

THE IMPACT OF ARTIFICIAL INTELLIGENCE ON HUMAN RIGHTS IN NIGERIA: CONFLICT OR CONSONANCE

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Abstract

This work examines human rights in Nigeria, the meaning of Artificial Intelligence and its existence in Nigeria, whilst also examining its positive and negative influence on specifically highlighted fundamental rights recognized internationally and in the Constitution of the Federal Republic of Nigeria. This work concludes by drawing a resolution on how the concept of artificial intelligence conflicts with some constitutionally-protected human rights in Nigeria but also how there is a future capable of accommodating a consonance between both, and this work dishes two fundamental recommendations to arrive at this desired consonance.

1.0. INTRODUCTION

The establishment of the National Centre for AI and Robotics (NCAIR), as well as the development of statutes such as both the Cybercrimes Act, 2015 and the Nigeria Data Protection Act, 2023 (amongst other governmental actions) have aided in the development of the use and integration of artificial intelligence (hereinafter referred to as “AI”) in the Nigerian economy⁵⁵. In fact, the National Bureau of Statistics confirmed that the information and communications technology sector contributed 16.35 per cent to Nigeria’s real Gross Domestic Product in the third quarter of 2024⁵⁶. This, makes it is safe to say that Nigeria is one of the countries pioneering AI advancements in Africa.

Nonetheless, reality has helped us understand that the continued development of this laudable innovation also comes with the risk of affecting the continued protection of human rights; which beckons on us all as members of the society to find a balance.

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⁵⁵ Josephine Uba, ‘Artificial Intelligence (AI) Regulation In Nigeria: Key Considerations, Recommendations, Legal Framework, And Policy Development For AI (AI) In Nigeria’ (Mondaq.com, October 5, 2023) <<https://www.mondaq.com/nigeria/new-technology/1373830/artificial-intelligence-ai-regulation-in-nigeria-key-considerations-recommendations-legal-framework-and-policy-development-for-artificial-intelligence-ai-in-nigeria>> accessed February 11, 2025.

⁵⁶ Justice Okamgba, ‘ICT sector growth drops to 16.35% – NBS’ (Punch.com, December 10, 2024) <<https://punchng.com/ict-sector-growth-drops-to-16-35-nbs/>> accessed February 11, 2025.

1.0. HUMAN RIGHTS IN NIGERIA

The learned Abiru J.C.A. in the case of *Hassan v. E.F.C.C.*⁵⁷ defined human rights to be *those rights...freedoms essential to the concept of ordered liberty inherent in human nature and consequentially inalienable... without presumption or cost of privilege to all human beings.*

The learned Kayode Eso J.S.C. in the case of *Ransome-Kuti v. A.G. Federation*⁵⁸ stated that *it is a right which stands above ordinary laws of the land and which is in fact antecedent to political society itself...the present constitution... is to have these rights enshrined in the constitution so that the rights could be immutable to the extent of the non-immutability of the constitution of the constitution itself.*

Hence, under the Nigerian covering, the court in *Odogwu v A.G. of the Federation*⁵⁹ defined fundamental human rights as *right guaranteed in the Nigerian constitution and it is a right which every person is entitled to, when he is not subject to the disabilities enumerated in the constitution to be enjoyed by virtue of being a human being.*

To this end, the 1999 Constitution of the Federal Republic of Nigeria (hereinafter referred to as “CFRN”) in its **Chapter IV** provides for eleven (11) Fundamental Rights which are enforced by the High Courts as held in plethora of cases such as *Bronik Motors v. Wema Bank*⁶⁰ and *Grace Jack v. University of Agriculture, Markurdi*⁶¹. Section 254 C (1) (d) also empowers the **National Industrial Court** to settle disputes on human rights related to labor.

To ensure the upholding of these rights, the **Section 46(4)(b)** further provides that the National Assembly shall render financial assistance to a person whose rights has been breached in order to table such matter before the high court. In addition, as held in *Igbokwe v. Edom*⁶², to ensure speedy and due procedure in the process of enforcement, the **Learned Kutigi C.J.N.**⁶³ established the **Fundamental Rights Enforcement Procedure Rules (2009)** pursuant to **Section 46(3)**. Moreover, the decision thereof is then to be enforced by the executive body through its agencies and all authorities⁶⁴ by virtue of **Section 287** of the 1999 Constitution.

