

Clinic Presentation

Supervised by: Hlengiwe Dube and Marystella Simiyu





Clinic Presentation



Adeboye Adegoke

Thobekile Matimbe

Charles Kajoloweka



Highlights

Two Mandates

- State Shadow Reporting
- AI Country Index Report - Centre's tech and human rights campaign (#Tech4Rights)



Clinic Highlights

First Mandate: State Shadow Reporting

- Niger
- Malawi



State Shadow Reporting: NIGER



Issues

- Criminalisation of freedom of expression
- Violation of Media Freedoms
- Arrest of Blogger
- Shut down of Media Outlet
- Interception of Communications Power Vested in the President
- Non Compliance with Model Law's recommendation of an independent and impartial oversight mechanism in Access to Information



State Shadow Reporting: NIGER

POSITIVES

- Enactment of Law No. 2017-028, 2017 on the protection of personal data.



State Shadow Reporting: NIGER

RECOMMENDATIONS

- Amend article 2 of Law No. 2019-33
- Surveillance must conform to International Human Rights Standards
- Repeal article 29 of Law No. 2019-33 on defamation in favour of reasonable civil sanctions.
- Drop all charges against journalists and civil society actors arrested on criminal defamation charges.



More Recommendations

- Compensate Samira Savou for arbitrary detention on defamation charges.
- Refrain from targeting critics of the government and criminalising dissent in violation of article 9 of the African Charter.
- Refrain from relying on article 31 of Law No. 2019-33 to violate freedom of expression and balance preventing cybercrimes with promoting freedom of expression.
- Amending article 28 of the Ordinance No. 2011-22 of 2011 by removing the oversight function on access to information from the office of the ombudsman and vesting it in an independent and impartial oversight mechanism in line with the Model Law on Access to Information

State Shadow Reporting: Malawi

Issues

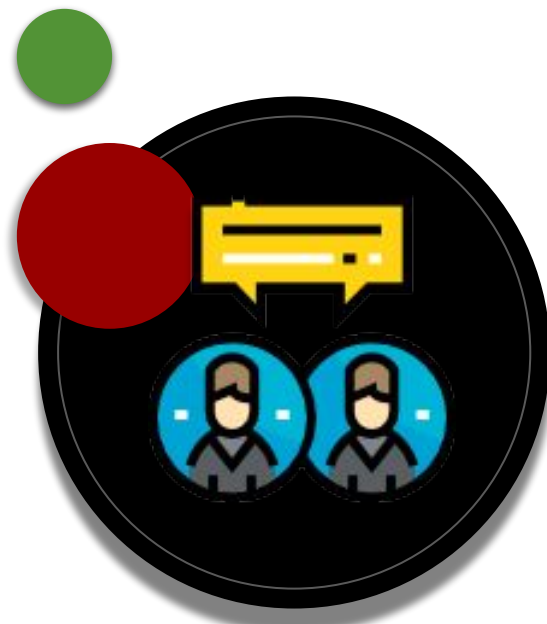
- Access to Information Act, 2016: Concerned that the government has not yet appointed information officers (IOs) as required under section 12 of the ATI Act
- Underfunding of the Malawi Human Rights Commission (MHRC)
- Limited access to internet services
- Internet shutdown
- Lack of transparency in the COVID-19 management
- Shrinking of media space
- Harassment of journalists



State Shadow Reporting: Malawi

Issues

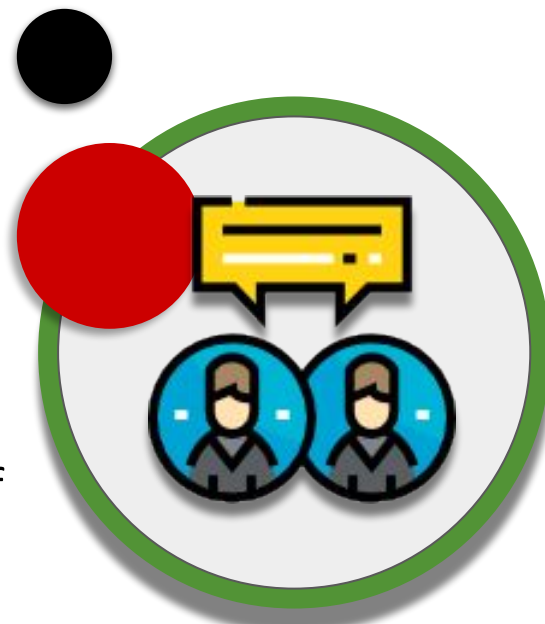
- Criminal defamation laws
- Electronic Transactions and Cyber Security Act, 2016
- Abuse of State Media, Malawi Broadcasting Corporation (MBC)
- Safety of Journalists and Other Media Practitioners



State Shadow Reporting: Malawi

RECOMMENDATIONS

- Guarantee freedom of expression and access to information online
- Ensure that the ATI Act is fully implemented
- Hasten efforts to provide equal access to technology and communications to all citizens, including disadvantaged and marginalized groups of the population.



