POLICY BRIEF:

AI AND HUMAN RIGHTS IN AFRICA: NAVIGATING THE FUTURE OF GOVERNANCE AND DEVELOPMENT

SUBMITTED BY;
ENHANCING DIGITAL RIGHTS IN NIGERIA (E-RIGHTS) PROJECT

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PURPOSE

To provide strategic policy options and recommendations for the ethical governance of AI in Africa in line with democratic values, human rights standards as recognised and entrenched in the African Charter on Human and Peoples' Rights, and to achieve sustainable development objectives.

EXECUTIVE SUMMARY

Artificial Intelligence (AI) is not just a technological advancement, but a transformative force that is significantly reshaping Africa's governance and development landscape. This rapid and unpredictable development offers vast opportunities in public service delivery, including electoral integrity, access to justice, anti-corruption measures, cultural preservation, inclusive growth, and socio-economic development. However, it is crucial to note that these benefits come with the potential to disrupt key principles and understandings enshrined in the African Charter on Human and Peoples' Rights. At present, Africa lacks a robust legal framework to address these challenges. It is also widely acknowledged that without robust regulation, AI risks reinforcing inequality, bias, surveillance, disinformation, discrimination, bullying, and restrictions on civic space.

This brief examines the nexus between AI, human rights, good governance, democracy, and development in Africa. It underscores the importance of African-led, human rights-centred AI governance. It outlines the key issues, including risks, and policy pathways for an AI governance framework that reflects African values and incorporates ethics while engaging global norms.

It proposes four strategic policy pathways:

1. Establish regional and national AI governance frameworks rooted in human rights law.
2. Promote transparency, accountability, and public participation in AI deployment.
3. Strengthen data protection, algorithmic fairness, and digital inclusion.
4. Encourage responsible innovation that aligns with Africa's development priorities under Agenda 2063 and the Sustainable Development Goals (SDGs).

BACKGROUND AND CONTEXT

When adopted across Africa in critical sectors, AI technologies have the potential to bring significant benefits, including climate-smart systems in agriculture, diagnostic algorithms in healthcare, e-governance tools in public administration, surveillance technologies in security, and e-registration and e-voting in elections.

By 2030, Africa's AI market is projected to exceed USD 20 billion, according to the OECD-AI Observatory (2024).

However, AI also raises significant governance challenges:

- Because significant AI has not been developed in Africa, algorithmic bias and discrimination may reinforce structural inequalities.
- State authorities often deploy mass surveillance and facial recognition that infringe on privacy and freedom of expression.
- Public authorities' opaque decision-making systems threaten transparency and accountability.
- Digital divide and exclusion risk leaving marginalised communities behind.

It is noted that the African Charter on Human and Peoples' Rights (1981), the Malabo Convention (2014) on cybersecurity and personal data, and the AU Digital Transformation Strategy (2020–2030) already provide legal anchors for rights-based digital governance. However, implementation remains uneven across African states.

PROBLEM STATEMENT

The rapid uptake of AI systems in Africa is outpacing the development of ethical, legal, and institutional safeguards, creating an urgent need for action.

Most African states lack dedicated AI policies; regulatory oversight is fragmented among ICT, justice, and data protection bodies, which are weak.

Without a coherent continental framework, there is a real risk of human rights violations occurring without redress. This underscores the urgent need for a unified approach to AI governance in Africa.

Political misuse of AI could undermine elections and civic participation. Foreign AI models may import non-African values and data extraction practices that weaken sovereignty.

The absence of or weak regional coordination may also impede Africa's voice in global AI standard-setting forums (e.g., UNESCO, OECD, and G20 AI frameworks).

POLICY ANALYSIS

4.1 Ethical Frameworks and African Values

AI should be framed in a manner that emphasises African relational ethics and communal solidarity, providing ethical foundations for inclusive AI. AI solutions should be designed with consideration for Africa's unique cultural, social and economic contexts. This approach can inform AI ethics by prioritising collective benefits and social responsibility. It involves collaboration with governments, local stakeholders, and the incorporation of African perspectives. It is essential to strike a balance between global AI ethics standards and African values and contexts. Investing in capacity AI building and education can help ensure that African stakeholders are equipped to develop and implement AI solutions that align with local values and ethics. Otherwise, bias in imported datasets may lead to exclusion of marginalised groups and cultural insensitivity.

AI must be consistent with the African Charter on Human and Peoples' Rights, ensuring:

- Non-discrimination and equality before the law. Right to privacy and data protection.
- Access to information and freedom of expression. Protection against arbitrary automated decisions.

4.2 Governance and Accountability

Strong democratic institutions are essential to prevent AI abuse. This requires:

- Transparent public procurement of AI tools.
- Independent oversight bodies (e.g., AI ethics commissions).
- Open reporting of algorithmic impact assessments.

4.3 Democracy and Public Trust

AI applications in elections, surveillance, or social media moderation can either strengthen or erode democracy.

Promoting digital literacy, ethical campaigning, and content transparency enhances public confidence in governance.

4.4 Development and Inclusion

AI should advance Africa's developmental sovereignty, not dependency. Priority areas include:

- Agriculture (precision farming).
- Climate resilience and disaster prediction.
- Health diagnostics and epidemic forecasting.
- Financial inclusion through responsible fintech regulation.

