

Institutionalizing Gender-Transformative Artificial Intelligence Governance Within Africa's Judiciary

On June 20, 2024, the [Lawyers Hub](#), in partnership with [UNESCO](#) (HQ and East Africa office), hosted a webinar on [institutionalizing gender-transformative AI governance within Africa's judiciary](#). Speakers included, [Angela Minayo](#) from [Article 19](#), [Rose Macharia Wachuka](#), Chief of Staff to the Chief Justice of Kenya, [Christine Mutimura](#), Deputy Registrar of the East Africa Court of Justice and Judge Sylvester Ablorh from Ghana. Moderated by [Nafissatou TINE](#) from Sunulex.

This article outlines the webinar's engagements on the challenges and opportunities of integrating gender-sensitive AI governance in Africa's judicial systems. Providing insights into current trends, sharing best practices, and proposing actionable steps for the judiciary to adopt gender-transformative AI policies. Key speaker discussions during the webinar include:

Rose Wachuka

Africa is experiencing high AI adoption without ethical codes or regulatory frameworks, exposing users, especially vulnerable groups, to human rights concerns. Only [seven African countries](#) have drafted national AI strategies, and notably, the [countries with the highest AI adoption rates](#)—Egypt, South Africa, Nigeria, and Kenya—are absent from this list. There is an urgent need for substantial efforts to advance AI regulatory frameworks across Africa.

Ms. Rose indicated that due to the low number of women in AI, limited research, and lack of broader participation, especially by women, AI perpetuates and amplifies biases. An analysis of AI companies across African countries found that [only 29% of the total AI workforce was female](#). Africa needs to focus on programs targeting gender and AI research and innovation to develop inclusive programs and modules.

Judiciaries worldwide use AI to improve efficiency; however, without bias-conscious data, AI perpetuates biases. If predictive models are based on biased cases, future predictions will also be biased. As we rely more on predictive modules to reduce backlogs, challenges like gender bias, representation issues, and exclusion in AI algorithms and data sets become critical. For instance, a [U.S. study](#) shows that only 34% of judges identified by AI are women and only 3% of generated images for "judge" feature women. This issue likely extends to Africa, though specific data is not yet available. We must ensure that the data sets used by judiciaries do not reflect historical biases.

Christine Wekesa

According to Ms. Wekesa, AI can be utilized to improve transparency in judicial processes in Africa. With AI and the automation of court processes, decision-making by AI tools, and increased transparency, it is now easier for the public to observe and understand court processes and read standard court decisions.

The use of AI tools in court processes ensures equality of treatment for all before the courts. However, technology should only be introduced into the judicial process if proper accountability mechanisms are in place. Independent oversight is necessary, especially as a safeguard against potential manipulation by the architects of particular AI tools, which could compromise transparency.

On gender, Ms. Wekesa highlighted that the data used to develop some AI tools contribute to gender biases. To detect and mitigate gender bias in AI applications, especially in court settings, there is a need to develop algorithms that flag statements potentially precipitating gender bias. It is essential to establish guardrails to prevent these biases.

Judge Sylvester Ablorh

According to Judge Ablorh, AI has become an integral part of the judiciary, aiding in the efficient dispensation of justice. Identifying biases in AI tools is important. We must be cautious about adopting AI tools indiscriminately, as cultural nuances significantly impact decision-making. If these nuances are ignored, pre-existing biases may be exacerbated. Predictive tools and their usage must be controlled through regulated ethical structures. The ethics of AI are paramount, and we must critically examine them within our courts.

To effectively regulate AI, Judge Ablorh indicated the need to identify and adopt appropriate ethical regulations tailored to our African context. Human rights considerations must be foundational in addressing biases, particularly gender biases, which are more pertinent in Africa than racial issues. This approach will help mitigate biases and ensure fair and just AI implementation in the judicial system..

“AI tools will come in to dispense reliable justice, effective justice, and people will be happy with the systems that are generated.”

Angela Minayo

Ms. Minayo emphasized that data is the engine of AI technology, and how data frameworks are encouraged at both the continental and national levels will significantly impact AI. Broader digitalization policy frameworks also play a crucial role.

A major challenge in implementing gender-inclusive AI governance in Africa is that gender data is not well incorporated when training AI models, leading to gender bias. For the African judiciary to have truly transformative AI governance, we must address the training modules, starting with the source of innovation. This includes scrutinizing how data is collected, as biased data collectors can result in biased training data. Emphasis should be placed on including gender data in AI training modules.

In addition, women and minorities must be included in AI strategies and policies at the judiciary level. A multi-stakeholder approach is essential to avoid an efficacy-biased approach in judicial AI governance. African judiciaries must consider the unintended consequences of using AI in the judiciary, such as the potential exclusion of women from training data sets and judicial participation.

Key take-home messages from the panel discussion

- **Promote Gender Equity in AI and the Judiciary** with a Focus on fostering a balanced ecosystem and advancing gender representation in AI applications and the judiciary. Increase women's participation in AI research and innovation to develop inclusive programs and reduce systemic biases.
- **Mitigate Bias in AI Algorithms adopted in the judiciary** by ensuring that datasets used do not perpetuate biases and unethical concerns. Develop algorithms that flag biased statements and create guardrails to prevent these biases, ensuring fair and equitable AI applications. Address biases at the source of innovation rather than at the implementation/adoption stage

- **African judiciaries need Inclusive AI Strategies and Policies.** Adopt a multi-stakeholder approach to ensure AI strategies and policies in the judiciary are inclusive. Consider broader digitalization policy frameworks and regulate AI tools through ethical structures. Ensure local policies and collaborative frameworks guide gender inclusion in judicial technology advancements, enhancing user experience, and accessibility, and considering cultural and language preferences.
- African judiciaries should **examine the ethics of regulating AI in courts, addressing human rights and gender biases.** Conduct human rights impact assessments before AI deployment and develop robust assessment frameworks to address blind spots and disproportionate impacts on women and gender minorities.

Proposal of a continental Judicial Ethical Charter/Code of Conduct

Panelists pointed out the need for ethical codes and regulatory frameworks in the adoption of AI technologies within judicial systems. They proposed developing a global digital code or charter for AI development, applicable to all sectors.

This charter ensures AI tools are developed and deployed to uphold fundamental and human rights, guaranteeing their quality and security, promoting transparency and fairness, authorizing external audits, and emphasizing user control. This represents a significant step toward ensuring transparency, accountability, and fairness in the judicial process.

Conclusion

Introducing AI into the judicial process requires proper accountability mechanisms and independent oversight to prevent manipulation and maintain transparency. Integrating gender-sensitive AI policies is essential to ensure fairness, accountability, and transparency in judicial processes