



## From Innovation to Inclusion: AI and African Justice

### Introduction

**Imagine this:** A young woman in a rural village tries to bring a land claim. The court she approaches has just adopted an AI system to register and allocate cases. But the system has been trained only on urban disputes, in English. Her case is delayed, mistranslated, and deprioritised. Technology promised her speed, but instead it has closed the “courthouse door”.

Thus, the question arises:

*In seeking innovation through artificial intelligence, how can African judiciaries ensure that technology serves human dignity and equality, rather than eroding fundamental rights or reproducing systemic injustices?*

This is the challenge before us: to welcome the promise of AI — faster case management, broader access to justice, new tools for judges — while refusing to allow biased algorithms, imported systems, or digital exclusion to undermine the very rights and freedoms our courts are sworn to protect.

### The Promise of AI for African Judiciaries

The allure of artificial intelligence in our courts is real. Properly harnessed, AI offers powerful tools to enhance justice delivery across Africa. Our continent’s jurists and technologists are already pioneering ways to reduce case backlogs, bridge language gaps, automate routine tasks, and increase transparency in the judicial process. Consider some promising examples and benefits:

- **Efficiency and Backlog Reduction:**

African courts contend with significant case backlogs and slow processes. AI is beginning to accelerate case management — from smart scheduling to automated case tracking — ensuring swifter resolution of disputes.

For instance, in Tanzania, their AI-driven transcription and translation system handles the diverse dialects of Kiswahili as well as English, providing real-time records of proceedings. This relieves judges from clerical duties and helps address the shortage of stenographers.

Beyond transcription, Kenya has introduced an e-filing platform that integrates AI-enabled case routing and allocation. It's digital case management system automatically assigns cases to judicial officers, cutting down delays and bottlenecks.

These innovations are showing that AI can help courts move from perpetual backlog to proactive case-flow management.

- **Multilingual Access to Justice:**

Africa's linguistic diversity has long been a barrier to justice. AI tools are now enabling courts to operate across languages, opening doors for those who speak indigenous languages.

In Morocco, AI tools are already being used to draft preliminary judgments and translate legal documents between Arabic and French.

This is not a matter of convenience; it is a matter of constitutional access. A litigant can no longer be effectively excluded because he or she does not speak the colonial language of record. AI, when designed for local contexts, can transform linguistic exclusion into linguistic inclusion — a step of enormous significance for justice in Africa.

- **Automation of Routine Tasks:**

Not every form of innovation comes with headlines. Often, it is the almost invisible improvements in our systems that make the greatest difference to the daily work of the judiciary.

In Kenya's Employment and Labour Relations Court, AI is being tested to fix gaps in digitised judgments where case numbers, party names, or dates are missing. The system scans texts, identifies key details, and restores them with accuracy rates of 82–98%, turning incomplete records into usable case law.

Why does this matter? Because it turns piles of incomplete records into a usable, searchable library of precedent. It allows registrars to manage case-flow more effectively, helps judges ensure consistency in their decisions, and ultimately reduces delays caused by "lost" or incomplete files. In short, it is not replacing judicial work — it is making the underlying system work better, so judges can focus on justice, not paperwork.

- **Enhanced Legal Research and Consistency:**

One of the greatest burdens on every judge is the sheer volume of material we must consult before reaching a decision. Precedents, statutes, prior rulings — the body of law grows daily, while the time available to resolve cases shrinks. Artificial intelligence, when carefully harnessed, offers a way to lighten that burden without compromising judicial independence.

In Africa, we are beginning to see how machine-learning tools can transform legal research. In Nigeria, the company LawPavilion has developed a suite of AI-powered research assistants — including "LawPavilionGPT" — that can instantly retrieve authorities, generate draft arguments, and summarise complex legal texts. This means

that what might once have taken long hours of manual searching can now be done in minutes, allowing both judges and practitioners to focus on the substance during hearings rather than the mechanics of finding the law.

