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CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

Thematic study of the CCPE on the use of artificial intelligence (AI) in the work of prosecution services

Introduction

1. According to the CCPE's Terms of Reference for 2024-2027, the CCPE is entrusted with the task of preparing thematic studies covering identified or emerging issues of common interest related to the independence, impartiality, competence, nomination, career, ethics, accountability, evaluation or other aspects of the prosecutorial profession.

2. The CCPE accordingly selected the topic of the use of artificial intelligence (AI) in the work of prosecution services for the purpose of a thematic study.

3. This topic is in line with the greater emphasis put by the Council of Europe on issues related to artificial intelligence, including the recently adopted Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law,[1] which is the first international legally binding treaty in this field. It aims to ensure that activities within the lifecycle of artificial intelligence systems are fully consistent with human rights, democracy and the rule of law, while being conducive to technological progress and innovation.

4. Furthermore, the impact of digital transformation and the use of new technologies on human rights, democracy and the rule of law is one of the priority areas of focus as outlined in the Council of Europe Strategic Framework which guides the work of the Organisation and its committees.

5. In parallel with the Council of Europe's strategic focus, significant regulatory initiatives have also emerged at the European level, including the European Union (EU) AI Regulation (the AI Act).[2] Both the above-mentioned Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law and the EU AI Act aim to establish robust legal frameworks to ensure that the design, deployment and oversight of AI systems align with fundamental rights and democratic principles.

6. In response to AI developments in member states, the Council of Europe closely monitors digital transformation and the use of AI, providing legal guidance in relevant areas. The present thematic study is part of this global effort by the Council of Europe. The purpose of this study is to provide an overview of existing practices in member states regarding, particularly, the use of AI in the work of prosecution services.

7. For the preparation of the thematic study, CCPE members were invited to provide responses to a questionnaire on relevant national legislation, rules, guidelines and procedures, the circumstances where prosecutors use AI in their work, the design, operation and management of AI by prosecutors and other aspects of the use of AI. As not all member states submitted responses, the thematic study is limited to those that provided information. At the same time, there is a sufficient number of responses to reflect

[1] Opened for signature on 5 September 2024.
[2] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence.

the situation across Europe. Responses were received from CCPE members from 31 member states.[3]

8. The CCPE also wishes to underline that the thematic study is not meant to assess or monitor the situation in member states. Nor does it contain ratings or rankings of member states' performance.

9. The CCPE wishes to thank the expert appointed by the Council of Europe, Dr. John Sorabji[4] (United Kingdom) for preparing the thematic study.

Overview of the responses

10. As mentioned above, responses to the questionnaire for the preparation of the thematic study were received from CCPE members from 31 member states of the Council of Europe. The overview set out below followed by the analysis highlights those responses where the use of AI in the work of prosecution services was indicated and how it was regulated.

11. The majority of responses demonstrated that AI was either not generally used at all to assist the work of prosecutors or that its use was in the early stages of development. Some responses indicated that steps were being taken to develop further use of AI.

12. Some responses indicated that, while AI was not used at all by prosecution services, it may be used by police and other investigative bodies.

13. Where AI was used by prosecutors, it was generally used to assist them in simple tasks, e.g. legal research, transcription and translation, routine anonymisation of prosecutorial decisions, and time management. Some responses noted that Microsoft COPILOT was made available to prosecutors.

14. In limited cases, it was also being used, sometimes in pilot schemes, for the analysis of large data sets and evidence, and to assist in the development of prosecutorial strategy as well as to predict case outcomes. Where it was used for such tasks, its use was subject to human review and verification.

15. In so far as the design and operation of AI systems used by prosecutors were concerned, apart from those such as Microsoft's COPILOT, most used were designed and operated under the auspices of Ministries of Justice or other state bodies. Where that was the case, both the judiciary and prosecutors tended to be involved in both design and operation. Some responses highlighted the fact that AI systems made available to their prosecutors

[3] Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Czechia, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, North Macedonia, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Türkiye, Ukraine.

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were sourced solely from the private sector. Generally, some degree of training was given to prosecutors who used AI.

16. Responses did not indicate that there were concerns that the current use of AI could undermine prosecutorial independence or introduce bias into prosecutorial decision making. This was because the use of AI was generally limited to supporting prosecutors in carrying out tasks where such concerns did not arise. However, there was an acknowledgement that as the use of AI developed further, such concerns needed to be taken into account and mitigated.

17. Generally, responses demonstrated that the use of AI by prosecutors was not governed by legislation that specifically dealt with that issue. However, it was apparent that for EU member states, the use of AI by prosecutors was subject to EU law.[5] More generally, the use of AI and the processing of data generally by prosecutors was subject to national data protection laws and, in some member states, generally applicable laws concerning AI.