⁵⁷ (2009) 1 NWLR (Pt. 1389) 607.

⁵⁸ SC.123/1984.

⁵⁹ (1999) 6 NWLR (PT. 455) P. 508.

⁶⁰ (1983) All N.L.R. 272.

⁶¹ (2000)LCN/0785(CA).

⁶² (2015) LPELR -25576 (CA).

⁶³ as he then was.

⁶⁴ Especially the executive; according to the general knowledge that the executive arm is to implement laws and court decisions are primary sources of laws; as case laws.

This enforcement may then be seen in cases like **Ogba v. State**⁶⁵⁶⁶, **Adeniji v. State**⁶⁷⁶⁸, **Mogaji v. Board of customs and Excise**⁶⁹⁷⁰, **Tony Momoh v. State**⁷¹⁷², **MTN Nig. Ltd v. Anene**⁷³⁷⁴, **Mojekwu v. Mojekwu**⁷⁵⁷⁶ and **Shugaba v. Minister of internal affairs**⁷⁷⁷⁸ amongst many others. It is also worthy of notice that the likes of the **West African Court of Appeal** and the **African Court on Human and Peoples' Rights** have supplemented in the proper enforcement of human rights as seen in a good number of notable cases such as **Odafe v. A.G. Federation**⁷⁹ and **SERAP v. Nigeria**⁸⁰.

More intrinsically, the cases of **Lakanmi v. A.G. Western State**⁸¹, **A.G. Lagos State v. Dosunmu**⁸², and **Abacha v. Fawehinmi**⁸³ show judicial activism of the courts on human rights in spite and despite military regime and military dictatorship, as courts awarded judgments and costs against the military governments of the day.

Nonetheless, the enforcement in the country is not left without inadequacies as may be seen in some cases likes of **F.R.N. v. Ken Saro-Wiwa & 9 ors** wherein the 10 accused were tried by a kangaroo court without their constitutional right to representation and still had their rights to appeal snatched away from them by an abrupt taking of their lives, the case of **Lakanmi v. A.G. Western State**⁸⁴⁸⁵, and even more recently; the case of **El-zakzaky v. Kaduna State**⁸⁶ which saw the death of over 300 shiites and the continuous and unrepentant detention of the shiites leader

⁶⁵ Ibid.

⁶⁶ Constitution of the Federal Republic of Nigeria 1999, s36

⁶⁷ (2020) LCN/14914 (CA).

⁶⁸ CFRN 1999, s33

⁶⁹ (1982) 3 NCLR 552.

⁷⁰ CFRN 1999 s34.

⁷¹ (1983) 4 NCLR 269 at 295.

⁷² CFRN 1999 s39

⁷³ (2018) LPELR-44447(CA).

⁷⁴ CFRN 1999 s37

⁷⁵ (1997) 7 N.W.L.R. 283.

⁷⁶ CFRN 1999 s42

⁷⁷ (1982) 3 NCLR 915.

⁷⁸ CFRN 1999, s41.

⁷⁹ (2004) AHRLR 205 (NgHC 2004).

⁸⁰ [2010] ACHPR 109

⁸¹ 1970 SC.58/69.

⁸² (1989) 3 N.W.L.R. (pt. III) 552.

⁸³ (1996) 9 NWLR (Pt. 475) 710.

⁸⁴ (2000) 6 NWLR (Pt.660) 228.

⁸⁵ wherein a court judgment was disposed by a backdating decree which even ousted jurisdiction of the court.

⁸⁶ (KDH/KAD/60c/2018).

for about six years as against the constitutional provision which provides for a maximum of three months.

2.0. ARTIFICIAL INTELLIGENCE

As has been the case with similar concepts of a multi-faceted nature, adopting a universal definition of AI has been challenging. Hence, there really has been no single definition that captures an array of technologies that could be termed AI⁸⁷. In *rem*, AI ranges from Amazon's Alexa to Google maps, to Tesla's self-driving car to chess-playing systems⁸⁸.

Nonetheless, the OECD defines an AI system as *a machine-based system that is capable of influencing the environment by producing an output (predictions, recommendations or decisions) for a given set of objectives through the use of machines and/or human-based data and inputs*⁸⁹.

