

Human Rights and Access to Justice: Utilising AI and other Modern Technologies to Expedite Court Processes in the Global South

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Human Rights and Access to Justice: Utilising AI and other Modern Technologies to Expedite Court Processes in the Global South

Kariuki Muigua*

Abstract

This paper discusses how Artificial Intelligence (AI) and other modern technologies can be effectively and appropriately utilised towards strengthen access to justice in the Global South. The paper notes that with countries in the Global South facing challenges in building accessible, affordable, robust, appropriate and effective justice systems, AI and other modern technologies provide solutions towards tackling underlying challenges and strengthening access to justice for human rights and development. In particular, the paper observes that AI and other modern technologies have the capacity to expedite and enhance the efficiency of court processes towards bolstering access to justice. Despite their efficacy, the paper points out that AI and other modern technologies are associated with risks and ethical dilemmas that can undermine access to justice. Consequently, the paper suggests how AI and other modern technologies can be effectively embraced by harnessing their advantages while addressing risks and ethical concerns towards expediting court processes in the Global South in order to strengthen access to justice for human rights, the rule of law and development.

1.0 Introduction

Access to justice is a fundamental agenda towards protecting human rights. Access to justice refer to the right of all citizens to obtain effective and appropriate remedies under international, regional and national laws for harm suffered including human right violations¹. It has been observed that access to justice involves the ability of every citizen to seek and obtain effective remedies through both formal and informal institutions of justice². Access to justice has also been defined as a process wherein people in need of help, find effective solutions available from justice systems which are accessible, affordable, comprehensible to ordinary people, and which dispense justice fairly, speedily and without discrimination, fear or favour³. At its core, access to justice envisages the ability of citizens to exercise their rights through the availability of adequate, effective, and prompt reparation/damages for harm suffered⁴.

The presence of adequate, affordable, effective and appropriate mechanisms and institutions of accessing justice is key in upholding human rights. For instance, it has been correctly noted that without access to

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¹ Scottish Human Rights Commission., 'Access to Justice for Everyone' Available at <https://www.scottishhumanrights.com/media/2496/access-to-justice-for-everyone-a-discussion-paper.pdf> (Accessed on 02/04/2026)

² United States Institute of Peace., 'Necessary Condition: Access to Justice' Available at <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice> (Accessed on 21/04/2026)

³ Ladan M.T, 'Access To Justice As A Human Right Under The Ecowas Community Law,' available at <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=16&cad=rja&uact=8&ved=0CFcQFjAFOAo&url=http%3A%2F%2Fwww.abu.edu.ng%2Fpublications%2F2009-07-> (Accessed on 21/04/2026)

⁴ Scottish Human Rights Commission., 'Access to Justice for Everyone' Op Cit

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justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable thus undermining the rule of law, development and human rights⁵. On the other hand, through access to justice, citizens have an avenue to seek and obtain legal remedies and prevent abuse of their rights⁶.

Consequently, access to justice has been described as a fundamental tenet of the rule of law⁷. It has been pointed out that strengthening access to justice ensures fair, equitable, inclusive, transparent and democratic societies that uphold the rule of law and protect human rights towards Sustainable Development⁸. For example, the United Nations *2030 Agenda for Sustainable Development*⁹ recognises access to justice and the rule of law as fundamental pillars of development. Under the Agenda, Sustainable Development Goal (SDG) 16 seeks to promote peaceful and inclusive societies for Sustainable Development, *provide access to justice for all* and build effective, accountable and inclusive institutions at all levels¹⁰ (Emphasis added). In particular, SDG 16.3 seeks to promote the rule of law at the national and international levels and ensure *equal access to justice for all*¹¹.(Emphasis added)

Despite playing a key role in protecting human rights and promoting the rule of law towards Sustainable Development, it has been observed that many countries, especially those in the Global South, are still struggling to establish accessible, functional, timely, affordable, responsive and credible justice systems¹². This undermines human rights, the rule of law and development¹³. As a result, it has been observed that the emergence of Artificial Intelligence (AI) and other modern technologies provides novel and appropriate solutions that can help all countries to strengthen access to justice towards upholding human rights, the rule of law and development¹⁴.