18. Other responses highlighted how the use of AI must conform with constitutional norms, human rights principles and professional ethical standards.

19. National law was also, in several member states, subject to criminal procedure laws and guidance issued by Ministries of Justice and prosecutorial and similar bodies.

20. Thus, it seems that, despite the regulatory momentum provided by the Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law and the EU AI Act, the specific use of AI within prosecutorial functions remains an under-regulated area. As a result, various approaches have emerged internationally, where prosecutors may use AI tools amid an insufficiency of legal or ethical standards specifically tailored to their unique responsibilities. This has led to divergent practices across jurisdictions and the lack of a shared understanding on critical issues such as accountability, transparency and the potential impact on prosecutorial independence. In the light of these concerns and ongoing regulatory developments within the Council of Europe and the broader European context, the present thematic study is particularly relevant for examining how AI is currently positioned and utilised within prosecution services across member states and in contributing to the development of coherent and forward-looking approaches both at national and international level.

[5] The EU GDPR (Regulation (EU) 2016/679 of 27 April 2016), the EU Law Enforcement Directive (Directive (EU) 2016/680 of 27 April 2016) and the EU AI Act (Regulation (EU) 2024/1689 of 13 June 2024). As regards in particular the EU GDPR (Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data), it refers to the corrigendum of 23 May 2018 published in the Official Journal of the European Union. The adoption of the GDPR was an essential step to strengthen individuals' fundamental rights in the digital age and facilitate business by clarifying rules for companies and public bodies in the digital single market. A single law significantly reduces the fragmentation in different national systems and unnecessary administrative burdens.

Analysis of the responses

provided by the CCPE members

Legislation, rules, guidelines

21. **The questionnaire invited CCPE members to briefly describe the legal and regulatory framework governing the use of AI by prosecution services. This included the description of any rules of court, ethical guidelines or similar provisions. A particular focus of the questionnaire sought a description of any legal or other measures that regulated the use of the personal data of suspects.**

22. In Albania, there are no specific legislative or other means to regulate the use of AI by prosecutors. However, there is a comprehensive legal framework governing the management of suspects, other parties to criminal proceedings and personal data. That framework includes the requirement to adhere to Article 8 of the European Convention on Human Rights (ECHR). Data protection law regulates the use of sensitive personal data, which includes that data processed in relation to criminal proceedings. Law governing the right to information provides exemptions to the right to disclosure where that would have an adverse impact on criminal investigations, suspect's rights or public security. Finally, the Criminal Procedure Code and Criminal Code contain provision to prohibit the disclosure or publication of the personal data of individuals involved in criminal investigations or criminal trials.

23. Compliance with these provisions in Albania is variously secured by: the Commissioner for the right to information, particularly where use and misuse of suspect's data is concerned; the prosecution office and the courts, particularly where confidentiality of data used during criminal investigations and trials are concerned; and the People's Advocate, who is a human rights ombudsman. Additionally, the police and state investigative institutions are required to adhere to data security standards, to prevent unauthorised disclosure of data and ensure that suspect's personal information is only shared with properly authorised institutions.

24. In Armenia, there are no specific legislative or other means to regulate the use of AI by prosecutors. The regulation of the use of suspect's and other's personal data is primarily governed by the law concerning personal data protection. The Criminal Procedure Code contains specific provision protecting the confidentiality of personal data concerning private and family life. Furthermore, it makes provision rendering the disclosure of data concerning preliminary investigations inadmissible. It does so, amongst other things, where such disclosure would harm the rights or legitimate interests of the participants in such proceedings, as well as those of other persons.

25. In Austria, the Federal Ministry of Justice's Information and Communication Technology Use Directive prohibits the use of publicly available, for example cloud-based, AI services

where personal and procedural data are concerned. Any data processing carried out must be carried out consistently with the EU GDPR and the EU AI Act.

26. In Belgium, there is no specific legislation to regulate the use of AI by prosecutors. Data protection law regulates the use of sensitive personal data. The Criminal Procedure Code contains provisions about data subject rights and the disclosure of personal data of individuals involved in criminal investigations or criminal trials. The prosecutor can share information with the press. Steps are undertaken to implement the EU AI Act in domestic law.