Also, NITDA's draft national data strategy defines AI as *the creation of intelligent objects that work and react like humans to carry out certain tasks meant for intelligent beings without human intervention*⁹⁰.

3.0. AI IN NIGERIA

The CEO of ChatGPT; Sam Altman, was noted stating that *Nigeria has been the biggest adopter of Artificial Intelligence in Africa*⁹¹. Nigeria's National Information Technology Development Agency (NITDA) has adopted many strategies to foster AI adoption and the latest one in view is the "two-fold approach", with "capacity building" being one of its primary focuses.⁹²

⁸⁷ Emmanuel Salami & Iheanyi Nwankwo, 'Regulating the privacy aspects of artificial intelligence systems in Nigeria: A primer' (2024) Vol.1 African Journal on Privacy & Data Protection <<https://www.ajpdp.unilag.edu.ng/images/ajpdp/volume1/Data%20Journal%20Volume%201%20Salami.pdf>> accessed February 15, 2025.

⁸⁸ Marcus Okoko & Co., 'Robot Rights: The Legal Impacts Of Artificial Intelligence' (Mondaq.com, April 1, 2022) <<https://www.mondaq.com/nigeria/new-technology/1178156/robot-rights-the-legal-impacts-of-artificial-intelligence>> accessed February 11, 2025.

⁸⁹ OECD, 'OECD AI principles overview' <<https://oecd.ai/en/ai-principles>> accessed February 11, 2025.

⁹⁰ NITDA, 'National data strategy draft' (2022) <<https://nitda.gov.ng/wp-content/uploads/2022/11/Final-Draft-National-Data-Strategy.pdf>> accessed February 11, 2025.

⁹¹ Sandra Oyewole & 2 others, 'Spotlight on AI development in Nigeria' <<https://www.dlapiperafrica.com/export/sites/africa/nigeria/Downloads/Spotlight-on-AI-Development-in-Nigeria.pdf>> accessed February 15, 2025.

⁹² Shuaib Agaka, 'Nigeria's Strategies in AI Development Across Africa' (November 4, 2024) <<https://economicconfidential.com/2024/11/nigeria-strategies/>> accessed February 15, 2025.

With the major AI technologies including machine vision, expert systems, machine learning, natural language processing, deep learning, and robotics⁹³, AI algorithms in Nigeria are deployed in high-stake domains like healthcare, finance, and security through the National Centre for Artificial Intelligence and Robotics (NCAIR)⁹⁴.

Nigeria in this loop is considered to have a fast-growing technology start-up ecosystem (having attracted 25% of the \$1.3 billion funding to African tech start-ups in 2021) and with proactive leadership, is well-positioned to leverage AI for economic diversification and inclusive growth⁹⁵. Meanwhile, the integration of disruptive innovations and AI also offers a promising path toward achieving sustainable development goals in Nigeria. The Nigerian government has initiated various programs to promote the adoption of AI and disruptive technologies⁹⁶.

4.0. IMPACT OF ARTIFICIAL INTELLIGENCE ON HUMAN RIGHTS

As a member of the African Continent, it is intrinsic to first view the derivative position of the African Union. To this end, the African Commission on Human and Peoples' Rights at its 31st Extraordinary Session, held virtually in 2021 developed guiding principles for member states in the development and use of AI.

The guiding principles were geared towards upholding human dignity, privacy, equality, non-discrimination, inclusion, diversity, safety, fairness, transparency, accountability, and economic development in the use of new and emerging technologies, and to ensure that imported technologies are adapted to the African context or tailored to meet the needs of the continent and standard of African values. It further called on State Parties to ensure that the development and use of AI, robotics, and other new and emerging technologies is compatible with the existing rights and obligations under the Charter⁹⁷.

⁹³ Thomas Glory, & Gambari Amosa, 'A Review of Artificial Intelligent For Teaching, Assessment and Research in Nigerian Universities' <https://www.researchgate.net/publication/361417181_A_REVIEW_OF_ARTIFICIAL_INTELLIGENT_FOR_TEACHING_ASSESSMENT_AND_RESEARCH_IN_NIGERIAN_UNIVERSITIES> accessed February 14, 2025.