For Africa, these innovations are particularly important. Many of our courts operate under intense pressure: limited resources, heavy backlogs, and an urgent need to maintain public confidence. When legal research becomes faster and judgments more consistent, the credibility of the judiciary is strengthened. AI does not replace our discretion — it sharpens it, ensuring that justice remains both principled and practical in societies where the demand for fairness far outstrips the available resources.

- **Improving Transparency and Access to Justice:**

Justice does not only need to be done; it must be seen to be done. Transparency is the foundation of public confidence, and here too artificial intelligence can help African judiciaries make their work more visible, more accessible, and more trusted.

South Africa has invested in Court Online and CaseLines, enabling electronic filing and access to records, pleadings, and evidence. Though not AI themselves, these systems reduce delays, cut costs, and improve efficiency, while providing the digital backbone for future AI in the courts.

In Rwanda, the Integrated Electronic Case Management System (IECMS) connects every arm of the justice chain — courts, prosecution, police, and corrections. Through its digital dashboards, court leaders can monitor backlogs and delays, while litigants can track the progress of their cases online. This has reduced opportunities for files to go missing or to be delayed without explanation. It also helps courts automatically remove sensitive personal details before judgments are published, making it easier to share decisions publicly while still protecting privacy — a simple way to strengthen transparency and public trust.

These innovations illustrate a simple truth: AI, if carefully designed, can make our courts not only faster but also more accessible and open, more transparent. It can ensure that every litigant, every lawyer, and every citizen sees that justice is not hidden behind closed doors, but delivered in the open, with clarity and accountability.

In short, the promise of AI in African judiciaries is a faster, more accessible, and perhaps even fairer justice system. It holds the potential to clear long-standing inefficiencies – automating the menial so that humans can focus on the meaningful. It offers to broaden the reach of our courts to every citizen, including those who speak minority languages or live far from urban legal centers. And it can introduce greater rigor and consistency in judicial reasoning through data-driven insights.

Africa is already showing initiative in this space. Our judiciaries are not simply passive recipients of foreign technology; in many cases, they are leading with home-grown innovations tailored to our unique context. The task now is to ensure that this innovation remains anchored in inclusion.

## The Pitfalls: Risks and Challenges of AI in Justice

For all its promise, artificial intelligence also brings profound risks. As guardians of fundamental freedoms, African judiciaries must approach AI with a critical eye, mindful of the ways it could undermine the very values we seek to uphold. If adopted incautiously, AI systems could introduce bias, opacity, and new forms of exclusion or rights violations. Let us confront these pitfalls directly, in the context of our justice systems:

- **Algorithmic Bias and Inequality:**

Algorithms learn from yesterday's data. If that data encodes prejudice or leaves Africa out — urban over rural, dominant languages over indigenous ones — the “smart” system will simply learn to repeat yesterday's injustices at digital speed.

We need only glance abroad to see the hazard. Risk-assessment tools used in other jurisdictions have been shown to skew against minority communities and to operate as opaque “black boxes.” If we import models trained on foreign policing or socio-economic data, we risk integrating racial, class, or geographic bias into bail, case triage, or even sentencing recommendations.

This danger is especially acute in Africa. Our multilingual, multicultural societies mean that if AI is not trained on local contexts, it will misread or exclude litigants. Explainability is not a luxury — parties must be able to test and challenge the reasoning behind decisions. Opaque AI undermines open justice. Our own laws affirm this: South Africa's Protection of Personal Information Act bars decisions based solely on automated processing where rights are at stake. The principle is clear — in matters of justice, humans, not machines, must remain the final decision-makers.

The lesson is clear: bias is not hypothetical. It is a documented risk. Our responsibility is to ensure that innovation serves equality, not exclusion; that AI strengthens dignity, rather than codifying discrimination.

