**AGREEMENT PCSJA24-12243**
16 December 2024

*"By which guidelines are adopted for the respectful, responsible, safe and ethical use and exploitation of artificial intelligence in the Judicial Branch".*

## THE HIGHER COUNCIL OF THE JUDICIARY

In exercise of its constitutional and legal powers, in particular those indicated in numeral 3 of article 257 of the Political Constitution of Colombia and literal a of numeral 1 of article 85 of Law 270 of 1996, modified by Law 2430 of 2024; in accordance with what was approved in the session of 11 December 2024 and,

## WHEREAS

That in accordance with Article 95 of Law 270 of 1996, modified by Article 41 of Law 2430 of 2024, the incorporation of new technologies to the administration of justice will be focused on improving access to justice; communication with users; file management, procedural actions and online litigation; the production and dissemination of judicial information, in conditions of security and data protection.

That the use of artificial intelligence has the potential to improve access, transparency, efficiency, effectiveness, legal certainty and communication in the administration of justice, by supporting the tasks of document or administrative management, correction or synthesis of texts or tasks in support of judicial functions.

The use of generative artificial intelligence tools such as general-purpose *chatbots* or non-specialised open access and interaction tools or systems that operate on the basis of large-scale language models entail potential risks in relation to the performance of tasks that may impact substantive decision-making processes; the possible exposure of personal data or confidential information to third parties; opacities in their algorithms or operation; the way in which the texts generated by the tools are used; and likelihood that the responses generated by these tools contain errors, inaccuracies, falsehoods, prejudices or discriminatory biases, all of which may result in violations of fundamental rights and guarantees.

That some of the limitations of such tools could be partially or fully overcome if they are specialised a specific or institutional knowledge base, integrated with other tools that develop complementary functionalities, and if human and/or institutional control and supervision is maintained.

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That the Superior Council of the Judiciary has been promoting a strategy for the use of artificial intelligence tools, within the framework of the digital transformation in the Judicial Branch, with the aim of improving attributes of the administration of justice through the safe, ethical, responsible and respectful use of these technologies, under three components or lines of action: (i) knowledge, competencies and capacities; (ii) projects, initiatives and use cases; (iii) guidelines for use.

That in the development of this last line of action, the Superior Council of the Judiciary, during this period, has held working groups and workshops with the participation and collaboration of specialists in the field, judicial officials from the different jurisdictions and specialities, actors in the justice sector, universities and the technology industry, This was in addition to the analysis of the instruments and practices developed at national and international level in the field of judicial powers, as well as regulations and public policy, all of which form part of the Technical Support Document that reflects the research, analysis and participatory construction process.

That between 11 and 26 July 2024, the Superior Council of the Judiciary implemented a survey on artificial intelligence experiences in servers of the Judicial Branch, in which about 30% of respondents have used artificial intelligence tools in their work, with a preponderance of generative artificial intelligence in commercial and free versions. Ethical and legal concerns about information security, data protection, reliability of results and biases in were widely noted in the responses received. 91.68% of respondents considered it necessary to adopt guidelines for the use of artificial intelligence in the judiciary.

That on 10 October 2024, the Superior Council of the Judiciary formalised an alliance with UNESCO to promote the safe and respectful use of human rights in artificial intelligence tools, which has made it possible to receive its permanent contribution and feedback, as well as to complement the analysis of references, with the principles, guidelines and directives for the use of artificial intelligence systems in courts and tribunals that this entity has been formulating.

That the Constitutional Court, in Ruling T-323 of 2 August 2024 and with *inter comunis* effects, established some guiding principles and criteria on the use of artificial intelligence in the judicial sphere, exhorted the judges of the Republic to evaluate the appropriate use of generative artificial intelligence technological tools, apply best practices, ethical criteria and the superior mandates of guaranteeing rights in judicial processes.

That the Constitutional Court provided that the Superior Council of the Judiciary would promulgate guidelines for the use and implementation of generative AI in the Judicial Branch.