⁹⁴ NITDA, 'National Center for Artificial Intelligence and Robotics' <<https://nitda.gov.ng/ncair/>> accessed February 14, 2025.

⁹⁵ Federal Ministry of Communications, Innovation, & Digital Economy, 'Co-Creating a National Artificial Intelligence Strategy for Nigeria' (August 28, 2023) <<https://fmcide.gov.ng/initiative/nais/>> accessed February 14, 2025.

⁹⁶ Wale Bakare, 'Disruptive innovations & AI: Progress, opportunities, and challenges for Nigeria' (thecable.ng, October 26, 2024) <<https://www.thecable.ng/disruptive-innovations-ai-progress-opportunities-and-challenges-for-nigeria/>> accessed February 14, 2025.

⁹⁷ African Commission on Human and Peoples' Rights, '473 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' <<https://www.achpr.org/sessions/resolutions?id=504>> accessed September 18, 2022.

Whilst re-adjusting focus back to Nigeria, we shall now examine some of the positive and negative impacts of AI on some of the constitutionally-recognized rights.

4.1. NEGATIVE IMPACTS

4.1.1. Right to Personal Liberty, Freedom from Discrimination, & Fair Hearing

The development of AI (e.g. PredPol and HunchLab) is capable of extending its ambit to the criminal justice system (as it has in many other countries) by performing risk assessment and predicting occurrence of crime⁹⁸. Some of them are also designed to predict a defendant's future risk for misconduct⁹⁹ which inform high-stakes judicial decisions, such as whether to incarcerate an individual before their trial, and even the extent of criminal sentencing¹⁰⁰.

This itself may also turn out to be out-richtly against the tenets of the right to personal liberty which posits under **Article 9** of the **International Convention on Civil and Political Right** (hereinafter referred to as "ICCPR"), and **Section 35** of the CFRN, that the arrest or detention of an individual must be not be arbitral but rather in accordance to law¹⁰¹.

Although, an arrest can also be made on suspicion of crimes; the predictive nature of AI will lead to making arrest merely based on the hope that they would commit a crime. This has stood out to be the warning of the U.N. High Commissioner for Human Rights in Geneva¹⁰².

More so, it may in itself be discriminatory contrary to **Article 2** of the ICCPR, and **section 42** of the CFRN; in that this predicted crime forms an unequal social biases and stereotype which may be based on sexism, racism, ageism, and other types of unfair discrimination (which can even be said to be mere 'profiling') compared to others who may be just mathematically less likely to perpetuate same¹⁰³. This becomes worse upon the realization that AI is unable to consider data

⁹⁸ Chammah, Maurice, 'Policing the Future' (The Verge, February 3, 2016) <<https://www.theverge.com/2016/2/3/10895804/st-louis-police-hunchlab-predictive-policing-marshall-project>> accessed February 15, 2025.

⁹⁹ Alex Chohlas-Wood, 'Understanding risk assessment instruments in criminal justice' (June 19, 2020) <<https://nparikh.org/assets/pdf/sipa6545/week9-criminal-risk/understanding-risk-assessment.pdf>> accessed February 15, 2025.

¹⁰⁰ Julia Angwin & 4 others, 'Machine Bias' (May 23, 2016) <<https://www.propublica.org/article/machine-bias-riskassessments-in-criminal-sentencing>> accessed February 15, 2025.

¹⁰¹ Yinka Olomajobi, 'Right to Personal Liberty in Nigeria' (2017) *Journal Of Global Justice and Public Policy Vol. 8:47* <https://jgipp.regent.edu/wp-content/uploads/2022/11/Olomajobi-Article_FINAL-PDF-2.pdf> accessed February 15, 2025..

¹⁰² Independent.NG, 'The U.N. Warns That AI Can Pose a Threat To Human Rights' (September 16, 2021) <<https://independent.ng/the-u-n-warns-that-ai-can-pose-a-threat-to-human-rights/>> accessed February 15, 2025.

¹⁰³ The European Commission's High-Level Expert Group on Artificial Intelligence, 'Draft Ethics Guidelines for Trustworthy AI' <<http://ec.europa.eu/digital-single-market/en/news/draftethics-guidelines-trustworthy-ai>> accessed October 20, 2021.

that has been deleted or erased (e.g. in exercise of right to be forgotten), or from other undocumented facets¹⁰⁴.

