

**African Commission on Human and People’s Rights  
Resolution 473**

**Statement of  
The Center for AI and Digital Policy (CAIDP)  
5 April 2021**

The Center for AI and Digital Policy (CAIDP) welcomes the African Commission on Human and Peoples’ Rights’ Resolution 473 “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”.<sup>1</sup>

We thank the Commission for the substantial work of the authors on this complex and important topic. The Centre for Human Rights of the University of Pretoria, stated that “Resolution 473 is being adopted at a time when Africa, mainly the private sector, is harnessing these transformative technologies for various reasons including fostering the much-needed development of the continent. African governments are also expressing interest in embracing AI for more efficient governance and economic growth.”<sup>2</sup>

In the Resolution, the Commission recognizes “that new and emerging technologies such as Artificial Intelligence (AI), robotics, autonomous systems and other new emerging technologies present both opportunities and perils for the promotion and protection of human and people’s rights in Africa.” The Commission further underscores “the need for sufficient consideration of African norms, ethics, values, such as Ubuntu, 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.”<sup>3</sup>

Resolution 473 emphasizes the need for meaningful human control, data protection, comprehensive and multidisciplinary research on the legal, ethical, safety and security opportunities and challenges, participation by African states and Africans. This is a comprehensive

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<sup>1</sup> African Commission on Human and People’s Rights, Resolution 473 “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”, 25 February 2021, <https://www.achpr.org/sessions/resolutions?id=504>.

<sup>2</sup> Centre for Human Rights, University of Pretoria, *Press Statement: Centre for Human Rights Welcomes African Commission Resolution on Emerging Technologies*, 18 March 2021, [https://www.chr.up.ac.za/images/centrenews/2021/Centre\\_for\\_Human\\_Rights\\_welcomes\\_African\\_Commission\\_resolution\\_on\\_emerging\\_technologies.pdf](https://www.chr.up.ac.za/images/centrenews/2021/Centre_for_Human_Rights_welcomes_African_Commission_resolution_on_emerging_technologies.pdf).

<sup>3</sup> African Commission on Human and People’s Rights, Resolution 473 “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”, 25 February 2021, <https://www.achpr.org/sessions/resolutions?id=504>.

governance framework that enhances human rights protection and makes clear 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.<sup>4</sup>

The Center for AI and Digital Policy is closely monitoring AI policy developments in Africa, and commends the Commission for the objectives and ultimate goals of Resolution 473. We support the call for “human dignity, privacy, equality, non-discrimination, inclusion, diversity, safety, fairness, transparency, accountability and economic development” to be the “underlying principles that guide the development and use of AI, robotics and other new and emerging technologies.” These guiding principles will provide a solid foundation for the protection and promotion of human rights in the development of these emerging technologies. CAIDP encourages African countries to transpose these principles into effective AI and digital policies and practices.

We believe that this resolution is of great significance for the creation and implementation of national and international AI policy. Specifically, the integration of African values and norms is one aspect in which the international AI governance regime is lacking. We reaffirm the call for African States and international organizations to make governance frameworks and the technologies themselves more applicable to the African context and to give serious consideration to African values and norms in their development.

We also strongly support the call for a comprehensive legal and ethical governance framework for such technologies both on a State and Regional level. One important step in the integration of African values and norms into the international AI regime, is for African states and regional bodies to establish a united front on the values that should be integrated.

This call is reiterated by the Director of the Centre for Human Right, University of Pretoria, Prof Frans Viljoen who stated, “It is important that African civil society and academics actively participate in shaping a world that will increasingly be influenced by AI.”<sup>5</sup> This remark is supported by our work which has shown that countries that ranked high in our “AI and Democratic Values Index: The AI Social Contract Index 2020 (AISCI-2020)” like Germany and Switzerland had institutionalized modes of participation for both civil society and academics.<sup>6,7</sup>

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<sup>4</sup> African Commission on Human and People’s Rights, Resolution 473 “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”, 25 February 2021, <https://www.achpr.org/sessions/resolutions?id=504>

<sup>5</sup> Center for Human Rights, University of Pretoria, *Press Statement: Centre for Human Rights Welcomes African Commission Resolution on Emerging Technologies*, 18 March 2021, [https://www.chr.up.ac.za/images/centrenews/2021/Centre\\_for\\_Human\\_Rights\\_welcomes\\_African\\_Commission\\_resolution\\_on\\_emerging\\_technologies.pdf](https://www.chr.up.ac.za/images/centrenews/2021/Centre_for_Human_Rights_welcomes_African_Commission_resolution_on_emerging_technologies.pdf)

<sup>6</sup> CAIDP, *Artificial Intelligence and Democratic Values* at 99 (Country Report, Germany) (2020) (the “CAIDP Report”), <https://caidp.dukakis.org/aisci-2020/>

<sup>7</sup> CAIDP Report at 249 (Country Report, Switzerland)

In our report *Artificial Intelligence and Democratic Values*, a comprehensive review of AI policies and practices in 30 countries, the CAIDP made these findings:<sup>8</sup>

- **The OECD/G20 AI Principles have Framed the Global Debate over AI policy.**
- **Governments have Both National Ambitions and Collaborative Goals.**
- **AI Safeguards Build on Data Protection Law.**
- **Facial Surveillance as an AI “Red Line.”**
- **Concern About Autonomous Weapons Remains**
- **NGOs are Powerful Advocates for the Public.**
- **AI Policy is in the Early Days, but the Pace is Accelerating.**

The CAIDP also made these recommendations:<sup>9</sup>

1. *Countries must establish national policies for AI that implement democratic values*
2. *Countries must ensure public participation in AI policymaking and also create robust mechanisms for independent oversight of AI systems*
3. *Countries must guarantee fairness, accountability, and transparency in all AI systems*
4. *Countries must commit to these principles in the development, procurement, and implementation of AI systems for public services*
5. *Countries must halt the use of facial recognition for mass surveillance*

The Center for AI and Digital Policy offers assistance to governments for the work of creating artificial intelligence and digital policies which promote a better, fairer, and more just and accountable society in which technology promotes broad social inclusion based on fundamental rights, democratic institutions, and the rule of law. In this regard, we would be pleased to offer our advice and expertise during this process that the African Commission has initiated.

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<sup>8</sup> CAIDP Report at 2-3 (Findings).

<sup>9</sup> CAIDP Report at 4 (Recommendations).