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# Digital Public Infrastructure in the Judicial system: Which opportunities? Which challenges?


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12 June 2023

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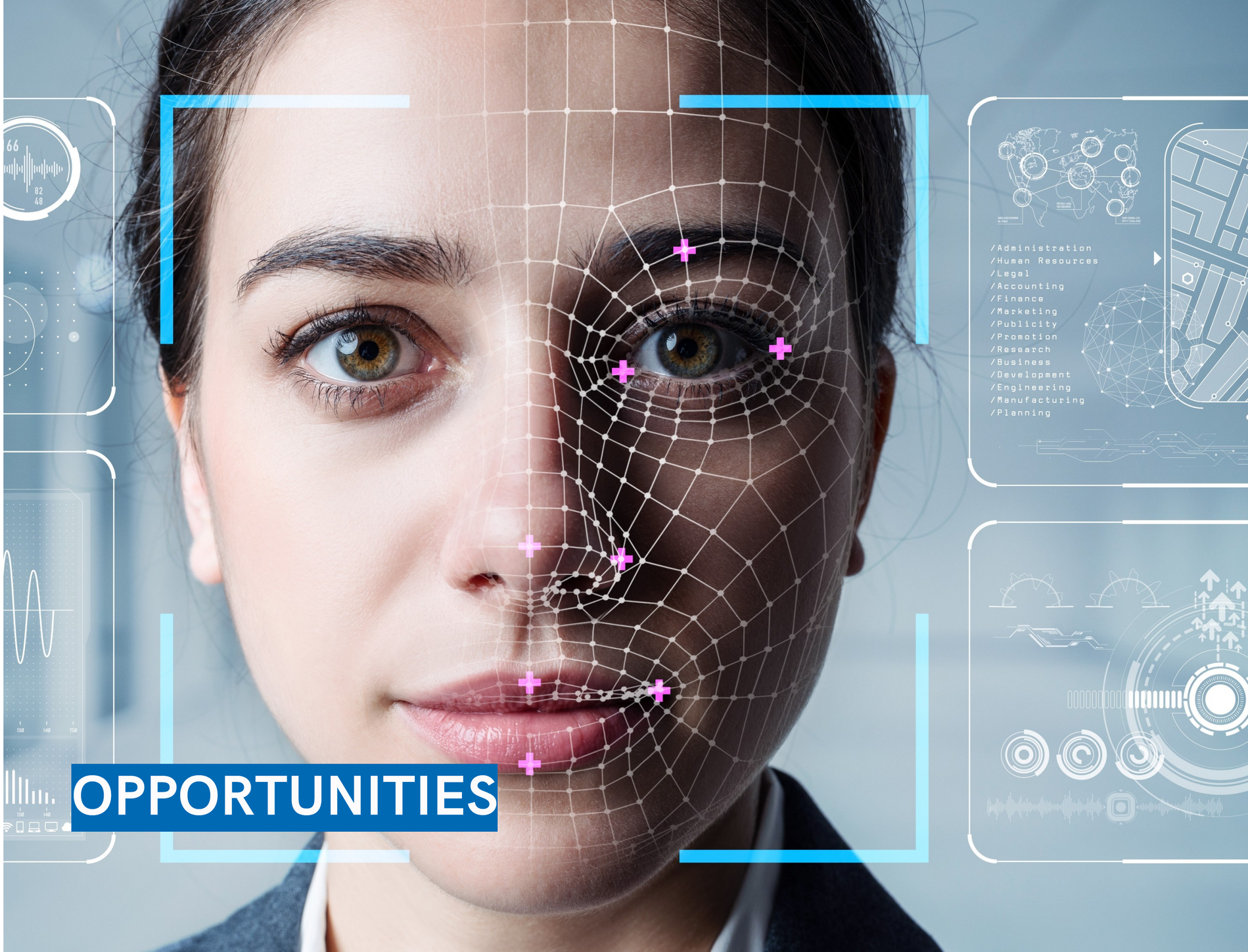


# OPPORTUNITIES

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- Greater and better access to judiciary system
- Information supply and sharing – better info, more complete info, more timely
- Efficiency of the judiciary system + enhanced reliability
- Lower cost – democratization of the judiciary system
- Lower likelihood of judiciary oversights and mistakes
- In countries with common law systems, where precedents matter, ability to better screen and access previous decisions

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To make sure DPI delivers on expectations (also in the judiciary system) we need the **right institutions** and **regulations** to be in place, so that we can trust DPI-enhanced judiciary systems, generally powered by Artificial Intelligence (AI).

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Adopted by acclamation by the 193 Member States on 23 November 2021

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# HUMAN OVERSIGHT

Member States should ensure that human oversight is upheld, especially in deliberations.