- **Privacy and Data Protection:**

Perhaps the most profound risk artificial intelligence poses in our courts is the threat to privacy. Every day, our judicial systems handle sensitive information: witness testimonies, medical reports, financial records, and intimate details of family life. If these are fed into AI systems, then we carry a solemn responsibility to ensure that such data is secured and never misused.

Improper handling of judicial data does not simply create inconvenience; it threatens dignity itself. The right to privacy is a shield which allows citizens to come before our courts in confidence, to speak openly without fear that their lives will be exposed or manipulated. If that shield is pierced, faith in the justice system would be eroded. The danger is compounded by the fact that, across much of Africa, legal frameworks have not yet caught up with the pace of technological adoption.

Some countries have begun to close this gap. Kenya's Data Protection Act of 2019, Nigeria's Data Protection Act of 2023, and South Africa's POPIA all represent important steps. POPIA goes further still, prohibiting any decision based solely on automated processing where it has a legal effect on an individual — embedding the principle that humans, not machines, must remain accountable. But these laws must not remain words on paper. They must be enforced, updated, and adapted to the specific challenges AI brings to the justice sector.

The balance we must strike is delicate but clear. Technology must serve efficiency and security, but never at the expense of privacy. For African judiciaries, this is not a peripheral concern — it is central to our legitimacy. If citizens cannot trust that sensitive information is safeguarded in our courts, then confidence in the justice system is inevitably weakened.

- **Digital Exclusion and the “Justice Divide”:**

As we embrace innovation, we must be honest about who may be left behind. Africa's digital divide risks becoming a “justice divide” if courts adopt AI without alternatives. A rural claimant with no internet or digital literacy may find the “courthouse door” invisible. With only 37% of Africans online, rapid digitisation could tilt justice toward the wealthy and connected, while the poor fall further behind. The divide is also geographic, with urban courts advancing as rural ones lag.

Yet we also have promising models. In Rwanda, the Integrated Electronic Case Management System (IECMS) was designed to reach beyond broadband users, providing SMS notifications to litigants so they can track case progress even with a basic mobile phone. This kind of inclusive design shows that African judiciaries can innovate without excluding those at the margins.

The lesson is simple: inclusion must be a guiding principle. Our systems must provide offline or low-tech pathways so that a litigant without a smartphone is not denied their day in court. They must ensure that the elderly and persons with disabilities are not excluded by interfaces that assume a single kind of user.

If we neglect these considerations, we risk creating a new form of inequality — not between rich and poor, but between those who can access justice through technology and those who cannot. That outcome would undermine not only fairness but also the very legitimacy of our courts.

- **Judicial Independence, Legitimacy, and Due Process:**

Another risk we must confront is the danger of artificial intelligence overshadowing human judgment. However sophisticated an AI tool may be, it must never substitute the conscience and discretion of a human judge.

If litigants suspect that an opaque algorithm effectively decided their matter, confidence in the fairness of our courts will erode. This is not only about perception. Due process requires that every party understand and be able to challenge the reasoning behind a decision. That becomes impossible if the rationale lies hidden in a machine's “black box”.

The African Charter on Human and Peoples' Rights enshrines the right to a fair trial and the independence of the judiciary as essential safeguards for liberty. Those principles cannot be delegated to a machine. AI may assist, but it must not decide. The authority of our courts rests on the assurance that justice is administered by human beings who can weigh nuance, context, and mercy — qualities no algorithm can replicate.

## **The Way Forward - Balancing Innovation and Rights: An African Framework for AI in Justice**

Having weighed the risks, we must now turn to the answer. How do we embrace the promise of artificial intelligence without undermining the freedoms we are sworn to protect? The task before us is not passive adoption, but deliberate choice. We must shape AI's role in our courts with balance — ensuring that innovation walks hand in hand with human dignity, independence, and fairness.

Already, African leaders and institutions are showing the way. From continental strategies at the African Union, to national frameworks in Mauritius, South Africa, and beyond, the principle is clear: we cannot leave technology to chance. We must govern it, guide it, and ensure it serves justice.