This paper discusses how AI and other modern technologies can be effectively and appropriately utilised towards strengthen access to justice in the Global South. The paper notes that with countries in the Global South facing challenges in building accessible, affordable, robust, appropriate and effective justice systems, AI and other modern technologies provide solutions towards tackling underlying challenges and

⁵ United Nations., 'Access to Justice' Available at <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/> (Accessed on 21/04/2026)

⁶ Logan. C., 'Ambitious SDG goal confronts challenging realities: Access to justice is still elusive for many Africans' Available at https://www.afrobarometer.org/wp-content/uploads/2022/02/ab_r6_policypaper039_access_to_justice_in_africa_eng.pdf (Accessed on 21/04/2026)

⁷ United Nations., 'Access to Justice' Op Cit

⁸ Organisation for Economic Co-operation and Development., 'Access to Justice' Available at <https://www.oecd.org/en/topics/sub-issues/access-to-justice.html> (Accessed on 21/04/2026)

⁹ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 21/04/2026)

¹⁰ Ibid

¹¹ Ibid

¹² Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

¹³ Ibid

¹⁴ The Judiciary of Kenya., 'Leveraging on Information and Communication Technology (ICT) to promote Access to Justice' Available at <https://judiciary.go.ke/leveraging-on-information-and-communication-technology-ict-to-promote-access-to-justice/> (Accessed on 21/04/2026)

strengthening access to justice for human rights and development. In particular, the paper observes that AI and other modern technologies have the capacity to expedite and enhance the efficiency of court processes towards bolstering access to justice. Despite their efficacy, the paper points out that AI and other modern technologies are associated with risks and ethical dilemmas that can undermine access to justice. Consequently, the paper suggests how AI and other modern technologies can be effectively embraced by harnessing their advantages while addressing risks and ethical concerns towards expediting court processes in the Global South in order to strengthen access to justice for human rights, the rule of law and development.

2.0 Technology, Artificial Intelligence and Access to Justice in the Global South

It has been observed that accessing justice remains a significant challenge for many citizens in the Global South due to several challenges including high legal costs, bureaucracy, complex legal procedures, corruption, distance from formal courts, backlog of cases in courts and insufficient legal knowhow¹⁵. The inability to ensure accessible, functional, timely, affordable, responsive and credible justice systems has been identified as the biggest challenge in positioning legal systems in the Global South as champions of human rights and development¹⁶. It has been argued that the level of access to justice in a state plays a pertinent role in underpinning the roots of democracy and the development of that state¹⁷. Consequently, failure to bolster access to justice in the Global South threatens democracy, human rights and development.

In light of the challenges facing justice systems in the Global South, there is need for effective and appropriate solutions in order to enhance the capacity of citizens to access justice for human rights, democracy and development. In particular, the growth of AI and other modern technologies provides appropriate tools that can strengthen access to justice in the Global South. It has been observed that AI and other modern technologies have significant potential to bolster access to justice, as well as to support its resilience, efficiency, fairness and effectiveness¹⁸. In particular it has been observed that in the Global South where vulnerable populations face significant hurdles in seeking legal redress, technology can revamp access to justice by making legal processes more efficient, affordable, and accessible¹⁹. For example, technology facilitates remote access to justice services, therefore improving accessibility of justice systems for all citizens²⁰. In addition, technology can enhance efficiency of justice systems through automation and streamlining of tasks²¹. Technology can also reduce costs and delays associated with justice systems by eliminating the need for physical infrastructure, travel and accommodation among other costs²². In

¹⁵ Ojwang, J.B , “The Role of the Judiciary in Promoting Environmental Compliance and Sustainable Development,” *I Kenya Law Review Journal* 19 (2007), pp. 19-29: 29

¹⁶ Bowd. R., ‘Access to Justice in Africa’ Available at <https://www.files.ethz.ch/isn/112459/NO13OCT09.pdf> (Accessed on 21/04/2026)

¹⁷ Ibid

¹⁸ Organisation for Economic Co-operation and Development., ‘AI in Justice Administration and Access to Justice’ Available at https://www.oecd.org/en/publications/2025/06/governing-with-artificial-intelligence_398fa287/full-report/ai-in-justice-administration-and-access-to-justice_f0cbe651.html (Accessed on 21/04/2026)

¹⁹ Okeke. U., ‘Enhancing Access to Justice Through Technology in Developing Countries: Technology-Based Initiatives, Challenges and Emerging Technologies’ *International Journal for Court Administration.*, Volume 16, Issue 3 (2026)

²⁰ Ibid

²¹ Ibid

²² Ibid

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addition, it has been observed that modern technologies are increasing access to legal information and education thus empowering citizens to understand and exercise their rights²³.