4.5 Governance and Electoral Processes

AI is transforming electoral processes globally, presenting opportunities and challenges. AI can enhance the credibility of the electoral process through biometric voter registration, fraud detection, combating disinformation, reducing errors and increasing transparency. It can also help in data analysis.

However, the risks and challenges include deepfakes (realistic audio or video forgeries created with AI) and micro-targeting (using AI to identify and target specific groups of voters), voter suppression and the perpetuation of existing biases against marginalised groups.

4.6 Freedom of Expression and Assembly

The increased use of AI in various aspects of life has significant implications for freedom of expression and assembly. AI moderation can be used as a tool for curbing hate speech, online violence, and technology-assisted gender-based violence.

The challenges posed by AI include state-sponsored suppression of dissent (utilising AI to monitor and suppress political opposition), content moderation, mass surveillance and monitoring, disinformation and propaganda, and the shrinking of civic space.

4.7 Media and Information Ecosystem

Responsible use of AI enhances automated translation, fact-checking, AI-assisted journalism, and citizen journalism.

Key challenges and opportunities include AI-driven misinformation (false or misleading information generated or amplified by AI) and erosion of trust in media (loss of public confidence in the accuracy and reliability of news due to AI-generated content).

4.8 Legal and Institutional Frameworks

Limited AI-specific existing laws and regulations may not adequately address AI's unique challenges, such as surveillance and weak enforcement of digital rights.

4.9 Digital Divide

Discriminatory and unequal access to digital infrastructure and skills can widen the gap between the urban and rural populations and between the rich and the poor across Africa.

POLICY OPTIONS

Option A: Regional AI Governance Framework

AU-led continental charter on AI ethics and human rights.

Option B: National AI Commissions

Independent oversight authorities with multi-sectoral representation. Accountability and citizen trust. Risk of overlap or politicisation.

Option C: Public-Private Innovation Compact

Partnerships between governments, academia, and industry. Encourages responsible innovation. Risk of corporate capture without strong safeguards.

KEY RECOMMENDATIONS

1. Adopt a Continental AI and Human Rights Framework under the African Union Commission on Human and Peoples' Rights, aligned with the Malabo Convention and Agenda 2063 Goal 12 (Capable Institutions and Transformative Leadership).
2. Establish National AI Ethics Commissions with mandates to review AI projects in sensitive sectors (justice, elections, policing).
3. Develop Algorithmic Transparency Standards — requiring disclosure of datasets, logic, and potential impacts of high-risk AI systems.
4. Integrate AI Ethics into Civic Education and regional training programmes for public officials, judges, and law enforcement.
5. Invest in African AI Research Capacity, including a Pan-African AI Observatory to promote indigenous innovation and data sovereignty.
6. Promote Gender and Youth Inclusion in AI development through targeted funding and mentorship.
7. Develop clear regulations that enhance transparency in the use of AI, promote governance in dignity, inclusivity, and solidarity. Promote cross-continental dialogue on shared ethics.

8. African states should strengthen Legal and Regulatory Systems. Adopt comprehensive laws that encompass AI, privacy, and data protection. Establish independent oversight bodies.
9. Safeguard Democracy and Civic Space. Prohibit AI-enabled manipulation and indiscriminate surveillance, and mandate transparency in state AI use.
10. Enhance Continental and Global Cooperation. Engage actively in global AI norm-setting. Leverage AU and civil society to harmonise policies.

IMPLEMENTATION ROADMAP

TIMELINE	ACTION
0 - 1 year	Convene AU High-Level Panel on AI and Human Rights.
1 - 3 years	Draft and adopt the Continental Framework on AI Governance.
3 - 5 years	Establish national AI ethics agencies; integrate into e-governance reforms.
5+ years	Experience in launching Pan-African AI Observatory and cross-border research networks

CONCLUSION

The responsible development and shaping of AI are imperative to ensure Africa's good governance, transparency, accountability, democracy and the protection of human rights. Proactive regulation, guided by ethics, African values and international human rights norms, is essential to avoid replicating global inequities while enabling inclusive, rights-based digital development.

Consequent to the above highlighted concerns, African states must develop and embrace a uniquely African AI strategy that will highlight the risks, benefits and limitations of AI with the aim of maximally harnessing the potential of AI in the African society and minimising the risks.
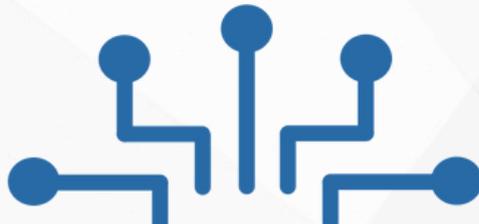
Africa stands at a critical juncture in shaping the moral, legal, and economic architecture of Artificial Intelligence.

A rights-based, transparent, and inclusive approach to AI will not only protect citizens but also enhance public trust, democratic resilience, and innovation-led growth.

By embedding human rights and good governance into the design and deployment of AI, Africa can ensure that digital transformation remains a tool for empowerment — not exclusion.

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Enhancing Digital Rights in Nigeria

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