27. In Czechia, there are no specific legislative or other means to regulate the use of AI by prosecutors. The use of AI is, however, subject to the EU AI Act. Specifically, in that regard, in May 2025, its Government approved non-legislative material that concerns national implementation of that Act, the creation of a national law on artificial intelligence, the creation of a national AI supervisory and support infrastructure. The Government has also appointed a Government Commissioner for AI. The processing of suspects and parties' personal data is subject to national data protection law, the EU GDPR and the EU's Law Enforcement Directive (EU Directive 2016/680). Specific national legislation also governs cybersecurity (Cybersecurity Act (Act No. 264/2025 Sb.)). Additionally, prosecutorial authorities are required to maintain information security consistently with requirements issued by the Ministry of Justice (Instruction No. 5/2022 of the Ministry of Justice of 30 June 2022, Ref. No. 115/2022-OI-SP/1).

28. In Denmark, guidelines issued by the Director of Public Prosecutions (DPP) apply to the use of generative AI, including its application to personal data. They are intended to promote its safe and secure use. The guidelines complement ones of general application issued by the Danish Digital Government Agency, a part of its Ministry of Digital Government. Additionally, the processing of suspects and parties' personal data is subject to data protection law, such as the EU GDPR. Additionally, national rules concerning confidentiality and those of public law govern the use of such personal data by prosecutors as public authorities.

29. In Finland, guidelines on the use of generative AI issued by the Ministry of Finance apply to all public administration. These guidelines can be supplemented by specific public bodies. The Finnish Prosecution Service has issued such supplementary guidelines in the form of a Recommendation for the use of AI in the prosecution service. This Recommendation, for instance, prohibits the use of AI to draft official decisions, it requires compliance with any application laws, regulations and professional ethical requirements as well as principles of good and transparent administration. It also prohibits the prosecution service from using AI with any confidential or classified material or material subject to copyright. Prosecutors are also enjoined to take account of the fact that AI may produce biased or fake material.

30. In France, there are no specific legislative or other means to regulate the use of AI by prosecutors. The magistracy is, however, subject to several measures that require compliance with obligations of professional ethics that would apply were AI to be used (the Status of the Judiciary Ordinance, 1958), including secrecy of investigations

(Article 11 of the Code of Criminal Procedure) and the Collection of Ethical Obligations of Magistrates (Superior Council of the Judiciary, 2019). More generally, where the processing of personal data by AI is concerned, further to a national strategy for AI, its potential use in ways that secure transparency, data confidentiality and protection is being developed. More specifically, the processing of such data is subject to EU AI Act and the Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.[6] Such processing, particularly where it involves the use of AI, is also subject to data protection law, in respect of which compliance is monitored by National Commission for Informatics and Liberties (CNIL).

31. In Germany, there are no specific legislative or other means to regulate the use of AI by prosecutors or that regulate the processing of suspects or parties' personal data, other than that contained in data protection law (the EU General Data Protection Regulation and the Federal Data Protection Act) and the EU AI Regulation (EU Regulation (EU) 2024/1689).

32. In Greece, a generally applicable national law (4961/2022) regulates the use of AI in both the public and private sector, and hence in respect of its use by criminal prosecutors. Additionally, the Ministry of Justice's Permanent Scientific Committee has produced guidelines for the implementation of uniform rules for the anonymisation of judicial decisions to be taken into account by the competent bodies of the courts and prosecutor's offices. The Ministry of Justice is also taking an active part in an EU project, the aim of which is to promote the integration of AI use in public administration generally, such that is consistent with parties to proceedings, and hence also suspects, fundamental rights and, where the administration of justice is concerned, under human judicial oversight.

33. In Ireland, although there is no specific legislation governing the use of AI, its general use is regulated by the EU AI Act. Its use, and specifically that of generative AI, is also subject to guidance issued by the National Cyber Security Centre. All public authorities, including prosecutorial services, are currently subject to Interim Guidelines on the Use of AI in the Public Service, which was issued by the Irish Government in 2024. These require, amongst other things, the ethical use of AI, subject to risk assessments, and guidance on safeguards concerning its use. Guidance for the public service adoption of AI is also provided by Ireland's National Strategy for AI, which was also issued in 2024. Prosecutors, in so far as they are lawyers regulated by the Law Society of Ireland, will also be subject to its guidance on the use of AI in legal practices. Processing suspects and other parties' data by prosecutorial authorities is also subject to data protection law and, in so far as relevant to them, domestic copyright law.