Technology is therefore a powerful tool in strengthening access to justice. In particular, AI and other modern technologies can expedite and enhance the efficiency of court processes in the Global South towards strengthening access to justice for human rights and development. For example, it has been observed that AI is automating court processes such as case management, filing of court documents through e-filing platforms, allocation of matters to judicial officers, and communication between courts and parties therefore enhancing efficiency and expeditiousness of dispute resolution²⁴. AI tools including Large Language Models and automation are enabling courts all over the world to tackle the challenge of backlog by fast-tracking processing of cases, improving access to proceedings and enhancing efficiency²⁵. In addition, it has been observed that AI algorithms can help to ensure that judicial processes and outcomes are more consistent, predictable, transparent and free from human biases towards improving access to justice²⁶. Further, AI tools can also help courts to ensure the efficient use of judicial resources²⁷.

AI and modern technologies therefore provide tools that can expedite court processes in the Global South towards improving access to justice. AI tools including transcription, translation and automation tools are generating outcomes at faster pace thus expediting court processes²⁸. Further, AI is enabling judicial officers to evaluate briefs, undertake research, sift through vast amounts of pleadings and evidence and come up with more cogent rulings and judgments²⁹. In addition, some jurisdictions are also employing AI tools in criminal justice to support bail, sentencing and parole decisions by analyzing previous behaviour and patterns and predicting the likelihood of an accused or convicted person (re)offending in future³⁰.

In addition, to AI it has been observed that the integration of other modern technologies in justice systems is enhancing access to justice³¹. For instance video-conferencing, virtual court sessions, electronic filing systems, online payment platforms, digital case management and online delivery of rulings and judgments are streamlining and expediting court processes by minimizing physical processes, paperwork and administrative burdens³².

²³ Ibid

²⁴ Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

²⁵ United Nations Educational, Scientific and Cultural Organization., 'AI in the Courtroom: UNESCO's New Guidelines for the Judiciary' Available at <https://www.unesco.org/en/articles/ai-courtroom-unescos-new-guidelines-judiciary> (Accessed on 21/04/2026)

²⁶ Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

²⁷ Ibid

²⁸ Artificial Intelligence in Court Rooms., Available at <https://www.clio.com/resources/ai-for-lawyers/ai-in-courtrooms/> (Accessed on 21/04/2026)

²⁹ Ibid

³⁰ Bell, F et al., 'AI Decision-Making and the Courts: A Guide for Judges, Tribunal Members and Court Administrators' Available at https://aija.org.au/wp-content/uploads/woocomerce_uploads/2022/06/AI-DECISION-MAKING-AND-THE-COURTS_Report_V5-2022-06-20-11zkl.pdf (Accessed on 21/04/2026)

³¹ Okeke. U., 'Enhancing Access to Justice Through Technology in Developing Countries: Technology-Based Initiatives, Challenges and Emerging Technologies' Op Cit

³² Ibid

3.0 Risks, Challenges and Ethical Concerns in Utilising AI and Modern Technologies in Court Processes

Harnessing AI and other modern technologies is key towards expediting court processes in the Global South. Through this, it is possible to bolster access to justice in the Global South for human rights and development. However, it has been observed that the digital divide is fuelling inequality in access, affordability and quality of modern technologies and digital tools³³. In particular, the digital divide affects the ability of countries, institutions and individuals in the Global South to access and utilise AI and other modern technologies³⁴. Therefore, due to the digital divide, integrating AI and other modern technologies in court processes in the Global South risks excluding marginalized and vulnerable groups thus undermining access to justice³⁵.

In addition, the use of AI and other modern technologies in court processes raises concerns relating to transparency, accountability, fairness and human rights. For example, it has been observed that algorithmic biases can lead to unjust outcomes which violate human rights³⁶. Further, it has been observed that algorithmic decision-making through AI makes it difficult to understand how legal decisions are made which undermines transparency, accountability and due process requirements under the rule of law³⁷. The use of AI and other modern technologies in court processes also raises data privacy and security concerns. It has been observed that when utilising modern technologies, the privacy and security of the user is susceptible to being compromised since technology can be hacked or exploited to steal information and spy on people among other malpractices³⁸. In addition, overreliance on AI tools including algorithmic decision-making can potentially replace judicial reasoning undermining judicial independence³⁹.

From the foregoing, it is evident that while AI and other modern technologies hold the promise of expediting court processes in the Global South, they are also associated with several challenges, risks and ethical concerns. It is therefore necessary to harness opportunities and tackle risks and ethical concerns towards effectively utilising AI and other modern technologies to expedite court processes in the Global South for enhanced access to justice.

