

The African Union's Data Protection Convention 2014: A possible cause for celebration of human rights in Africa?

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Abstract

It is now widely recognised that the unregulated processing of individual's personal information has significant impact on key human rights like privacy, dignity, integrity, personality and autonomy. However, while other regions have taken concerted actions to protect individual rights by adopting data protection instruments, Africa has generally lagged behind. This is so in spite of the steady growth in access and usage of ICT and the internet which has facilitated the exploitation of individuals' personal information with the attendant risk of infringement of their rights on the continent. An important step to change this situation was taken when African leaders in June 2014, agreed to a landmark Convention on data protection. This Convention has provoked mixed reactions from stakeholders and privacy advocates. While some are skeptical as to the effectiveness of this Convention, others have welcomed it as a cause for celebration of human rights in Africa.

This paper intends to assess the potential impact this Convention will have on the protection of individual's personal data. The analysis will start by providing an overview of the major data processing activities in Africa and their effects on human rights. Then, the paper will consider the previous initiatives on data protection on the continent at both regional and sub-regional levels. Furthermore, the Convention as an instrument capable of harmonizing all the previous regional and local initiatives is examined. Key aspects of the Convention are analyzed and compared with other international data privacy instruments especially, the Council of Europe's Data Protection Convention and the European Union's Data Protection Directive. Based on a comparative analysis of the Convention and other regional data privacy instruments, the paper will show that the Convention is a step in the right direction to realizing the right to data protection in Africa. However, it will conclude that more still needs to be done by the AU for effective data protection in Africa.

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