State Shadow Reporting: Malawi

RECOMMENDATIONS

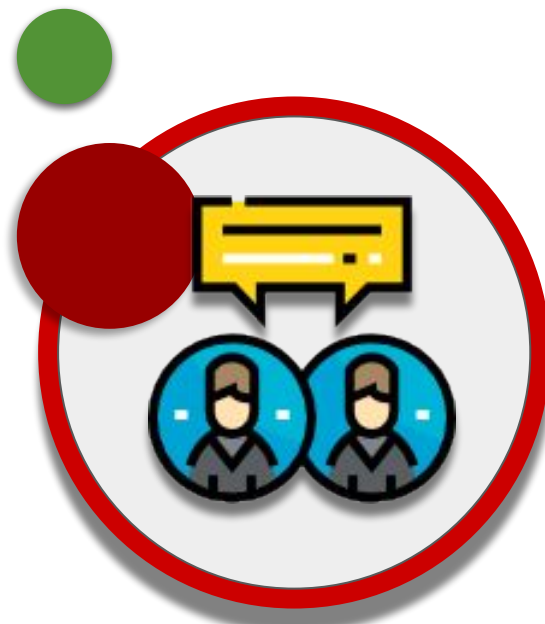
- Provide adequate resources to the MHRC to ensure it discharges its oversight role over the implementation of the ATI Act.
- Appoint information officers.
- Comply with Principle 15 of the Declaration
- Transform the MBC into a public service media that guarantees balanced media coverage



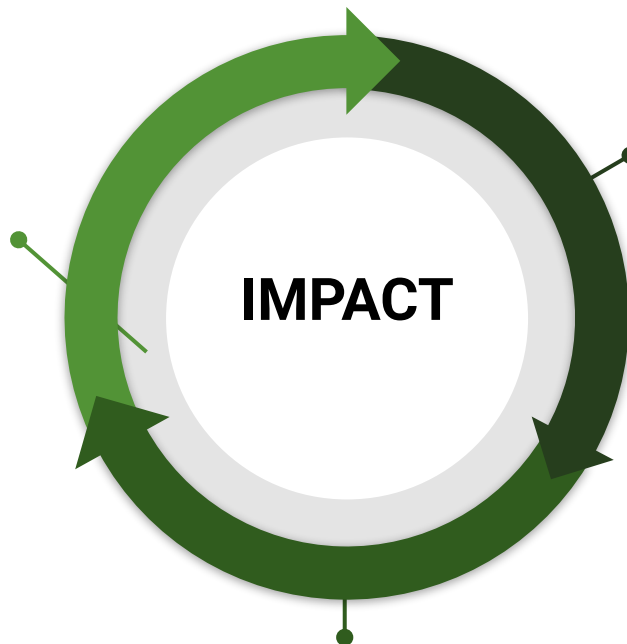
State Shadow Reporting: Malawi

RECOMMENDATIONS

- Adopt measures that guarantee the safety of journalists and media practitioners as provided under Principle 20 of the Declaration
- Desist from internet disruptions during elections or any other time.
- Proactively disclose information on expenditure on COVID-19 relief funds.



We are hopeful that some of our recommendations will make their way into the concluding observations of the ACHPR.



- Some of the questions we raised informed the questions asked by the Commissioners at the just ended 68th Ordinary Session of the ACHPR.

END OF FIRST MANDATE

Second Mandate: AI Index Country Reports

Centre's tech and human rights campaign (#Tech4Rights)

- Kenya
- Nigeria
- South Africa



Why AI?

ACHPR in a recent Resolution 473 Called 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.



Introduction

- We joined a network of researchers at the Center for AI and Digital Policy (CAIDP) led by Marc Rotenberg, which focuses on policy developments in the field of AI.
- We will continue to contribute to the mandate beyond the HRDA program.
- We developed the first ever AI index focusing on Africa and analyzing governmental policies in the field from a human rights perspective / focusing on sustainable AI.