Allow me, then, to outline the key pillars of this African framework for balance.

- **Strong Legal Frameworks and Policies**

Clear legal frameworks are essential. The AU's Continental AI Strategy makes this plain: each Member State must craft policies that put transparency, accountability, and inclusivity at the centre. Countries are responding. South Africa's Draft National AI Policy Framework stresses that AI development must serve constitutional rights and inclusion. These examples show that Africa is shaping its own standards — and our judiciaries must insist that such frameworks explicitly cover courts, data protection, and judicial independence.

- **Ethical Oversight and Governance:**

Laws alone are not enough; we need institutions to uphold them. AI must never operate as a black box in our courts. Oversight committees — whether judicial ethics panels, independent regulators, or even a continental AI governance mechanism as proposed by the AU — can test and certify systems before deployment, monitor their outcomes, and provide remedies when problems arise.

No AI tool should enter a courtroom without independent eyes ensuring that it is lawful, explainable, and fair.

- **Judicial Training and Capacity Building:**

Even the best safeguards fail if those who use AI do not understand it. Judges, magistrates, and court staff must become literate in the strengths and weaknesses of these tools. In Tanzania, the rollout of AI transcription was paired with judicial orientations so that judges knew how to oversee, not defer to, the system. This model should spread: short courses, peer exchanges, and regional judicial dialogues can give our respective benches the confidence to use AI wisely — and the discernment to resist its misuse.

- **Investment in Infrastructure and Digital Inclusion:**

AI cannot thrive where courts lack electricity, connectivity, or hardware. The AU's AI Strategy stresses bridging the digital divide through infrastructure, skills, and datasets. Rwanda's IECMS shows how design can meet people where they are, sending SMS updates to litigants without broadband. Courts elsewhere could replicate this by offering kiosks, offline filing, or partnerships with libraries and community centres so no one is denied their day in court.

- **Contextual and Inclusive Design:**

African realities must also shape African AI. Tanzania's Kiswahili-based transcription system and Nigeria's LawPavilion show how local tools can protect data sovereignty. Inclusive design means consultation with judges, clerks, and litigants, ensuring accessibility for those less tech-savvy or with disabilities. Our philosophies matter too: Ubuntu reminds us that justice must serve the community as a whole. An AI built in that spirit could flag vulnerable litigants or prioritise urgent cases where delay would cause harm.

- **Championing Human Dignity and Justice Values:**

Finally, we must measure every technological step against our foundational values. The African Charter on Human and Peoples' Rights enshrines the right to a fair trial and the independence of the judiciary. These principles are not negotiable. AI must never be allowed to weaken them. Instead, let us use our position as African judiciaries to contribute to global standard-setting. We must not only adopt AI, but also contribute towards defining the standards by which the world uses it.

## **Conclusion**

As I conclude, I return to the young woman in our opening story – standing at the courthouse door that technology threatened to close. Our collective responsibility is to make sure that door is opened wide for her and for all our people, with AI as a tool to help and not a barrier. The promise of artificial intelligence in African judicial systems is truly exciting. We can imagine High Courts that clear their backlogs in months instead of years, Trial Courts where interpreters for any language are available at the click of a button, and legal research that once took weeks now done in minutes. These advances are within reach. But we have also seen that without

safeguards, the same technology could entrench bias, exclude the poor, or undermine fair trial rights. We stand at a fork in the road: one path leads to “faster justice for all”, the other to “tech-driven injustice”.

The choice before us is therefore one of governance and will. If we adopt AI with wisdom, transparency, and inclusivity, we can strengthen the rule of law and extend justice more widely than ever before. If we abdicate that responsibility, we risk eroding the very freedoms we are mandated to protect. Let us then commit, as judiciaries, to lead in this space — to ensure that technology is our servant, never our master, and that innovation always advances, rather than diminishes, fundamental rights.