34. In Italy, while currently there is no use of AI by prosecutors, there is also no kind of legal provision permitting or restricting such use. At the same time, some prosecutors and scholars have been analysing legal problems regarding the use of AI by criminals for unlawful purposes, such as jurisdiction problems and lack of efficient transnational judicial cooperation, especially in fighting cybercrimes producing harmful events. Issues related to legal doubts to identify those responsible for a crime have also been explored including

[6] Opened for signature on 5 September 2024.

cases where AI-enabled systems are not entirely predetermined, and therefore are not foreseeable, which could make it problematic to identify an individual responsible for a crime. Some legal scholars urge the introduction of new types of crime or aggravating circumstances. The Italian Parliament ratified, by Law No. 48 of 18 March 2008, the Convention on Cybercrime, also known as the Budapest Convention, and introduced new cybercrimes in the national legislation. This seems not to be enough. Indeed, especially with respect to economic crimes, there is an opinion that AI companies should be held liable if their products are vectors for crimes. This happens because, for example, trading is frequently done in high volumes and at high speeds by several employees of companies, using complex computer systems. If such conduct occurs on behalf of the company, according to some scholars, it should be fair to attribute the liability for market manipulation to the company, by applying the rules relating to the agency contract.

35. In Latvia, the general use of AI is regulated by the EU AI Act. Additionally, Article 11 of the Criminal Procedure Law generally requires the use of automated (machine) translation tools to translate documents, except for those that include witness testimony, used in criminal proceedings. Where the processing of suspects or parties' personal data, particularly by AI is concerned, that is regulated by the EU GDPR, the EU Law Enforcement Directive as implemented in domestic legislation. Additionally, regulation is effected through Latvia's participation in the Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law and its National Framework on AI and Data Governance. The latter requires, for instance, law enforcement agencies to ensure that impact assessments are carried out concerning the use of AI and that its use is subject to human oversight. Compliance with data protection requirements is carried out generally by its Data Inspectorate, the Ombudsman's Office, particularly where AI use in judicial or criminal contexts infringes fundamental rights, and through judicial oversight where the use of AI in decision making has an impact on the outcome of criminal proceedings.

36. In Lithuania, there are no specific legislative or other means to regulate the use of AI by prosecutors. The general law concerning the processing of suspects or parties' personal data applies where AI may be used in its processing.

37. In Luxembourg, while there are no specific legislative or other means to regulate the use of AI by prosecutors, the EU AI Act was noted to be applicable. Steps were being taken to enact a national law that would implement aspects of that Act in its domestic law.

38. In Malta, there are no specific legislative or other means to regulate the use of AI by prosecutors. There is, however, a general AI strategy, which was issued in 2019 by its Digital Innovation Authority that is intended to guide the development and use of AI in public administration.

39. In Norway, there are no specific legislative or other means to regulate the use of AI by prosecutors. The use of personal data by the police and prosecutorial authorities is, however, regulated by legislation (the Police Databases Act of 2010).

40. In Portugal, there are no specific legislative or other means to regulate the use of AI by prosecutors. While there are no current plans to introduce such regulation, data protection

law applicable to the courts and judiciary and to the prevention, detection and investigation of crime generally governs the processing of suspect's data. Furthermore, Article 9 of the Portuguese Charter for Human Rights in the Digital Age makes specific provision for the use of AI to be consistent with respect for fundamental human rights.

41. In Romania, there are no specific legislative or other means to regulate the use of AI by prosecutors. A general guidance note issued by the Superior Council of the Magistracy provides a general description of AI, but does not contain any binding guidance concerning the use of AI.

42. In the Slovak Republic, there are no specific legislative or other means to regulate the use of AI by prosecutors. The general law, contained in the Data Protection Act, concerning the processing of suspects or parties' personal data, applies were AI to be used in its processing. Additional regulations concerning such processing is contained within the Prosecutor's Office's internal regulations, i.e. within orders and instructions provided by the Attorney General.

43. In Slovenia, while there are no specific legislative or other means to regulate the use of AI by prosecutors, the EU AI Act was noted to be applicable. Steps are currently being taken to implement that Act in domestic law. Additionally, while there are no specific legislative or other means focused on the regulation of the management of suspects or parties' personal data, particularly where AI is used, domestic legislation that was consistent with the EU's Law Enforcement Directive (EU Directive 2016/680) regulated the processing of personal data for law enforcement purposes.

44. Additionally in Slovenia, data subject rights may be restricted to protect criminal proceedings under both the Criminal Procedure Act and the State Prosecution Service Act. The latter law, specifically, prohibits prosecutors from using automated processing where personal or other data is concerned where such processing could lead to the prosecutor making a decision that interfered with a legal or natural person's rights or obligations without the prosecutor making a decision, i.e. the automated processing can only be part of an overall decision-making process where the final decision is taken by a prosecutor.

