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Taming the technology: AI, human rights, and the future of justice

Closing remarks by Michael O'Flaherty
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Minister, Judges,

Dear friends,

It is a great pleasure to be back at the Warsaw Human Rights Seminar. I think it is my fourth over the years.

I particularly appreciate the topic you've chosen. I first addressed this topic of AI in the administration of justice back in 2020. I have to say that I have been astonished by the developments since then in terms of deployment, regulation and reflection.

While credit is due to many actors, I would point in particular to the work of just one body, the European Commission for the Efficiency of Justice, CEPEJ. Its pioneering, ground-breaking work is of global relevance.

But many institutions are engaged in important initiatives. Recently, for example, I came across the work of the Oxford Institute of Technology and Justice. I learned of the project *Waging Justice for Women*, which upscales essential legal services using digital technology. Another project in Malawi impressively expands access to legal advice by means of AI-powered WhatsApp chatbots.

But enough of examples. You have heard plenty of them today. Instead, allow me to draw attention to a 2025 report of my own former workplace, the EU Agency for Fundamental Rights. This report "Digitalising Justice, a fundamental rights-based approach" analysed 31 digital tools in use in the judicial systems of seven countries. The results are interesting. For instance, the Agency found that often a tool was deployed with only perfunctory attention to its human rights impact. What's more, relevant expert bodies like national human rights institutions and bar associations were rarely consulted in the design and deployment of the tools.

The Fundamental Rights Agency also considered that governments could do much more to help people, citizens, navigate the digital justice environment.

Beyond the scope of the Fundamental Rights Agency report, there is a further shadow looming over the justice-related use of AI, and that is the necessity for the technology to be transparent.

The concerns over inadequate transparency have been very well made by Professor Yuval Shany. In his recent white paper on an international AI Bill of Human Rights, he recalls how a lack of transparency in an AI-assisted justice-related process can easily run afoul of the duty to provide

reasons. He also observes the current direction of technology away from human reasoning and how that is creating new problems of arbitrariness, unfairness and injustice.

Friends,

as I make some closing remarks, let me stay with the current state of the technology in general.

It is clear that we are at a pivotal moment.

Agentic AI is making enormous and rapid strides. We appear to be at the cusp of Recursive Self-Improvement. At the same time, we witness the horrific harm done by AI-assisted weaponry.

In other words, we are at a moment when the technology must be tamed.

But the geopolitical context for this could hardly be worse:

- There is the China-US race to dominate.
- There is the industry race for profit and competitive advantage.
- There are the very differing philosophical models at play within the industry and society.
- Above all, there is the tussle between models of humanist, transhumanist and post-humanist goals and futures.
- Then, in terms of oversight and notwithstanding the notable European initiatives, there is the push for deregulation and self-governance.

So then, what do we do?

From a human rights law point of view, certain things are clear. We must, for instance:

- Insist on multilateral state cooperation,
- Demand strong binding national oversight systems that integrate attention to human rights,
- Require the banning of unacceptable AI applications,
- Ensure life-cycle testing of high-risk applications for human rights compliance,
- Demand meaningful delivery of the principle of the human in the room,
- And involve rights holders and relevant civil society in all considerations of AI governance.

But beyond all of this, where can we go? Where can we turn for guidance?

For me, without a doubt, the place to turn at this moment in our history is the recent encyclical of Pope Leo, “Magnifica Humanitas”. This tour-de-force document lays out a definitively humanist vision for AI and sets the roadmap to deliver it.

In so doing, it identifies the essential ethical principles and shows how international human rights law can help operationalise the principles.

For us lawyers, the encyclical is both a wake-up call and an inspiration.

For all of us, it is a point of sanity around which we can rally to put the astonishing technology at the service of human flourishing.

Thank you.