Legal analysis of Laws, Policies and Government Strategies relating to AI in Kenya, Mauritius, Rwanda, South Sudan, Tanzania, Uganda & Zambia

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REUTERS/Temilade Adelaja

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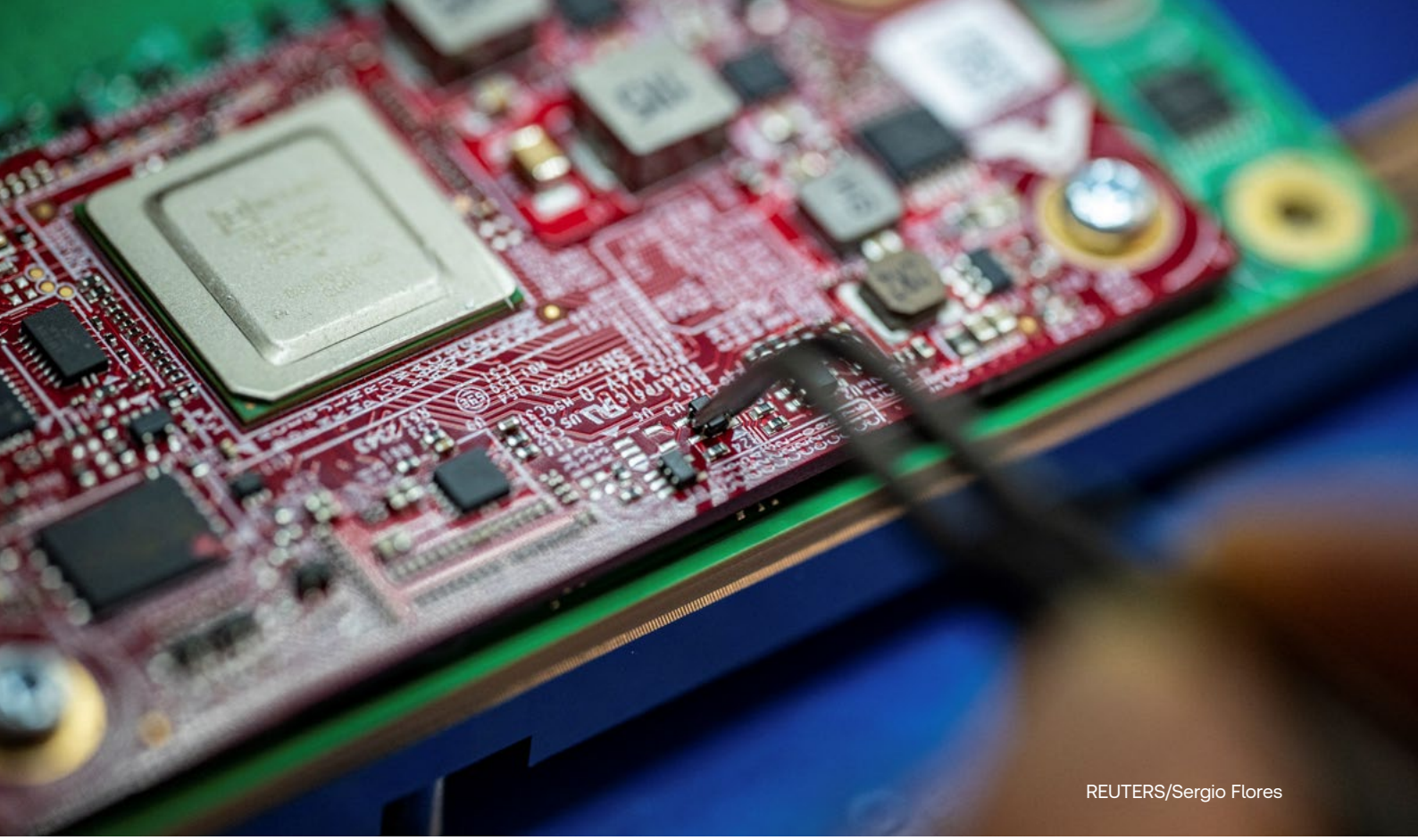
1 This report does not include an analysis of recent legal changes in the countries of focus. Since the launch of the report in November 2024, Zambia has passed its Cyber Crimes Act and the Cyber Security Act 2025 and Kenya adopted its National AI Strategy 2025 - 2030 Available on https://ict.go.ke/sites/default/files/2025-03/Kenya%20AI%20Strategy%202025%20-%202030.pdf



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Glossary

AI Concepts and Frameworks

- **Artificial Intelligence (AI):** The ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings, such as reasoning, learning and problem-solving
- **AI Sandboxes:** Controlled environments for testing AI technologies and their regulatory implications without full legal enforcement
- **Ethical AI:** AI systems designed and deployed following ethical principles to ensure they benefit humanity without harm
- **Explainability:** The ability of AI systems to provide understandable justifications for their decisions or actions
- **Trustworthy AI:** AI systems that are reliable, secure, transparent and aligned with societal values

Governance and Measurement

- **Public Participation:** The involvement of citizens and stakeholders in the policymaking process
- **UNESCO Recommendation on the Ethics of Artificial Intelligence:** A guideline adopted by UNESCO in 2021, addressing ethical issues in AI development and implementation

Technological and Industrial Context

- **Data Sovereignty:** The concept that data is subject to the laws and governance of the country in which it is collected
- **Intellectual Property in AI:** The protection of creations, innovations or algorithms developed using AI
- **Robotics:** A branch of engineering and computer science that involves the conception, design, manufacture and operation of robots to assist humans in various ways

General Legal and Policy Terms

- **Framework:** A system of rules, ideas or beliefs that is used to plan or decide something
- **Law:** The system of rules recognised by a country or community to regulate actions, enforceable through penalties
- **Policy:** A set of ideas or a plan of action agreed upon by a group, organisation or government to address specific situations
- **Soft Law:** Quasi-legal instruments (e.g., recommendations or guidelines) that are not legally binding but hold persuasive authority
- **Strategy:** A plan of action designed to achieve a long-term or overall aim

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Executive summary

The rapid advancement of artificial intelligence (AI) presents significant regulatory challenges, particularly in regions such as Africa, where existing frameworks often lag in technological developments. As AI reshapes traditional paradigms, the current international human rights framework reveals conceptual gaps, raising critical questions about whether existing policies should be amended or if new, specific frameworks are required.