That in the light of the foregoing,

**AGREES**

**CHAPTER I**
**GENERAL PROVISIONS**

**Article 1. Purpose.** To adopt guidelines for the use of artificial intelligence (AI) tools in the Judicial Branch.

Magistrates, judges and employees of all jurisdictions and specialties, as well the directors and employees of the administrative units and dependencies of the Judicial Branch shall comply with the rules of this Agreement, which shall serve as guidance for the other actors involved in justice services, in order to maximise the benefits and potential of these technologies, while mitigating and managing their potential risks.

**Article 2. Definitions.** The following definitions used mainly in instruments of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the Organisation for Economic Cooperation and Development (OECD) and the European Commission for the Efficiency of Justice (CEPEJ) are adopted as references.

**2.1. General definitions:**

**Algorithm: A** set of instructions for performing calculations or other tasks, either in mathematics or computer science. In the case of artificial intelligence, an algorithm provides the rules or instructions that allow a computer to learn to learn from the environment and perform a set of tasks.

**Artificial intelligence systems or tools: A** machine-based system that, by explicit or implicit goals, infers from the input it receives how to generate outputs such as predictions, content, recommendations or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptability after deployment.

**Generative artificial intelligence systems or tools:** Computer systems that communicate in natural language, i.e. they communicate in a similar way as humans would, that are able to give answers to relatively complex questions and can create content, provide a text, image or sound, following a formulated question or instructions (*prompt*). Generative AI, instead of preserving existing web pages, generates new content in a similar way to humans.

in response to instructions in conversational natural language interfaces (prompts). Typically, software applications known as *chatbots* operate on the basis of these systems.

**Large Language Model (LLM):** A type of artificial intelligence algorithm that uses deep learning techniques and very large datasets to understand, summarise, generate and predict new content. The term generative AI is also closely related to LLMs, which are, in fact, a type of generative AI that is specifically designed to help generate content.

**Natural Language Processing (NLP)**: A machine learning technique that analyses large amounts of human text or speech data, transcribed or acoustic, for specific properties such as meaning, content, intent, attitude and context.

***Prompt*:** Instructions given by the user of the generative AI to produce a result or output.

**2.2. Definitions associated with risks:**

**Hallucinations and misinformation:** Inaccurate or inaccurate results that can be generated by generative AI systems, especially those based on large language models (LLM).

**AI bias**: AI bias is a systematic difference in the treatment of certain objects, people or groups (e.g. stereotypes, prejudice or favouritism) compared to others by AI algorithms. This type of bias results from the data used to train the algorithm, which can reinforce biases of race, gender, sexuality, ethnicity or disability.

**Explainable AI:** Systems, algorithms and models with the ability to explain their rationale for decisions, characterise the strengths and weaknesses of their decision-making process and convey an understanding of how they will behave in the future.

**Article 3. Principles and guarantees**. The use and exploitation of AI in the Judicial Branch shall be subject to the following principles and guarantees:

3.1. **Primacy of fundamental rights.** The development, adoption and use of AI systems in the judiciary shall ensure the respect, protection and promotion of fundamental rights.

3.2. **Ethical regulation**. Judicial Branch officials and employees shall develop individual standards of behaviour that are in line with constitutional, legal and jurisprudential mandates, as well as the Ibero-American Code of Ethics, and shall make reasonable use of AI systems.

3.3. **Alignment with good practices and collective standards**. The Judicial Branch shall adopt practices and standards that are in line with the principles, design and functioning of the Judicial Branch, within the framework of the definitions adopted by its authorities, both in terms of administration and jurisprudential guidance.

3.4. **Continuous monitoring, improvement and adaptation**. For the use of AI systems in the Judicial Branch, the legal, sociological and technological advances that are implemented, as well as the improvement and control schemes that are built progressively, will be permanently consulted.

3.5. **Collaborative and multi-stakeholder governance**. For the design, implementation and monitoring of initiatives for the use and exploitation of AI, the Judicial Branch will promote a governance scheme that involves the participation of the different agencies and jurisdictions, as well as other stakeholders.

3.6. **Non-substitution of human rationality and attribution**. Judicial Branch officials and employees are responsible for the use, management, actions and decisions they take using AI systems.

AI systems should not, under any circumstances, supplant the activities of motivation of rulings and decisions, assessment of facts, analysis of evidence, application of law, interpretation or decision making. Therefore, any decision or judicial action in which AI has been used is attributed to the judicial officer.