45. In Türkiye, while there are no specific legislative or other means to regulate the use of AI by prosecutors, its use in this way is indirectly regulated through the application of the general legal framework applicable to judicial activities and through the application of data protection law. The same applies in so far as the management of suspects and parties' personal data is concerned, particularly where AI is used. Where such data is processed in the context of judicial proceedings, these operations are carried out under the supervision of the Ministry of Justice, in accordance with predefined purposes and the principle of legality. This includes the general right for individuals to challenge decisions reached by automated processing, to correct and delete data within the judicial system. The security of such data is regulated by appropriate technical and administrative measures that limit access to it. Where such data is used to train AI, personal data is required to be anonymised. The Ministry of Justice is also working on the development of legal and ethical measures to ensure that AI is used consistently with human rights.

Use of AI

46. **The questionnaire invited CCPE members to briefly describe the different ways, if any, that AI is used to assist the work of prosecutors. This ranged from resource management within prosecutors' offices to legal research, evidence analysis or redaction, to recommendations for trial strategy or trial outcome prediction. It also included such possibilities as whether AI is used to train prosecutors, to identify prosecutorial bias, or make prosecutorial decisions. In general, the responses demonstrated that AI is not used for any of these tasks by prosecutors. Instances where it is used are detailed below.**

47. In Armenia, AI is used to for prosecutorial time and resource management, including case progression. It is also used to assist with legal research, as well as in respect of document management. Steps are being taken to fully implement an electronic system of pre-trial criminal proceedings. While AI is not used to train prosecutors, they do participate in Council of Europe HELP online courses, which include training in the use of AI and human rights (https://www.coe.int/en/web/help/courses).

48. In Austria, AI is used to assist prosecutors carry out legal research, including linking case citations, legal databases and other references with digital case files, the transcription and translation of evidence, and the analysis of digital or other evidence, e.g. analysis of large data sets during preliminary investigations by prosecutors working with the police and also to carry out the structured preparation of factual matters in largescale proceedings. It is also used for evidence gathering and management, including analysis of files to facilitate editing or extraction of meta data. It is also used to anonymise judicial decisions, document templates and to carry out automated speech recognition where transcripts or judgments are being prepared.

49. In Belgium, software is currently being developed by the private sector that will enable the automatic pseudonymisation of decisions of courts and tribunals for publication in media and scientific contributions. Once this project is completed, the instrument will also be adapted to the needs of the Public Prosecution Service whose legal documents will then be made available to parties outside the public prosecutor's office. This tool will only be used to assist prosecutors, as the final decision on pseudonymisation is taken by a prosecutor who can compare the original with the automatically pseudonymised version to determine if it has properly redacted all sensitive or confidential personal information. The feedback from the prosecutor is intended to enable the redaction system to continuously learn and improve (machine-learning). The board of prosecutors general prohibits the use of publicly available, for example, cloud-based AI services for translation when personal data are concerned as long as this software is not available. Thus, AI will be used for translation provided that the document has been pseudonymised beforehand, in accordance with data protection legislation. Microsoft COPILOT was made available to prosecutors. No training in the use of COPILOT has been provided till now. The police use AI in their investigations to analyse quickly large amounts of data in respect of, for instance, cybercrime.

50. In Czechia, prosecutors, as other individuals working in the public justice sector, may use Microsoft COPILOT, which forms an integrated part of Microsoft 365. This facilitates document analysis and the automation of routine tasks. Prosecutorial services also use AI tools to convert speech to text, to transcribe audio recordings, and to translate materials. AI is also integrated into various legal information systems and databases (legislation, case law) as well as professional publications. It can also be used to retrieve information, to search for and analyse case law, and review judicial decisions. It is also used to train prosecutors.

51. In Denmark, prosecutors do not have AI tools that are specifically designed for their own use. They are, however, able to use generally available AI tools, consistently with any applicable legislation and guidance, that assist time and resource management (including case progression), facilitate legal research, transcribe or translate evidence, carry out evidence analysis, facilitate the redaction of evidence, detect false evidence or evidence that has been tampered with, e.g. deepfake detection, conduct evidence gathering, develop prosecutorial strategy, and predict case outcomes. They cannot use AI, for instance, to make prosecutorial decisions or promote consistency in prosecutorial decision making. Nor is AI used to train prosecutors or reduce prosecutorial bias.

52. In Finland, there is no systematic use of AI. Individual prosecutors may experiment to use it to assist in their tasks. Microsoft COPILOT is made available to them.

