# 60<sup>th</sup> Anniversary of the European Committee on Legal Cooperation
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# Address by Mr Abderrazzak Afkyr

Ladies and gentlemen,

It is an honor to be addressing you today and discussing the significant topic of artificial intelligence and its impact on the administration of justice. The emergence of AI has brought about unprecedented opportunities as well as notable risks in this field. In my talk, I will outline the definition of AI, explore the opportunities it offers for the administration of justice, highlight some of the main risks involved, and provide relevant examples, including the child care benefits scandal in my own country, the Netherlands, to illustrate these points.

Let us begin by establishing a common understanding of artificial intelligence. As most of us are trained as lawyers we love definitions. AI refers to the development of computer systems capable of performing tasks that typically require human intelligence, such as reasoning, problem-solving, and learning from experience. It encompasses a range of techniques, including machine learning, natural language processing, computer vision, and more. One of the main challenges in regulating AI is landing on a widely accepted and comprehensive definition of AI.

Now, let us delve into the opportunities that AI presents for the administration of justice. Firstly, AI technologies can greatly enhance the efficiency of legal processes. By automating repetitive and time-consuming tasks, such as document analysis, legal research, and case management, AI can significantly reduce the burden on legal professionals, allowing them to focus on higher-level tasks that require human judgment and critical thinking. This increased efficiency can result in swifter resolutions, reduced backlog, and improved access to justice.

Furthermore, AI has the potential to improve the accuracy and consistency of decision-making in the administration of justice. By analyzing vast amounts of legal data and identifying patterns, AI systems can assist judges and legal practitioners in making more informed and consistent decisions. This can help reduce biases and disparities, ensuring a fairer and more equitable justice system.

Despite these promising opportunities, we must also acknowledge and address the risks associated with the utilization of AI in the administration of justice. One key concern is the potential for bias in AI algorithms. If the training data used to develop AI systems is biased or reflects historical disparities, it can inadvertently perpetuate or amplify existing inequalities in the justice system. Therefore, it is essential to ensure that AI systems are developed and trained using diverse and representative datasets, and that their decision-making processes are transparent and explainable.

One of the examples that highlights the risks involved is the child care benefits scandal in the Netherlands. More than 25.000 people were wrongly accused of making fraudulent benefit claims. Many of them ended up in deep poverty because of the thousands of euros they were obliged to pay back to the tax office. Although not specific to AI, this case emphasizes the dangers of flawed data processing and decision-making systems, which can lead to severe injustices.

[The lives of these people were devastated: imagine losing your job, your health, your home, your marriage or even your children being placed in child custody. All because of a terrible combination of errors in judgment by their government. To these people their government was not trustworthy, and their democratic rights were trampled with immense effects.]

Privacy and data protection are another critical area of concern. AI systems often rely on large amounts of personal and sensitive data to function effectively. To safeguard individuals' privacy and maintain public trust, it is imperative to establish robust legal frameworks and ethical guidelines governing the collection, storage, and use of data in the context of AI applications in the administration of justice.

Additionally, the potential for technological malfunctions or cyberattacks poses risks to the integrity and reliability of AI systems. Safeguards must be in place to ensure the accuracy and security of AI-generated outputs, as well as to protect against unauthorized access or manipulation of sensitive information.

In conclusion, artificial intelligence holds immense potential to transform the administration of justice, offering efficiency gains, improved decision-making, and enhanced access to legal information. However, we must tread cautiously and proactively address the risks associated with AI, including biases, privacy concerns,

and system integrity. By adopting transparent and accountable practices, implementing appropriate regulations, and fostering multidisciplinary collaboration, we can harness the power of AI while upholding the principles of fairness, equality, and justice.

The Council of Europe, as an international organization with a unique mandate to create legal standards on human rights, is currently mobilizing to develop norms adapted to the challenges encountered, including a Framework convention on Artificial Intelligence. This global legally binding instrument will based on the CoE standards of human rights, democracy and the rule of law and is expected to be adopted by November 2023.

The CDCJ is not only involved in the work of CAI but is also mandated to address new and emerging challenges arising because of the use of AI in its area of competence, being public law, private law and the administration of justice.
We have delivered a comparative study on administrative law and the use of AI and algorithmic systems in Administration Decision making. And we are currently underway updating the CDCJ Handbook "The Administration and You".

Thank you for your attention, and I look forward to engaging in further discussions on this vital subject.