguished from AI affecting the real administration of justice in individual cases. (EUR-Lex)

Contestability. The ability of a party to understand, challenge and rebut the influence of an AI system on a legally relevant outcome. This category is necessary for analysing due process and the effective remedy in AI-rich justice environments. (OHCHR)

## 12. Appendix B. Risk / Powers / Legal Consequences Matrix

| Task | Legal risk | Legal limit | Possible consequence | Practical comment |
|---|---|---|---|---|
| Treat AI as mere efficiency support | Underestimating substantive influence | Justice AI may affect fair trial and effective remedy | Invisible shaping of case outcomes | Ask early where AI enters the process |
| Ignore opacity of AI-supported outputs | Weak contestability | Rights require meaningful challenge and accountability | Parties cannot rebut hidden influence | Demand traceability and human review |
| Accept the ancillary-use label uncritically | Substantive influence hidden as administration | Ancillary tasks must not drift into real case impact | Procedural unfairness under neutral vocabulary | Test actual effect, not declared purpose |
| Treat bias as solved by technical branding | Reproduction of structural discrimination | Non-discrimination remains binding | Unequal treatment masked as objectivity | Scrutinize data, context and deployment |
| Ignore data concentration around justice AI | Privacy and proportionality harm | Sensitive data use must remain rights-compliant | Expanded surveillance or secondary use | Examine data sources and reuse logic |
| Wait for the final judgment to ask about AI | Late detection of algorithmic influence | AI may shape proceedings before the outcome | Lost window to contest the process | Build AI inquiry into the file from the start |

This matrix reflects recurring rule-of-law concerns visible across UN, Council of Europe and EU official materials on AI in justice. (OHCHR)

## 13. Official Sources

- UN Special Rapporteur on the independence of judges and lawyers, A/80/169, “AI in judicial systems: promises and pitfalls” (2025). The main official international source on the human-rights assessment of AI in judicial systems. (OHCHR)
- Council of Europe CEPEJ, European Ethical Charter on the use of AI in judicial systems and their environment. A key European ethical and legal reference linking AI in justice with the ECHR, the rule of law and data protection. (Portal)
- Council of Europe CEPEJ, operationalisation tools and 2025 draft guidelines on the use of generative AI for judicial professionals. Important as evidence that the issue has moved from abstract principle to applied governance. (Portal)
- Regulation (EU) 2024/1689 (AI Act). The principal EU legal source classifying certain AI systems intended for the administration of justice as high-risk AI. (EUR-Lex)

- OHCHR position paper on AI and counter-terrorism (2025). Important for understanding how AI systems may aggregate sensitive data in state settings relevant to justice and security. (Artificial Intelligence Act)