Furthermore, the advent of this technology may uproot the laid down precept for fair hearing under **Article 14** of the ICCPR, and **section 36** of the CFRN because the trial ought to be conducted fairly, justly, and by an impartial judge, with the defendant's presumption of innocence intact according to the case of **Ariori v. Elemo**¹⁰⁵ wherein **Obaseki JSC** (as he then was) in fact held that *justice must not only be done but must appear to reasonable persons to have been done*. However, the advent of AI assistants, robot judges¹⁰⁶, and the human judge's access to the predictive data on the accused, naturally sway the decisions of such judges and thwarts the presumption of innocence even before the trial begins.

4.1.2. Threats to Right to Privacy & Freedoms of Expression, Assembly, and Association

It is first of utmost importance to note that the internet and social media platforms have cultivated a space for citizens to exercise their right to freedom of expression¹⁰⁷ protected under **article 19** of ICCPR, and **section 39** of the CFRN. It has also depicted enormous potential for individuals to organize and exercise their rights to peaceful assembly and association provided for, and protected under **article 21** of the ICCPR, and **section 40** of the CFRN. Even on these social media platforms however, the privacy of persons are still expected to be protected under the umbrella of "data protection"¹⁰⁸.

The use of AI systems have been deemed efficiently capable of serving as surveillance to a set of persons, or even the personalized tracking of individuals (digitally and physically) which may jeopardize "privacy" and/or "group anonymity"¹⁰⁹.

In effect, we have situations of AI intervening in the media space, and significantly altering human interactions by taking actions like excluding persons from access to specific things or

¹⁰⁴ Olisa Agbakoba Legal, 'The Threats of Artificial Intelligence (AI) on the Legal and Regulatory Systems – All You Need to Know' (August 5, 2024) <<https://oal.law/the-threats-of-artificial-intelligence-ai-on-the-legal-and-regulatory-systems-all-you-need-to-know/>> accessed February 11, 2025.

¹⁰⁵ (1983) 1 SCNLR.

¹⁰⁶ Jasper Ulenaers, 'The Impact of Artificial Intelligence on the Right to a Fair Trial: Towards a Robot Judge?' Asian Journal of Law and Economics, De Gruyter, vol. 11(2) .<<https://ideas.repec.org/a/bpj/ajlecn/v11y2020i2p00n1.html>> accessed February 15, 2025..

¹⁰⁷ Karen Hansen, 'What is Freedom of Expression?' (Freedom Forum Institute) <<https://www.freedomforuminstitute.org/about/faq/what-is-freedom-of-expression/>> accessed February 15, 2025.

¹⁰⁸ Tunde Ibidapo-Obe, 'Online Consumer Protection in E-Commerce Transactions in Nigeria: An Analysis' (SSRN, July 30, 2011) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2683927> accessed December 11, 2024.

¹⁰⁹ Luc Rocher & 2 others, 'A scaling law to model the effectiveness of identification techniques' (January 9, 2025) <<https://scitechdaily.com/ai-surveillance-new-study-exposes-hidden-risks-to-your-privacy/>> accessed February 15, 2025.

such similar actions which can even naturally result in individuals no longer participating in peaceful demonstrations and or openly expressing their opinions.

In addition, regarding expression through digital contents, platforms are increasingly relying on AI systems to detect, flag, and expunge contents that violate their terms of service¹¹⁰. However, these systems are not always accurate¹¹¹, and the inaccuracies in these systems can result in legitimate content being mistakenly flagged or removed; breaching the person's freedom to express one's self.

On a different hand, there exist the right to "privacy" recognized under international and national human rights law under Article 17 of the ICCPR, and section 37 of the CFRN. This *simpliciter* is the right to be left alone; freedom from interruption, or intrusion; control of the disclosure of personal information; protection of the individual's independence; and right to secrecy, anonymity and solitude in one's personal life¹¹². The right to privacy involves rules governing the collection and handling of personal data, the protection of physical autonomy, the right to limit access to oneself and the right to control one's identity.

