



**African Business and Human Rights Forum in Accra, Ghana**  
**Dates: 11 - 13 October 2022**

**Summary Record**

**1. Overview of the Forum**

The African Business and Human Rights Forum took place from the 11th to the 13th of October 2022 in Accra, Ghana. The event was organised by the African Union (AU), the United Nations Development Programme (UNDP), the Office of the UN High Commissioner for Human Rights (OHCHR), the UN Working Group on Business and Human Rights, and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in collaboration with local and regional actors. It emphasised the importance of promoting and building support for the AU Draft Policy on Business and Human Rights and encouraged support by AU member states. The event created awareness of the need for business and human rights across various member states and companies, with the core focus on implementing business and human rights standards in line with the UN Guiding Principles on Business and Human Rights in Africa.

The event highlighted the importance of creating a framework that acknowledges the peculiarities of the continent by providing policies that adequately allow for the effective protection of human rights within business operations. It reemphasised the need for policy parameters that will address the state's duty to protect human rights in business, the responsibility of business to respect these rights and access to remedies to address violations of rights within the business environment.

**2. Overview of the Session - Understanding and Mitigating the Impacts of the use and development of technologies by businesses in Africa**

This session was held on the 13th of October 2022 (2nd day of the Forum) and was organised by the Office of the High Commissioner for Human Rights (OHCHR) and GIZ. It highlighted the UN and AU's goal to ensure that developments in technologies address the human risks that arise across various businesses. The core focus was on safeguarding human rights in line with the UNGPs, particularly for tech SMEs and tech startups within the continent.

### **3. Participation**

The session included diverse speakers knowledgeable about the UNGPs and their importance in the African digital ecosystem. It provided an opportunity to draw on their broad expertise in assessing current human rights frameworks and dialogue on implementable recommendations best suited to the continent's present realities. The speakers for the session represented organisations and companies alike: MTN Group, Article 19, Alt Advisory, the Nigerian National Human Rights Commission, and the Office of the Attorney General & Department of Justice, Kenya.

To start the session, a detailed presentation on human rights and tech in Africa was delivered by Alt Advisory, which set the stage for a discussion on the importance of setting standards for human rights and the current issues which relate to the use of data (data protection) and Artificial Intelligence (AI).

The discussion highlighted that despite the significant progress across the continent in developing legislative frameworks on data protection (such as the Malabo Convention), there was a need to advance compliance with and adoption of standards across more countries. Compliance is essential due to the rapid technological advancement and the increasing number of companies utilising data in various forms. The importance of enforcement and cross-border international standards via the UNGPs is crucial.

### **4. Key Takeaways**

- **Data protection beyond compliance issue: a business imperative** – Increasingly, investors need to pay attention to data protection and privacy laws as crucial parameters for determining investment in companies within a specific country or region. Accordingly, beyond a “box-ticking” or compliance mechanism, there is a need for cohesive and holistic data protection frameworks for sustainable and rights-respecting development.
- **Novel nature of technology** – Businesses need active engagement to understand how regulation should develop alongside specific needs and emerging risks. This could pose a challenge for states that need to match legislation with rapidly evolving technologies. Thus, businesses must engage with states and civil society stakeholders on how their products and business practices impact human rights and how such impacts can be addressed and mitigated.
- **The necessity for AI Regulation** – There is no regulation and institutional support in most African countries targeting AI, and there is a need to structure regulation so that it can deal with unique risks and human rights concerns arising from using AI. Alt Advisory noted that roughly only 2% of the nations in Africa had developed legislation around the use of AI by technology companies, and about 91% have no national AI strategy. Accordingly, there is an increasing need to develop AI legislative strategies that sufficiently fill existing gaps.

- **Use of the UNGPs is crucial for filling domestic regulatory gaps** – The B-Tech team emphasised the importance of rights-based legislation that should be aligned with international human rights standards. Such an approach can inform legislation across countries on the continent. With regard to the expectations for business to fulfill, the B-Tech Project’s website provides foundational papers as a guide to help technology companies better assess risks that stem from or are linked to their business activities.
- **Importance of co-creation and collaboration** – Co-creating solutions is important for more holistic regulation that addresses issues across various sectors. Increasing dialogue between affected stakeholders, businesses, and states is essential to assess what is currently working, and solutions should allow for a multi-stakeholder approach. Specifically, there is a strong need to improve meaningful engagement between companies and civic society when dealing with authoritarian states that are prone to violate human rights. A multi-stakeholder system allows for holistic intervention, which minimises human rights issues.
- **Improving capacity and competence amongst regulators** – Bridging the knowledge gap is key to equipping regulators with the necessary skill-set to address issues connecting with technology company conduct. Building such capacities and tech expertise is vital for regulators to issue impactful guidance. In addition, proper allocation of funds is necessary to reduce instances of compromise and untransparent behaviour within regulators. One example of such opaque behaviour has been the implementation of data protection legislation in African states. There are recurring challenges around the independence and financial support of regulators tasked with implementing legislation protecting citizens’ privacy. Further, although many states have data protection legislation, they have not appointed independent authorities responsible for ensuring enforcement.
- **Importance of challenging context** – The recent resolution passed by the African Commission on Human and Peoples’ Rights will better assess gaps in AI, robotics, and other emerging technologies on the continent. States must lead by example in how they use technology and should focus on providing guidance and incentives. Governments must build on the UNGPs to create a practical roadmap for laws and regulations that consider the local context. Additionally, businesses need to adopt measures to reduce human rights violations.