

Resolution on the need to undertake a Study on human and peoples' rights and artificial intelligence (AI), robotics and other new and emerging technologies in Africa - ACHPR/Res. 473 (EXT.OS/ XXXI) 2021

The African Commission on Human and Peoples' Rights (Commission) meeting at its 31st Extraordinary Session held virtually, from 19 to 25 February 2021:

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Recognising that new and emerging technologies such as Artificial Intelligence (AI), robotics and other new emerging technologies present both opportunities and perils for the promotion and protection of human and people's rights in Africa;

Reaffirming the importance of access to the internet in the digital age and its implication for the realisation of human rights provided for in the African Charter and other African Union (AU) human rights instruments;

Recalling the AU's Science, Technology and Innovation Strategy for Africa especially within the context of the Fourth Industrial Revolution;

Noting the challenges and concerns that are posed by autonomous systems that are not under meaningful human control and the use of algorithms in Google, Amazon, Facebook and Android;

Further noting the challenges from AI and digital technologies to data protection and from information disorder, particularly, disinformation, misinformation and mal-information of shallowfakes[1] and deepfakes[2] as well as manipulated media enabled by certain AI technologies, robotics and other new and emerging technologies;

Further Noting the rise of online hate speech in the form of racial slurs, misogyny, misandry, xenophobia in the digital age and the challenges of content take-downs by algorithms which may negatively impact on relevant evidence of human rights abuse or discriminate against particular populations;

Recognising the need for comprehensive and multidisciplinary research on the legal, ethical, safety and security opportunities and challenges raised by AI technologies, robotics and other new and emerging technologies in Africa;

Recognising that while AI companies, as well as organisations and businesses that use AI technologies, robotics and other new and emerging technologies have a significant impact on human rights protection in Africa, there is no comprehensive framework governing their operations to ensure that they comply with human rights obligations on the continent;

Noting with concern that development and uses of AI technologies, robotics and other new and emerging technologies have far-reaching consequences on human rights in general, including the right to privacy, and socio-economic rights in particular, as provided for in the African Charter and other regional instruments including the right to work, education, health, social security and for access to social services;

Recognizing the need for creating conditions for harnessing the benefits of AI and minimizing its adverse impacts and the need for instituting sufficient frameworks in Africa to ensure equal and fair distribution of AI benefits in a way that does not exacerbate inequalities;

Further recognising the need for a comprehensive governance framework on AI technologies, robotics and other new and emerging technologies in Africa in a way that enhances human rights protection on the African continent including protection of the ownership of data on individuals experience in the digital sphere;

Emphasising the importance of participation by African states and Africans in the development of international policies and governance frameworks on AI technologies, robotics and other new and emerging technologies;

Recalling the African Commission's 2015 **General Comment Number 3 on Article 4 of the African Charter on Human and Peoples' Rights** noting that "any machine autonomy in the selection of human targets or the use of force should be subject to meaningful human control";

Bearing in Mind the 2018 statement to the United Nations Group of Governmental Experts on Lethal Autonomous Weapon Systems by the African Group of States on Disarmament that "notions of dignity and humanity are the parents of all human rights and should govern human conduct including human inventions" and that it is "inhumane, abhorrent, repugnant, and against public conscience for humans to give up control to machines" and "that technology should be solely dedicated for the prosperity and progress of human beings in all spheres of life";

Mindful of the 2019 report by the UN Working Group of Experts on the Rights of Peoples of African Descent (A/HRC/42/59) noting that "the development of new technologies must reflect a strong commitment to human rights and human dignity" and caution about "the ongoing influence of mindsets that channel certain narratives, including racially-biased beliefs, and remain embedded in decision-making and the importance of surfacing those views to mitigate their impact, particularly in computerized algorithms that may lack reflective capacity or effective independent oversight";

Noting that the various uses and potential uses of AI technologies, robotics and other new and emerging technologies in the criminal justice system, law enforcement, immigration, border control, elections, commercial decision-making etc. have implications for various rights under the African Charter such as the right to life; right to privacy; right to dignity; right to liberty; right to equality and non-discrimination; freedom of assembly; and the right to freedom of expression;

Noting that AI technologies, robotics and other new and emerging technologies enhanced creation and sharing of information, disinformation and unsolicited information, including non-consensual sexual images and materials for radicalization and incitement of violence, can impact freedom of expression, the right to equality and non-discrimination, freedom of assembly, privacy and right to life;

Emphasising the need for sufficient consideration of African norms, ethics, values, such as *Ubuntu*^[3], communitarian ethos, freedom from domination of one people by another, freedom from racial and other forms of discrimination in framing of global AI governance frameworks;

Recognising the need to undertake a Study on the impact of AI, robotics and other new and emerging technologies, on human and peoples' rights in Africa;

THE COMMISSION:

1. **Calls on** State Parties to ensure that the development and use of AI, robotics and other new and emerging technologies is compatible with the rights and duties in the African Charter and other regional and international human rights instruments, in order to uphold human dignity, privacy, equality, non-discrimination, inclusion, diversity, safety, fairness, transparency, accountability and economic development as underlying principles that guide the development and use of AI, robotics and other new and emerging technologies.
2. **Urges** State Parties to ensure that all AI technologies, robotics and other new and emerging technologies that are imported from other continents are made applicable to the African context and or adjusted to fit Africa's needs, and to give serious consideration to African values and norms in formulation of AI governance frameworks to address the global epistemic injustice that currently exists.
3. **Urges** State Parties to ensure transparency in the use of AI technologies, robotics and other new and emerging technologies and that decisions made in the use of AI technologies, robotics and other new and emerging technologies are easily understandable to those affected by such decisions.
4. **Calls on** State Parties to work towards a comprehensive legal and ethical governance framework for AI technologies, robotics and other new and emerging technologies so as to ensure compliance with the African Charter and other regional treaties.
5. **Calls on** the African Union and regional bodies to urgently place on their agendas the rapid issue of AI technologies, robotics and other new and emerging technologies with a view to develop a regional regulatory framework that ensures that these technologies respond to the needs of the people of the continent.
6. **Appeals** to State Parties to ensure that all AI technologies, robotics and other new and emerging technologies which have far reaching consequences for humans must remain under meaningful human control in order to ensure that the threat that they pose to fundamental human rights is averted. The emerging norm of maintaining meaningful human control over AI technologies, robotics and other new and emerging technologies should be codified as a human rights principle.
7. **Commits** to undertake a study in order to further develop guidelines and norms that address issues relating to AI technologies, robotics and other new and emerging technologies and their impact on human rights in Africa working together with an African Group of Experts on AI and new technologies.

Done virtually, on 25 February 2021