3.7. **Appropriateness**. The use of AI tools in the management and processing of court proceedings and ongoing cases should be appropriate to facilitate and expedite access to justice and the administration of justice. Judicial officers should have a clear, specified and justified purpose for the use of AI-based tools.

3.8. **Responsibility and informed use**. Users of AI tools in the judiciary should be trained and understand the impacts of the use of these technologies. In addition, they will account for the origin, suitability, limitations and necessity of AI tools.

of the use of the AI, as well as of the information provided by the AI, which must in any case be verified.

**3.9.** **Supervision, control and human verification**. Officials and employees of the Judicial Branch are responsible for conducting strict scrutiny of actions and decisions in which they use AI tools, in particular regarding the sources, scope, restrictions, possibilities, shortcomings and risks presented by the tool with regard to the action in progress or the solution of the corresponding legal problem.

**3.10.** **Risk prevention**. The Judicial Branch will apply appropriate standards of identification, evaluation, management, mitigation and control over situations that generate risk by the application of AI tools, in aspects such as inaccuracies, inaccuracies, inaccuracies, hallucinations, biases or inconsistencies.

**3.11.** **Equality and fairness.** Officials and employees of the Judicial Branch must avoid and proscribe any form of discrimination related to the application of bias derived from the use of AI and, in general, any negative impact on human rights.

**3.12.** **Protection of personal data and privacy.** The officials and employees of the Judicial Branch are responsible for the use, custody and protection of the confidentiality of personal and sensitive data that is brought to the attention of the administration of justice in order to fulfil the purposes of the Judicial Branch. Therefore, they must comply with the obligations established in the law and in the institutional policies defined on the matter.

**3.13.** **Information security**. The Judicial Branch shall apply standards to ensure the integrity, confidentiality and availability of the information that is managed through IA tools, complying with the obligations established in the law, in the guidelines provided in this Agreement and in the institutional guidelines defined in this regard.

**3.14.** **Explainability**. Officials and employees of the Judicial Branch may use AI tools that provide evidence, reasons or justifications for the processes it performs and the results it generates, which must also be understandable to internal and external users.

**3.15.** **Transparency.** Officials and employees of the Judicial Branch must make explicit, in a clear and precise manner, the use, scope and location in the proceedings or decisions of the results obtained by the use of AI tools, in such a way as to allow users and interested parties full knowledge of them and the effective possibility of contradiction.

**CHAPTER 2**
**GUIDELINES AND BEST PRACTICES FOR THE USE OF IA FOR JUDICIAL BRANCH EMPLOYEES**

**Article 4. Use of artificial intelligence.** Officials and employees of the Judicial Branch may use AI tools for the performance of their duties, subject to the following rules:

**4.1.   Uses in administrative management or to support judicial management:**

a. Assisted drafting of administrative texts, such as official letters, administrative reports, speeches and e-mails. Also, to improve the grammar, spelling and structure of the texts produced by the server.

b. Organisation of an agenda for the scheduling of activities or errands.

c. Assistance in the design and preparation of presentations.

d. Comparison of data or information between texts.

e. Translation of information and documents.

f. Reorganisation of citations and references in a text, according to a certain system of citing sources.

g. Assistance in the drafting of minutes.

h. Classification of asset and resource requirements of offices and headquarters.

**4.2.   Uses that require detailed review of the products and results obtained, for their use or interpretation:**

a. Search for, collect, expand and synthesise information that can be related to a case under study and, in general, suggest sources of law for consultation.

b. Classification, consultation and referencing of case law, precedents and jurisprudence in specific cases and situations.

c.  Summary of case law or enforceable judgments, without including personal data or confidential information in instructions.

d.  Reminders and alerts on pending proceedings and .

e.  Transcribing hearings with identification of speakers, as well as searching concepts and key words.

f.  Convert procedural documents into editable format.

g.  Extract and classify information from files.

h.  Support the thematic classification of actions, documents and processes received in the offices.

i.  Review the completeness of documents provided in the framework of procedures and processes.

j.  Identify issues and types of repetitive processes and support their classification or assignment.

k.  Analyse and manage workloads or delivery.

l.  Assisting with notification processes.