Surveillance systems and satellite imagery which form an integral part of AI happen to unabatedly infringe on a person's right to privacy, due to their ability to monitor, track, and predict a person through their personal data¹¹³. The AI built around systems like Internet-of-Things (IoT) applications; go to tell how much a person's data can be breached without even necessarily laying down such information.

Moreover, with bulk of personal data now in the hands of data controllers and/or processors like the National Identification Management Commission (NIMC), the evasive nature of AI applications include systems that hack/access databases of such organizations/agencies to track the faces or other biometric data of persons, such as micro-expressions, gait, voice tone, heart rate, or temperature data are now capable of worse privacy breaches.

4.1.3. Economic, Social and Cultural Rights: Right to Work & Livelihood

¹¹⁰ SynergyLabs, 'Understanding AI Content Flagging: Navigating the Digital Landscape' (October 29, 2024) <<https://www.synlabs.io/post/ai-content-flagging-digital-landscape>> accessed February 15, 2025.

¹¹¹ Ibid.

¹¹² All Answers Ltd, 'The Right to Privacy' (Lawteacher.net, July 17, 2019) <<https://www.lawteacher.net/free-law-essays/human-rights/right-to-privacy.php>> accessed October 20, 2021.

¹¹³ Romeo Pupu, 'Machine Intelligence and Human Rights in Nigeria: A Growing Concern' (July 9, 2024) <<https://omaplex.com.ng/machine-intelligence-and-human-rights-in-nigeria-a-growing-concern/>> accessed February 11, 2025.

Whilst **Chapter IV** of the CFRN provides for the civil and political cadre of rights, the same constitution in its **Chapter II** provides for the social, economic, and cultural rights¹¹⁴ under the heading “Fundamental Objectives and Directive Principles of State Policies”; although, they are *ipso facto* non-enforceable by virtue of **section 6(6)©** . These rights are those human rights relating to the work, social security, family life, cultural life, access to housing, food, water, healthcare, and education¹¹⁵.

The advantage of an easier, faster, safer, and a more error-free life offered by AI poses a threat to the human workforce¹¹⁶; resulting in massive job loss because more reliance on AI is tantamount to a decrease in the need for natural intelligence .

It therefore becomes no news that the decline in the employment would equate an incline in unemployment, poverty, and ultimately; decrease in ability to create or maintain livelihood¹¹⁷. It must be remembered that absence of livelihood has not been adjudged absence of right to life¹¹⁸.

Meanwhile, **article 6** of the International Convention on Economic, Social and Cultural Rights, and **article 15** of the African Charter on Human and Peoples’ Rights (enforceable by virtue or **section 12** of the CFRN) guarantee the right of individuals to work and employment¹¹⁹.

4.2. POSITIVE IMPACTS

As much as it has been shown from the foregoing that there are negative impacts, there are also innumerable positive impacts of AI on human rights. Some of them have been highlighted to include:

4.2.1. Freedom of Expression

¹¹⁴ Dawood Ahmed & Elliot Bulmer, ‘Socio and Economic Rights’ (2nd Edn., International IDEA Constitution-Building Primer, 2017) <<https://www.idea.int/sites/default/files/publications/social-and-economic-rights-primer.pdf>> February 15, 2025.

¹¹⁵ Maytree, ‘Backgrounder: Economic and social rights’ <<https://maytree.com/what-we-focus-on/poverty-human-rights/backgrounder-economic-social-rights/>> accessed February 15, 2025.

¹¹⁶ Brody Ford, ‘IBM to Pause Hiring for Jobs that AI Could do’ (Bloomberg, May 1, 2023) <<https://www.bloomberg.com/news/articles/2023-05-01/ibm-to-pause-hiring-for-back-office-jobs-that-ai-could-kill?srnd=premium%20asia&leadSource=verify520wall>> accessed February 11, 2025.

¹¹⁷ Jack Kelly, ‘Oldman Sachs Predicts 300 Million Jobs will be Lost or Degraded by Artificial Intelligence’ (Forbes, March 31, 2023) <<https://www.forbes.com/sites/jackkelly/2023/03/31/gold-man-sachs-predicts-300-million-jobs-will-be-lost-or-degraded-by-artificial-intelligence/?sh=78f04783782b>> accessed February 11, 2025.

¹¹⁸ Daniel Ogbe v. A.G. Enugu & Anor unreported, SUIT NO. NICN/EN/43/2020.