³³ Muller. C., 'What is the Digital Divide?' Available at https://www.internetsociety.org/blog/2022/03/what-is-the-digital-divide/#:~:text=The%20digital%20divide%20is%20the%20gap%20between,**Health%20disparities**%20%20**Social%20determinants%20of%20health (Accessed on 21/04/2026)

³⁴ United Nations University., 'Examining the Causes and Consequences of the Digital Divide(s)' Available at <https://unu.edu/merit/blog-post/examining-causes-and-consequences-digital-divides> (Accessed on 21/04/2026)

³⁵ Organisation for Economic Co-operation and Development., 'AI in Justice Administration and Access to Justice' Op Cit

³⁶ Artificial Intelligence in Court Rooms., Op Cit

³⁷ Burgess. P., 'AI and the Rule of Law' Available at <https://www.bloomsbury.com/us/ai-and-the-rule-of-law-9781509963171/> (Accessed on 21/04/2026)

³⁸ Blockchain Council., '7 Key Technologies That Are Powering the Metaverse.' Available at <https://www.blockchain-council.org/metaverse/technologies-powering-metaverse/> (Accessed on 21/04/2026)

³⁹ United Nations Educational, Scientific and Cultural Organization., 'Safeguarding human rights and judicial independence in the age of algorithmic justice' Available at <https://www.unesco.org/en/articles/safeguarding-human-rights-and-judicial-independence-age-algorithmic-justice> (Accessed on 21/04/2026)

4.0 Conclusion

With countries in the Global South struggling to build accessible, functional, timely, affordable, responsive and credible justice systems, AI and other modern technologies provide effective solutions towards strengthening access to justice for human rights and development. It is therefore imperative to harness AI and modern technologies in court processes in the Global South in order to broaden and expedite access to justice. Justice systems in the Global South should embrace the digital transformation by investing in and integrating AI and modern technologies into court processes for efficiency, affordability and expeditiousness⁴⁰. In addition, it has been observed that building judicial capacity through measures such as training judicial officers on AI and other digital technologies and establishing specialised judicial bodies focusing on technology and AI can ensure ethical, safe, efficient and purposeful adoption of AI and modern technologies in court processes⁴¹. In addition, bridging the digital divide including through strengthening digital literacy and making technologies such as the internet more affordable can empower vulnerable groups and communities to effectively and appropriately access justice in the digital age⁴².

Addressing underlying risks and ethical concerns is also key towards safe, ethical, responsive and purposeful adoption of AI and modern technologies in court processes in the Global South. In particular, human oversight of AI and modern technologies is key towards addressing risks and challenges including algorithmic biases, transparency and accountability concerns⁴³. In addition, training AI models on data sets peculiar to the Global South is key towards addressing algorithmic biases while protecting human rights⁴⁴. It is also necessary to design and implement data privacy and security policies, protocols and measures in order to ensure that the use of AI and modern technologies in court processes does not result in sensitive information leaking to third parties at the expense of citizens seeking justice⁴⁵.

Utilising AI and other modern technologies to expedite court processes in the Global South is therefore an ideal worth pursuing towards strengthening access to justice for human rights and development.

⁴⁰ The Judiciary of Kenya., 'Judiciary to Leverage AI to Enhance Justice' Available at <https://judiciary.go.ke/judiciary-to-leverage-ai-to-enhance-justice/> (Accessed on 21/04/2026)

⁴¹ United Nations Educational, Scientific and Cultural Organization., 'Artificial Intelligence and the Rule of Law: Building Capacity for Judicial Systems' Available at <https://www.unesco.org/ar/artificial-intelligence/rule-law/mooc-judges#:~:text=Role%20of%20Judicial%20Actors%20in%20AI%20Governance&text=The%20potential%20of%20AI%20is, stakeholders%20from%20the%20judicial%20ecosystem> (Accessed on 21/04/2026)

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⁴³ United Nations Educational, Scientific and Cultural Organization., 'Draft guidelines for the use of AI systems in courts and tribunals' Available at <https://unesdoc.unesco.org/ark:/48223/pf0000393682> (Accessed on 21/04/2026)

⁴⁴ Pasipamire. N., & Muroyiwa. A., 'Navigating algorithm bias in AI: ensuring fairness and trust in Africa' Available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC11540688/#:~:text=Introduction,for%20information%20fairness%20and%20ethics> (Accessed on 21/04/2026)

⁴⁵ United Nations Educational, Scientific and Cultural Organization., 'Draft guidelines for the use of AI systems in courts and tribunals' Op Cit

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