53. In France, AI is used by prosecutors for a range of tasks, albeit on an experimental basis: some forms of simple legal research, document transcription and translation prior to production of an official translation, particularly where the language to be translated is not well-known, and to a limited extent, transcription of oral testimony. Outcome prediction is also being carried out on an experimental basis in common forms of prosecution, i.e., those that occur regularly and have similar fact patterns, i.e., road traffic offences where there is little or no need to consider the moral element of the offence. In such circumstances, it is used to support the approach taken by a human prosecutor. Any AI prediction is, however, subject to verification and human validation by a prosecutor. Experiments are also being carried out on historic closed case files to ascertain the ability of AI to generate official requests from prosecutors, e.g. requests to authorise searches, wiretapping, etc. The results are then subject to scrutiny and completion by a human prosecutor. Use of AI in such circumstances is leading to considerable time savings.

54. In Germany, AI is not used by prosecutors. The police may, however, use AI in their investigations to analyse large amounts of data. This may then be incorporated indirectly into material used by prosecutors. Where AI is used in investigations, that must be specified in case files. Prosecutorial decisions must be made by humans. This is a constitutional requirement, which as such prohibits the use of AI to generate such decisions.

55. In Greece, generally steps are being taken to introduce into judicial systems, including criminal justice, AI and machine learning that will facilitate legal research, support administration, improve the legal system’s transparency and improve legal protection.

56. In Hungary, AI is not used by its prosecution service. However, it was noted that in order for it to be used, it would be necessary to be able to ensure that personal data processed by AI could not become available on the internet in a way that makes possible the identification of the individual whose personal data it was.

57. In Ireland, AI is not used to assist prosecutors. However, a proposal is being considered to pilot the means by which AI, and particularly a large language model-based approach, could be used to identify personally identifiable information in documents. This proposal would involve the prosecutorial service working with a commercial, i.e. private sector partner in relation to the redaction of evidence, such as redacting video evidence or redacting information contained in electronic documents.

58. In Italy, the technology and sophisticated system of case-law reports available online have long been available for the work of prosecutors and judges. As regards the use of AI as a tool to support the work of prosecutors and judges, it is still an embryonic phenomenon. The Ministry of Justice, which is the competent body responsible for providing prosecutors and judges with technological equipment, has shown an initial interest. Notably, the Ministry is developing an experimental project on the use of AI and in this context, it has purchased software licenses for its experimental use. Some prosecutors and judges have joined this project and will therefore participate very soon in video lessons, viewing tutorials and activities of concrete use of the software. For the time being, the Ministry has not revealed which kind of software it is; it should likely be an algorithm capable to processing documentary material upon a certain topic or theme and producing a reasoned summary of the same.

59. In Latvia, AI can be used for legal research via publicly available AI. It can also be used for language translation consistent with the Criminal Procedure Law (article 11). AI is also used by investigative agencies, namely the police, but not prosecutors. AI can also be used for language transcription and redaction, consistently with the application of data protection law. AI is also used to automate the anonymisation of procedural decisions, e.g. prosecutor's penal orders, subject to human verification (human-in-the-loop safeguards). AI is also being developed by the Office of the Prosecutor General to help promote consistency in prosecutorial decision making regarding petty crime, e.g. minor theft. This will therefore be focused on helping decision making in cases where decisions are made through the application of standard protocols. Where AI is used by prosecutors, information concerning its use is to be given to the court and defence, consistently with requirements in the criminal procedural law.

60. In Luxembourg, all prosecutors are provided with access to a commercial AI tool developed by Microsoft, i.e. 'COPILOT with commercial data protection'. This is provided to them by the Centre for State Information Technology, which is responsible for the provision of IT to Luxembourg's state bodies. It is used by prosecutors to perform tasks such as grammar checks, text formulation, structuring documents, document analysis. Information concerning its use is not provided to the court or legal representatives for defendants in criminal prosecutions.

61. In Portugal, AI tools are only used by prosecutors where basic tasks are concerned, i.e. legal research and data indexation. For the time being, the task of assisting with the analysis of digital evidence is not in production due to licensing issues.

62. In Romania, there is only limited access, i.e. by heads of department, due to cost, to AI systems for legal research through the use of legislative databases.

63. In the Slovak Republic, prosecutors can use AI to conduct legal research, language translation, and to carry out research in areas of general knowledge, not least the social sciences, where relevant. Given these uses, notification of its use is not provided to the court or the defence.

64. In Türkiye, efforts are being made to use AI to assist prosecutors with time and workload management, certain types of legal research, and in preliminary projects involving the examination of digital evidence, as well as the transcription and translation of statements, and managing the timeliness of prosecutions.

65. In Ukraine, there is no information on the official use of AI by prosecutors, although its utility in processing large scale data in respect of, for instance, cybercrime is noted.