¹¹⁹ Jeremy, S. and Mark, K., ‘Developing the Right to Work: Intersecting and Dialoguing Human Rights and Economic Policy’ (2017) Human Rights Quarterly Vol. 33 <<https://www.corteidh.or.cr/tablas/r25915.pdf>> accessed October 21, 2021.

To begin with, AI has created avenues for everyone in the world to express themselves better; especially with the speed at which it can share/spread information across board¹²⁰. It has also enabled the automated creation of content by bringing to life; the ideas of different persons in general e.g. the ‘smart cities’ initiatives¹²¹. Hence, freedom of expression is in fact enhanced and made easier.

4.2.2. Privacy & Fair Hearing

In all honesty, AI would not only lead to a more proficient system of settling disputes but also lead to a faster dispensation of justice which Nigeria currently need considering the instances of **Hyginus Ajibo**¹²² who spent 16 years without trial, **Amadi v. N.N.P.C.**¹²³ wherein **Olatawura J.S.C.** stated that the case had lasted 13 years before final appeal, or even just general reports that about how about 72.5% of prisoners in jail have not yet been granted access to pray their cases before a competent court of law¹²⁴.

With the aid of AI Safeguards, it has also been able to run protective and defensive mechanisms to actually protect the privacy of persons¹²⁵. The incorporation of artificial AI systems within security and protection frameworks help in minimizing risk of saved data (which may include personal data of persons) being leaked or hacked into.

4.2.3. Socio-Economic Rights: Job creation, & Right to livelihood

The presence of AI creates more jobs for those in the technology space¹²⁶, and creates an avenue for revitalization of working sphere e.g. persons no longer strenuously working on 9-5. Meanwhile, in Nigeria, in the year 2023, agriculture contributed around 22.72 percent to Nigeria’s GDP, 32.58 percent came from industry, and 42.77 percent from the services sector

¹²⁰ United Nations General Assembly – Seventy Third Session, ‘Promotion and protection of the right to freedom of opinion and expression’ <<https://freedex.org/mapping-ais-impact-on-freedom-of-expression/>> accessed October 21, 2021.

¹²¹ Feldstein, Steven, *The Global Expansion of AI Surveillance* (Carnegie Endowment for International Peace, 2019)

¹²² ‘Nigeria: LACON, PRAWA Roll out New National Legal Aid Scheme’ <[Nigeria: LACON, PRAWA Roll out New National Legal Aid Scheme - allAfrica.com](https://www.allAfrica.com/news/headlines/387068-70-of-nigerian-prisoners-held-without-trial-prisons-chief.html)> accessed October 7, 2022.

¹²³ (2000) 10 N.W.L.R. PG76 @100.

¹²⁴ Ebuka Onyeji and Oge Udegbonam ‘70% of Nigerian prisoners held without trial – Prisons Chief’ <<https://www.premiumtimesng.com/news/headlines/387068-70-of-nigerian-prisoners-held-without-trial-prisons-chief.html>> accessed June 29, 2022.

¹²⁵ Rahul Sharma, ‘6 Key Principles of AI and Data Protection: How the AI Act Safeguards Your Data’ (September 23, 2024) <<https://www.protecto.ai/blog/6-key-principles-of-ai-and-data-protection-ai-act-gdpr>> accessed February 15, 2025.

¹²⁶ Ola Williams, ‘Benefits African professionals can derive from AI’ (February 13, 2025) <<https://punchng.com/benefits-african-professionals-can-derive-from-ai/>> accessed February 15, 2025.

such as IT and banking¹²⁷. This indeed goes to show that Technology (including AI here) actually aids not only in Nigeria's food production but also helps to keep these farmers at work.

5.0. RESOLUTION: CONFLICT AND CONSONANCE

Although Nigeria has not substantially integrated AI in its system (compared to technology-driven countries)¹²⁸, it is no doubt that indeed the emergence of AI is capable of bolstering the provision and protection of AI in Nigeria.

Nonetheless, from the foregoing, it is also clear that this same emergence poses significant risks to the rule of law, fundamental rights protection, and the integrity of Nigeria's judicial system¹²⁹. These risks may be the consequence of errors in the general design of AI systems (including human oversight) or the usage of data without addressing possible bias (the data fed to it)¹³⁰, the position however still remains that it indeed poses these threats to human rights.