m. Assisting in the drafting of procedural orders, support or procedural impulses.

n.  Support the generation of ideas and structuring of ideas, alternatives or arguments in the processes.

o.  Support the planning or structuring of texts.

p.  Perform semantic analysis to support understanding of the context and meaning of texts.

q.  Assisting in the correction, improvement of the drafting and synthesis of texts of orders or decisions.

r.  Support in the generation or assistance of clear and appropriate language versions of documents for different target audiences.

s.  Propose clear explanations or examples of complex concepts, only if they are understood by the judicial officer, but which he/she wants to explain in a didactic way.

t.  Anonymise personal and sensitive data in publicly accessible documents or systems.

u.  To guide and assist access to the services and procedures of the Judicial Branch.

v.  Guidance and assistance in the filing of petitions, complaints, claims and denunciations.

w.  Assist in the classification and analysis of statistical data.

x.  Support the generation and adjustment of code written in a computer language.

**4.3.  Uses requiring special observance of transparency, accountability and privacy:**

a.  Simulation of case-specific decision scenarios.

b.  Assistance a the activities related with operations arithmetic and mathematical operations.

c.  Assistance in tasks that have an impact on the work of motivating judicial decisions.

d.  Assistance with summaries of facts and testimony.

e.  Analysis and assistance with decisions in proceedings related to standardised and recurring legal problems.

**Paragraph one.** For the purposes set out in this article, judicial servants may use the IA tools at their disposal, complying with the duties set out in article 8 of this Agreement.

**Paragraph two.** The development, use or implementation of technological aids or AI tools by judicial servants shall not, under any circumstances, replace the technological aids or AI tools provided, endorsed or enabled by the Higher Council of the Judiciary.

**Article 5. Use of generative artificial intelligence.** For uses other than those contemplated in the previous article, officials and employees of the Judicial Branch may only use generative AI tools for the fulfilment of their functions when they are determined, provided, endorsed or authorised by the Superior Council of the Judiciary.

**Article 6. Analysis of suitability, usefulness and selection.** Before using generative AI to support institutional work, tasks or activities, judicial officers shall:

1.  Clearly define the task or activity they will undertake with possible generative AI support.

2.  Assess whether the activity or task can be carried out with other types of tools that are more reliable or safer than generative AI.

3.  Ensure that the capabilities and functionalities of the generative AI tool to be used are adequate to meet the specific needs of the task or activity to be executed.

**Article 7. Responsibility and prior knowledge**. To ensure the understanding and informed use of a particular generative AI tool in support of institutional work, tasks or activities, as provided for in this Agreement, judicial officers are responsible for:

1.  Learn about the use, functionalities, strengths and accuracy of the generative AI tool.

2.  Be informed about their potential limitations and risks such as hallucinations, inconsistencies and biases in the results.

3.  Be informed about how they handle and treat information shared or entered by the user.

4.  Be trained in their handling and informed about the consequences of inappropriate or negligent use.

For the purposes foreseen in this article, judicial officers shall previously review and analyse, among other sources, the terms and conditions of use of the AI available to them. In addition, they shall promote and participate in knowledge management spaces on the subject.

**Article 8. Duties.** Officials and employees of the Judicial Branch who use AI tools for the exercise of their functions shall:

1.  Avoid using general or commercial AI *chatbots* in their free versions.

2.  For the uses described in paragraphs 4.2 and 4.3 of Article 4, on the basis of the conditions and terms of use and other available means, dispense with AI tools that do not allow the origin of the data that were used to be known.

used for their training, the way they are processed, or their functioning.

3. Disregarding AI tools for the assessment of evidence, scrutiny of facts, making value judgements, and the solution of legal problems.

4. Disregard AI tools to apply the rules that make up the legal system, to give reasons or to adopt decisions in a process, based exclusively on the answers offered by the respective tool.

5. Discontinue AI tools if they are found to generate potential harm to human rights.

6. Refrain from entering, by any means, personal data, sensitive or confidential information into AI tools, when they appropriate the data or information entered, allow them to be shared or use them to retrain their models.

7. Refrain from passing off text produced with generative AI tools as your own authorship, or failing to properly cite materials created by generative AI tools.