The design, operation and management of AI by prosecutors

66. **The questionnaire invited CCPE members to briefly describe the different ways, if any, in which AI used by prosecutors is designed and operated. It sought information on how prosecutorial independence is maintained in such design and operation. It also sought responses on whether and, if so, what steps are taken to ensure that AI used by prosecutors minimises the potential for AI bias. Finally, it sought responses on if, and how, prosecutors are training in the use of AI and what steps are taken to maintain data security.**

67. In Armenia, AI systems that are used by prosecutors are designed and operated by the private sector. Prosecutors are, however, involved in the design process. The Justice Academy provides prosecutors with specialised professional training. This includes training in cybercrime and electronic evidence and issues relating to it.

68. In Austria, the design and operation of AI systems used by prosecutors is the responsibility of the Ministry of Justice. Prosecutors are involved the design process though their participation in Ministry of Justice working groups. There are no concerns about AI impairing prosecutorial independence as it is only used to support their work or that of administrative processes. Bias risks are mitigated by ensuring that training data used during the designed process is subject to stringent standards and subject to review by practitioners within the design working groups. As the use of AI is an integral part of Austria's digital justice workplace, prosecutors (as justice system staff) are training in its use. This is carried out at training centres based in appellate courts. Guidelines and information materials are also made available via official justice intranet sites. To maintain the integrity of AI generated material, all such material can be cross-checked and edited manually, e.g. where court decisions are anonymised, they must be checked manually

and, if necessary, corrected before publication. Access to IT systems, including AI, is subject to strict authorisation requirements. More widely, the Federal Computing Centre is responsible for the security of all IT systems used by prosecutors and all other parts of the public justice system.

69. In Czechia, primary responsibility for the design and operation of AI systems used by prosecutors resides with the Ministry of Industry and Trade and the Ministry of Justice. Prosecutors have also engaged with the Centre for Digitalisation and Artificial Intelligence in Justice where the design and operation of such systems is concerned. Prosecutors who use AI in their work are provided with specific training in its use. This is provided by the Judicial Academy, which is an institution of the Ministry of Justice and which is responsible for training judges and prosecutors. To ensure that AI use does not have an adverse impact on prosecutorial independence, it can only be used to support the work of prosecutors. To mitigate the possibility that prosecutors may become overly reliant on AI, prosecutors are required to comply with "Ten Commandments for the Safe Use of Artificial Intelligence (AI) in Justice". These set out key technical, legal and ethical principles designed to secure the safe use of AI in the justice system. To ensure that data used by AI is kept securely, prosecutorial services must comply with legislative requirements concerning cybersecurity and data protection. Where data is processed outside of premises controlled by the Ministry of Justice, AI tools must not be used to process personal data and data that is sensitive in the context of criminal proceedings.

70. In Finland, Microsoft COPILOT can be used in computer systems provided to prosecutorial services. Only publicly available material and material that is not subject to copyright may be used with AI. Guidance warns prosecutors about the possibility of bias and inaccuracy in AI-generated material. AI-generated content must also be verified independently to ensure it is not fabricated.

71. In France, current experimental projects on the use of AI are being developed through co-operation between prosecutors and the Interministerial Digital Directorate (DINUM), which is developing a state-based AI known as Albert. A specific prosecutor is responsible for co-ordinating this project, the aim of which is to develop a better understanding of the issues and opportunities that AI poses for prosecutors. One specific focus of this project is to consider the risks that use of AI poses to prosecutorial independence. It is also intended to promote a better understanding of how best AI hallucinations can be minimised and identify what training in AI's use prosecutors will require. It is intended that where AI is used in future, its use will remain subject to mandatory and systematic content verification. The current experiment is being carried using data on servers made available to DINUM by the National Centre for Scientific Research.

72. In Ireland, if AI were to be used by prosecutorial services, it would be designed, tested and implemented collaboratively. This would involve its Data Protection, Information and Communications Technology (ICT) and Management Board members working together. Use of any proposed AI tool would then be subject to the approval of its senior management. Use of AI would not be considered as posing a threat to prosecutorial independence as its use would be determined solely by the prosecution service itself, and specifically its ICT Governance Board, which includes (amongst others) its Chief Information and Data Protection Officers.

73. In Latvia, prosecutors are involved in the design and operation of AI. The specific prosecutors who work with the AI developers (as part of the AI project's coordination group) with support staff provide training to other prosecutors concerning AI's use. Training tends to be online and, as it is recorded, is available for later review. Where available, prosecutors can also take part in training provided by other organisations, such as training provided on the use of AI by the United Nations Interregional Crime and Justice Research Institute. Additionally, support is always available to prosecutors who use AI. Additionally, the Ministry of the Interior's Information Centre with a private sector company has developed an AI speech recognition and language transcription tool, which is used by prosecutors. Where AI is used there are no concerns at present that it will harm prosecutorial independence, moreover steps are taken to mitigate potential AI bias. Such steps include human supervision of results of the use of AI and, for instance, where AI anonymisation of decisions is concerned, their publication only where a prosecutor is satisfied that they are appropriate. At no point can prosecutors solely rely on AI in carrying out their work. All data processing, including the use of AI, must be carried out consistently with data protection law. Where authorised prosecutorial personnel use data with AI, they are warned about their potential liability under data protection law as a means to promote safe and lawful use of data.