When AI systems are used in the judiciary system, safeguards need to be in place to guarantee the protection of fundamental human rights and freedoms, the rule of law, judicial independence as well as the principle of human oversight, and to ensure a trustworthy, public interest-oriented and **human centric development** and use of AI systems in the judiciary

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# AI IS NON-HUMAN

Member States should, in particular, take into account that **ultimate responsibility and accountability must always lie with natural or legal persons** and that AI systems should not be given legal personality themselves.

To ensure this, such regulatory frameworks should be consistent with the principle of human oversight and establish a comprehensive approach focused on AI actors and the technological processes involved across the different stages of the AI system life cycle

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# TRANSPARENCE AND INCLUSIVITY

AI governance mechanisms need to be **inclusive, transparent, multidisciplinary, multilateral** (this includes the possibility of mitigation and redress of harm across borders).

In particular, governance should include aspects of anticipation, and effective protection, monitoring of impact, enforcement and redress.

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# REDRESSAL

Member States should ensure that **harms caused** through AI systems are investigated and redressed by enacting strong **enforcement mechanisms and remedial actions**, to make certain that human rights and fundamental freedoms and the rule of law are respected in the digital world and in the physical world.

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# CERTIFICATION

Member States may consider developing strategies and forms of soft governance such as a **certification mechanism**, according to the sensitivity of the application domain and expected impact on human rights.

Such a mechanism might include different levels of **audit of systems, data, and adherence to ethical guidelines** and to procedural requirements in view of ethical aspects

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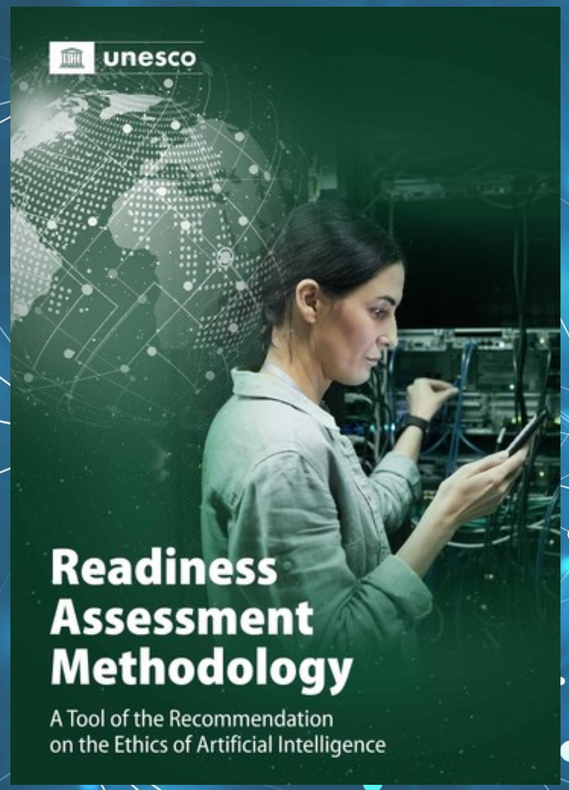


# OVERSIGHT AND MONITORING

Member States that acquire AI systems for human rights-sensitive use cases, such as law enforcement, welfare, employment, media and information providers, health care and the independent judiciary system should provide mechanisms to **monitor the social and economic impact** of such systems by appropriate oversight authorities, including independent data protection authorities, sectoral oversight and public bodies responsible for oversight.

The UNESCO Readiness Assessment Methodology does this.

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# OBEJECTIVE ASSESSMENT CRITERIA

Member States, international organizations and other relevant bodies should develop international standards that describe **measurable, testable levels of safety and transparency**, so that systems can be objectively assessed and levels of compliance determined

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# ACCOUNT FOR DIVERSITY

Member States should implement policies to ensure that the actions of AI actors are consistent with international human rights law, standards and principles throughout the life cycle of AI systems, while **taking into full consideration the current cultural and social diversities**, including local customs and religious traditions, with due regard to the precedence and universality of human rights.

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# ADDRESS DATA BIASES

Member States should put in place mechanisms to require AI actors to disclose and **combat any kind of stereotyping in the outcomes of AI systems and data, whether by design or by negligence**, and to ensure that training data sets for AI systems do not foster cultural, economic or social inequalities, prejudice, the spreading of disinformation and misinformation, and disruption of freedom of expression and access to information.

Particular attention should be given to constituencies / regions where the data are scarce.

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Aligned on vision and need to promote AI technologies that are at the service of people and  of sustainable development, and to help develop and implement effective institutions, smart regulations, human capital empowerment and technology-related investment, among others.

**UNESCO and the Indian National Institute of Electronics & Information Technology (NIELIT) are signing a Letter of Intent to collaborate on the implementation of the UNESCO Recommendation on the Ethics of Artificial Intelligence**