**Article 9. Human control and verification.** In order to check and verify the reliability of generative AI tools in support of institutional tasks, duties or activities, judicial officers shall:

1. Comply with the terms and conditions of risks, appropriate, not permitted and prohibited uses of AI tools, published by the tool provider, whether external or institutional.

2. Check and verify the veracity, relevance and sufficiency of the results obtained, the sources and data referenced by the tool.

**Article 10. Transparency and integrity.** Judicial officers shall expressly report on the use of generative AI systems to support institutional work, tasks or activities. In particular for activities that end up impacting and being reflected in the processes of adoption and issuance of substantive decisions, officials and employees shall make explicit in the file, folder, action, document or decision, the name of the tool used, model and provider company; date on which it was used; that they read, understood and accepted the terms and conditions of use; explain what it was used for, the details of how it was used and the *prompts* or instructions used; refer to the specific location of the products or results reproduced, transcribed or incorporated, with inverted commas, bold, italics or any

another, to clearly distinguish the decision texts that were produced directly by the tool.

**Paragraph.** For the purposes of this Article, such statements or disclosures may be included in the main body of the file, folder, action, document or decision, in footnotes or in annexes.

## CHAPTER 3
## GUIDELINES AND BEST PRACTICES FOR THE IMPLEMENTATION OF INSTITUTIONAL SOLUTIONS OR PROJECTS

**Article 11. Implementation of institutional solutions or projects.** The Digital Transformation and IT Unit and the units that implement institutional projects and solutions based on generative AI shall validate compliance with the guidelines and directives for their respectful, responsible and secure use, and in particular:

1. Analyse the adoption of tools for which an algorithmic impact analysis has been carried out, in order to anticipate and manage potential risks of use, especially for fundamental rights.

2. Evaluate the choice of tools that offer greater transparency of their training data, that allow implementers and users to assess the quality and integrity of such data, that provide understandable and traceable information on inputs, outputs and performance, in particular when the use relates to activities that end up impacting and being reflected in substantive decision-making and issuing processes.

3. Have technical and procedural measures in place to ensure compliance with national regulations, Agreements and institutional policies adopted by the Superior Council of the Judiciary for IT security and information and data security. They shall implement specific information security controls appropriate for each type of IA system.

4. Consider the data quality processes that will be involved in the use of AI tools, in order to reduce biases and biases and use techniques to link the use of proprietary data to the processing of generative AI tools.

5. Do not use personal and/or confidential data in the training processes of the models that will support this type of tool.

6. Conduct privacy and personal data protection impact analyses regarding the use of certain generative AI tools, where they require the incorporation and use of such data by end-users. The privacy impact analysis shall identify the implications of the use of the tools in relation to the privacy and data protection rights of users and third parties. This analysis will lead to recommendations regarding their eventual adoption, as well as protocols, practices and guidelines to avoid or mitigate the risks of affecting privacy rights and personal data protection.

7. Avoid dependence on specific technologies and suppliers, promote technological neutrality, seeking to foster sustainability and autonomy in the use of technologies. In any case, they shall ensure that external providers of AI tools or systems have terms and conditions of use that are compatible with national regulations, the provisions of this Agreement and the policies outlined by the Superior Council of the Judiciary, and that they incorporate provisions, measures and obligations related to compliance with the policies and guidelines for the responsible and safe use and exploitation of AI. Priority will be given to providers that allow for audits and impact assessments, as well as information on the processes and training data of the tools and the functioning of their algorithms.

8. Promote the internal development of technologies that are suitable to support strategic initiatives for the Judicial Branch, in accordance with the guidelines or standards established by the Superior Council of the Judiciary.

9. Prioritise the integration of AI tools with other existing systems or applications in the Judicial Branch, in order to enhance and complement functionalities, practices and uses.

10. Use tools that are accessible to different stakeholders of the Judicial Branch, avoiding the use of technologies and systems that have substantial economic and technical barriers to use by individuals.