74. In Luxembourg, responsibility for ensuring that AI tools made available to prosecutors do not infringe prosecutorial independence rests with the Directorate of Information and Digitalisation of the Judicial Administration. The Directorate is also responsible for organising training in the use of AI, namely COPILOT, by prosecutors. The training is itself provided by an external organisation that specialises in the use of AI. Confidentiality of data input into COPILOT is guaranteed by the Centre for State Information Technologies. Guidance on the use of COPILOT by prosecutors is given via an internal circular, which warns prosecutors about its limits, i.e. that its answers are drawn from the internet, that it cannot guarantee the accuracy of answers it generates and that there is a risk that its content may reflect biases in data used to train the AI. Prosecutors are enjoined to ensure that they verify information provided to them by COPILOT and that it cannot be used as a substitute for their own analysis or assessment of information.

75. In Montenegro, while the use of AI was not generally noted as occurring, the Information Technology and Digital Evidence Expert Service within the Special State Prosecutor's Office was noted to have developed its own software that assists prosecutors in the analysis of digital evidence. To maintain data security, the software is only used in an environment that has no internet connection. Security protocols also apply to limit data access and ensure any information it produces is not influenced by material on the internet. Prosecutors are required, under an applicable protocol, to verify all data that is processed through the use of AI, where it is used. While they are trained on the use of their own software, there is no specific training in the use of AI. No concerns were raised about prosecutorial independence in respect of the design or use of AI.

76. In Portugal, where AI is used by prosecutors, they are only involved in its operation. They are not involved in the design of AI used as they only use proprietary AI. As AI is used for simple tasks, the absence of involvement in design does not yet raise any concerns. For the same reason, there are no concerns that AI will result in over-reliance upon it by

prosecutors. General training in the relationship between law and AI is also provided to prosecutors by the national school for judges and prosecutors (the Centre for Judicial Studies). The Office of the Prosecutor General is also engaged in seeking to establish co-operation between law and engineering schools to ensure that prosecutors have sufficient skills in the use of AI.

77. In the Slovak Republic, given the limited nature of AI's current use, there are no concerns about its use impinging on prosecutorial independence. This is due to the use not having any impact on the decision-making process. Similarly, the limited nature of its use means that specific training is provided to prosecutors using AI and no steps are necessary to mitigate AI bias. However, it is noted that should the use of AI be such in the future as to have a potential effect on prosecutorial decision making, then steps to mitigate potential AI bias will need to be taken both in terms of the design and operation of AI by prosecutors. Such measures will need to ensure that AI's use is fair and transparent. Equally, further developments in AI use will necessitate training, not least to limit the possibility of prosecutorial over-reliance on AI. While the current use of AI does not generally require the storage of sensitive data, the processing of data must be carried out consistently with applicable data protection law.

78. In Slovenia, while there is no official use of AI, prosecutors may use AI tools that are available on the internet. They may not, however, use such tools with any personal data due to the application of domestic legislation. The Ministry of Justice and an IT company are currently developing an AI "Virtual Assistant", which is intended to help prosecutors work more effectively. It is anticipated that it will be in operation by the end of June 2026.

79. In Türkiye, the Ministry of Justice's Directorate General for Information Technologies is responsible for the design and operation of AI used by prosecutors. Judges and prosecutors, appointed by the Directorate General, work with technical experts in the design process. The design process also involves consultation and communication with prosecutors across the country. The development of AI used by prosecutors is required to be consistent with constitutional principles, including judicial and prosecutorial independence. It must also be consistent with maintenance of professional ethical standards. AI design and operation must ensure that it plays no more than a supportive role and hence cannot impinge upon prosecutorial discretion. Specific steps are taken by the Ministry of Justice to minimise the risk that AI systems are biased. Hence AI design must be carried out consistently with the principles of equality, legal certainty and the prohibition of discrimination. General training on the use of technology, including the use of AI, is provided by the coordination of the Directorate General and Justice Academy. Data security is implemented through compliance with ISO 27001. Access is restricted to authorised individuals. Authorisation is subject to periodic review. It is determined by the individual prosecutor's job status.