South Africa

- The Presidential Commission on the Fourth Industrial Revolution (PC4IR) presented a Summary Report and Recommendations in 2020 which prescribes among other things focus on regulation, ethics, and cultural aspects of the Internet not only for an enabling policy environment but to also ensure ethical and transparent use of new tech.
- The National Planning Commission published the National Development Plan: Vision for 2030 (NDP) which aims to achieve improved information and communication technologies by 2030



South Africa

- The University of Witwatersrand recently designed an AI-based algorithm in partnership with iThemba Labs, the Provincial Government of Gauteng and York University in Canada to show the risk incidence of the third wave of COVID-19 in South Africa using AI as an early detection mechanism.
- The Department of Science and Innovation funds the Centre for Artificial Intelligence Research (CAIR) which is a research network of 9 groups across 6 main universities in South Africa focusing on artificial intelligence.



South Africa: Findings

- In a survey on South African's awareness of robots, 36 % of the respondents hardly knew anything about robots and 23% had never heard of AI.
- South Africa forms part of the G20 which adopted the G20 human-centred AI principles which highlight the need to promote protection of privacy, personal data, and artificial intelligence and skills development.
- Through its national AI strategy, economic growth will be fostered and hopefully, more specific policies which address the use of autonomous weapons and machine learning will be developed. There is a need for more awareness-raising on AI to include the public and dispel fears that artificial intelligence will take away jobs, increase surveillance and be used to facilitate human rights violations



Nigeria

- Nigeria doesn't have a national AI strategy and policy document
- November 2020, the Nigerian government launched the country's first Artificial Intelligence and Robotics Centre
- There's no evidence of any activity organized by the Nigerian government towards consulting with the public on AI - Public Participation
- Section 37 of the Nigerian Constitution provides for the rights to privacy. Beyond this, Nigeria is yet to enact a data protection law but has a National Data Protection Regulation (NDPR)



Nigeria

- Nigeria plans to use facial recognition technology as an essential part of its digital identification scheme
- NASS-AI project uses AI to classify parliamentary bills from the national assembly, with the aim of making them more accessible
- A privacy International report reveals that observed that the Nigerian State carries out surveillance activities without judicial oversight and comprehensive framework for data protection
- The private sector and the tech ecosystem are taking the lead with respect to AI initiatives in Nigeria



Nigeria

- The private sector and the tech ecosystem are taking the lead with respect to AI initiatives in Nigeria
- December 2020, Nigeria's Ministry of Science and Technology announced that it will deploy AI for mining safety, efficiency



Kenya



- Kenya doesn't have a national AI strategy and policy document
- In February 2018, the Government empanelled an Artificial Intelligence Taskforce to provide the Government with recommendations about how to harness the emerging technologies of blockchain and AI in Kenya
- In July 2019, the taskforce published its report and recommended use of AI in financial sector, anti-corruption and elections
- The development of Kenya's AI report by the Blockchain & Artificial Intelligence taskforce followed a public consultation



Kenya



- The development of Kenya's AI report by the Blockchain & Artificial Intelligence taskforce followed a public consultation
- There are around 31 AI startups in Kenya
- Kenya has not signed, ratified the 2014 African Union Convention on Cyber Security and Personal Data Protection, a core regional instrument with relevance to AI.
- Kenya has a Has Bill of Rights and NHRs



Conclusion

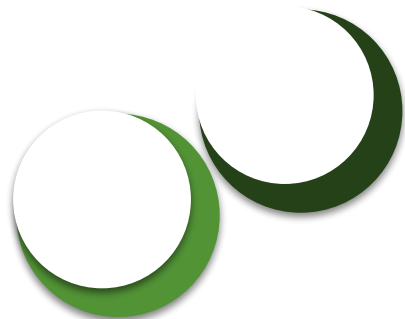
- African States to conduct a study on AI in line with resolution 473, find ways of ensuring policies align with human rights standards so as to ensure public confidence in emerging technologies and allocate resources for research and development on AI.



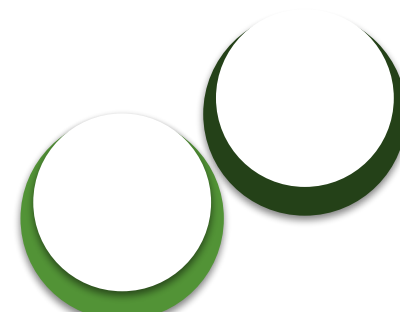
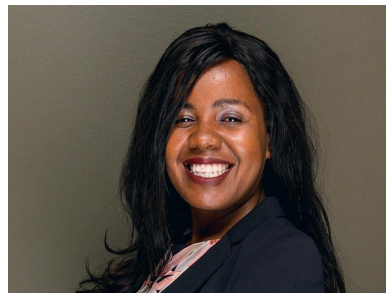
General Recommendation

- We recommend that in the coming cohort, students are offered a platform to join the relevant sessions of the ACHPR to follow through on the review of the state reports.
- Students should be allocated to clinics before resumption so that they have the time to plan and Implement better.





The Team



Thank you