Hence, it can dutifully be stated that AI poses a conflict with some foundational human rights principles whilst it is also in consonance with the advancement of some areas of these same rights.

6.0. RECOMMENDATIONS

Having underscored the abrogation of human rights that may arise from the use of AI in Nigeria, it becomes a matter of expediency to ensure that we find ways to ensure that the perceived good of AI is not lost whilst simultaneously protecting against the feared abrogation of those rights.

Hence, the following are proposed:

6.1. Protection of Liberty In Usage

As against the innate nature of automated machines and systems, measures must be put in place for the capacity of individuals to exercise independent judgment when utilizing AI systems. This must encompass the critical decision-making process of determining when, how, and whether to

¹²⁷: Aaron O'neill A., 'Distribution of gross domestic product (GDP) across economic sectors Nigeria 2023' (Statista, January 30, 2025) <<https://www.statista.com/statistics/382311/nigeria-gdp-distribution-across-economic-sectors/>> accessed February 15, 2025.

¹²⁸ Jonathan Enudeme, 'How Nigeria should approach AI (Part 1)' (Business Day, February 11, 2025) <<https://businessday.ng/opinion/article/how-nigeria-should-approach-ai-part-1/>> accessed February 15, 2025.

¹²⁹ Josephine Uba, 'Artificial Intelligence (AI) Regulation In Nigeria: Key Considerations, Recommendations, Legal Framework, And Policy Development For Artificial Intelligence (AI) In Nigeria' (Mondaq.com, October 5, 2023) <<https://www.mondaq.com/nigeria/new-technology/1373830/artificial-intelligence-ai-regulation-in-nigeria-key-considerations-recommendations-legal-framework-and-policy-development-for-artificial-intelligence-ai-in-nigeria>> accessed February 11, 2025.

¹³⁰ 'The Threats of Artificial Intelligence (AI) on the Legal and Regulatory Systems – All You Need to Know' (Mondaq.com, August 5, 2024) <<https://www.mondaq.com/nigeria/new-technology/1501938/the-threats-of-artificial-intelligence-ai-on-the-legal-and-regulatory-systems-all-you-need-to-know>> accessed February 15, 2025.

harness AI technologies¹³¹. That way, even courts limit their usage of AI without impairing its sight which ought to be set on impartiality, and the data of persons which are processed for predictive features can be slowed down for due authorization before processing.

6.2. Measures for enhanced respect for Data Protection

Developers of AI must always ensure that the dictates of data protection laws (like the Nigeria Data Protection Act, 2023 in this case) are adhered to. The extent of this adherence must flow through all shores of the country protecting even the most controversial rights like the right to be forgotten.

This protection must also transcend beyond the shores of the country to maintain standards cross-boarder data transfer; which ensure that even if harmful automated systems operate in decentralized or privatized welfare schemes, states are still responsible for any infringements of rights¹³². This way, AI can exist, and act at its optimal best without necessarily causing infractions on the privacy of other persons.

7.0. CONCLUSION

Certain questions have been raised on who is to be held accountable for the misfeasance and wrongs of AI, as it is not a legal personality that can sue or be sued. This question of liability replicates difficulty in pinpointing who exactly is to assume responsibility when the right of an individual is breached by AI. Nonetheless, what remains certain is that this great problem could be further diminished if many other things are put in order to ensure that AI causes or orchestrates less human rights breaches than it currently does.

¹³¹ Josephine Uba, 'Artificial Intelligence (AI) Regulation In Nigeria: Key Considerations, Recommendations, Legal Framework, And Policy Development For Artificial Intelligence (AI) In Nigeria' (Mondaq.com, October 5, 2023) <<https://www.mondaq.com/nigeria/new-technology/1373830/artificial-intelligence-ai-regulation-in-nigeria-key-considerations-recommendations-legal-framework-and-policy-development-for-artificial-intelligence-ai-in-nigeria>> accessed February 11, 2025.

¹³² Jędrzej, Niklas, 'Conceptualising socio-economic rights in the discussion on Artificial Intelligence' (SSRN, January 1, 2019) <<https://ssrn.com/abstract=3569780>> accessed October 22, 2021.