**Article 12. Analysis for institutional solutions or projects.** The Digital Transformation and IT Unit, in coordination with the competent units, shall prioritise the following actions aimed at implementing projects, enabling and providing institutional AI solutions:

1. Advance tests and feasibility studies to implement projects, arrange and enable institutional AI solutions or tools, initially focused on the following types of use, without prejudice to others that may be identified or requested:

a. Administrative and documentary management: distribution, agenda for the scheduling of proceedings, digitalisation and classification of files, review of the completeness of

documents, textualisation of recordings of hearings, court reporting and case law search engines and anonymisation of data.

b. Support for the judicial function: referencing of case law, monitoring of jurisprudence, analysis of statistical data, identification of repetitive issues, assistance in notification processes, guiding access to services and procedures and interaction with users, without these uses involving the creation of content, interpretation of facts or texts, or case resolution.

c. Proofreading and synthesis of texts, with subsequent human supervision for implementation.

2. Advance in the analysis of the suitability and relevance of developing, enabling or using systems, services or generative AI tools specialised in jurisprudence and regulations, to support the exercise of the public function of administration of justice.

3. Analyse actions to strengthen the component associated with the knowledge and use of technologies within the systems, programmes and schemes for institutional admission, assessment and recognition.

## CHAPTER 4
## TRAINING AND CAPACITY BUILDING

**Article 13. Training Plan.** The Rodrigo Lara Bonilla Judicial Academy, in coordination with the Digital Transformation and Information Technology Unit, shall incorporate into the Training Plan of the Judicial Branch the learning path and digital and AI competencies, considering socio-demographic differences and the type of position held by the personnel to be trained; levels of knowledge and theoretical-practical components; evaluation mechanisms and the possibility of alliances with academia, centres of thought, research and innovation.

## CHAPTER 5
## ACCOMPANIMENT, MONITORING AND UPDATING

**Article 14. Communication and reporting**. Servants of the Judicial Branch shall:

1. Communicate and share projects or initiatives involving the implementation of AI tools, including generative AI to support institutional work, tasks or activities, through the channels and mechanisms provided by the Digital Transformation and Informatics Unit. The eventual and specific use of

     tools on the part of servers will not be considered in terms of an initiative or implementation project.

2. Inform the Superior Council of the Judiciary, through the Digital Transformation and IT Unit, of the needs to update, adjust and evolve the guidelines for the responsible, safe and respectful use of fundamental rights, of AI tools in the Judicial Branch.

3. Inform the Superior Council of the Judiciary, through the Digital Transformation and Informatics Unit, of suspected malfunctions or potential or probable negative impacts for the Judicial Branch, as a consequence of the use of AI tools.

**Article 15. Mechanisms for monitoring and follow-up of the use of generative AI.** The accompaniment and monitoring of the use of artificial intelligence in the Judicial Branch shall be led by the Digital Transformation and Information Technology Unit of the Superior Council of the Judiciary, for which it shall:

1. Carry out periodic information gathering and analysis activities with leaders and users to identify usage practices, needs, opportunities, initiatives or projects in the different specialities, offices, judicial and administrative units.

2. To advance trend and comparative analyses and reports on AI techniques, services or products with potential application in judicial or administrative management.

3. Prepare and present reports and briefings to illustrate and inform the status of the appropriation of the use and exploitation of AI in the Judicial Branch, as well as the projects, initiatives or solutions implemented.

4. Conduct feasibility studies and analyses with a view to accompanying, validating or implementing initiatives or projects, arranging and enabling institutional AI solutions or tools.

5. To carry out actions to support initiatives and projects that prioritise the use of generative AI, promote synergies, improvement or scaling-up scenarios, as well as compliance with policies, guidelines and standards.

6. Promote and coordinate spaces, alliances and multi-stakeholder synergies for the management of knowledge of the competences, capacities, experimentation, innovation, accompaniment and implementation.

7. Collaboratively build, disseminate, raise awareness and update practical recommendations on types or use cases of AI, *prompts*, potential impacts of misuse of tools and interpretation of certain AI tools.

terms and conditions of use, among others, in accordance with institutional policies and guidelines.

**Article 16.** This Agreement shall enter into force on the date of its publication.

### PUBLISH, COMMUNICATE AND IMPLEMENT

Given in the city of Bogotá, D. C., on the sixteenth (16th) day of December of the year two thousand and twenty-four (2024).

**DIANA ALEXANDRA REMOLINA BOTÍA**
President

CSJ