The need for this research stems from the growing importance of AI in shaping various sectors. As these technologies become more integrated into critical areas such as governance, healthcare and telecommunications, understanding how to govern them through a human-rights-focused lens is crucial. Previous work by Paradigm Initiative has explored similar intersections of technology, governance and human rights—for example, the comprehensive analysis of the Mauritius AI strategy[2]—laying the foundation for this more focused inquiry into AI policies in East Africa and beyond.

This report comprehensively analyses the legal and policy frameworks governing AI across five East African countries—Kenya, Rwanda, South Sudan, Tanzania and Uganda—as well as Mauritius and Zambia in Southern Africa. While some argue for the initial adoption of non-legally binding guidelines, this report advocates for immediate legislative action to keep pace with AI adoption in Africa.

Key findings indicate that AI is gaining momentum across these countries, especially in the agriculture, healthcare and telecommunications sectors. Mauritius stands out as the only country with AI-specific legislation, exclusively within the financial sector, through the Financial Services (Robotic and Artificial Intelligence Enabled Advisory Services) Rules 2021. Kenya and Rwanda are also advancing towards AI-focused legislation. Most jurisdictions, except South Sudan, rely on soft laws or general laws, such as data protection regulations, to partially govern AI in the absence of dedicated legislation.

The report also assesses each country's commitment to drafting AI laws by reviewing ongoing plans, soft laws, frameworks, strategies, policies or other commitments related to AI. It evaluates how these laws and policies integrate human rights, ethical considerations and transparency. Legal researchers found that only Rwanda and Uganda have made significant progress in addressing ethical AI and human rights. Rwanda's National AI Policy and Uganda's Data Protection and Privacy Act exemplify a human rights-centred approach to AI governance.

Stakeholder involvement in policymaking is another critical area explored in this report. Although most of the focus countries acknowledge the need for public participation in their constitutions, it is usually without clear guidelines on how this participation should occur. In many cases, participation is limited to select stakeholders, such as notable non-governmental organisations (NGOs) and experts, often excluding broader public input. This issue is particularly pronounced in Rwanda, Uganda, South Sudan and Zambia, where information on the involvement of diverse stakeholders is sparse.

2 Mauritius Artificial Intelligence Strategy, November 2018. https://mdpa.govmu.org/mdpa/wp-content/uploads/2024/04/MauritiusAIStrategy2018.pdf

The report proposes that laws be benchmarked against internation human rights and global standards, such as UNESCO's Recommendation on the Ethics of Artificial Intelligence. Key policy recommendations for AI governance across East Africa, Zambia and Mauritius include enhancing public awareness campaigns to foster informed public participation, urging policymakers to commit to human rights and ethical principles in AI development, and establishing clear provisions and guidelines to ensure meaningful public involvement in the policymaking process.

It is evident that without swift and comprehensive legislative action, the region risks falling behind in effective and ethical AI governance, which has significant implications for human rights and societal well-being.

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Background

The use of artificial intelligence (AI) is expanding across Africa, driven by public and private sector initiatives that seek to leverage AI for economic growth, service delivery and innovation. However, this adoption is happening largely in the absence of dedicated national AI legislation or comprehensive policy frameworks. In response, several African governments are in the process of drafting or launching national AI strategies.

Be that as it may, most research on AI policy development remains concentrated in the Global North. There is comparatively limited scholarly and policy attention on the Global South, particularly in the African context, where governance gaps, capacity constraints and digital inequalities complicate AI regulation. This report seeks to address those gaps by providing a contextualised overview of AI-related legal and policy developments across five East African jurisdictions—Kenya, Rwanda, South Sudan, Tanzania and Uganda—as well as Mauritius and Zambia. The report presents the extent to which public participation is integrated into developing AI strategies and also covers the African Union's approach to AI governance, which provides additional insight into the limitations of AI initiatives in the context of human rights protection.

The purpose of this research is to advocate for an inclusive approach to AI policymaking and ensure that a broader spectrum of stakeholders, including the public, can actively participate in and influence AI policy decisions and enable the creation of laws and policies that address the ethical, social and human rights impacts of AI.

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Summary of the findings

A powerful and rapidly emerging technology, AI is widely perceived as a game-changer that will permeate every aspect of our lives. The data collected for this report shows that AI in the focus countries has been utilised in healthcare to analyse patient data, yield precise diagnoses, forecast possible health problems and suggest individualised treatments. It has also been used in agriculture to track soil requirements and detect pests and illnesses in crops, and by telecommunications companies to study, combat and report incidents of fraud.

On the flipside, use of AI raises significant privacy concerns due to its capacity to analyse vast amounts of personal data, potentially leading to unauthorised access andsurveillance of personal data, as well as the risk of data breaches, thereby challenging individuals' rights to privacy and data protection.

Different schools of thought are emerging as to whether African governments should first allow AI to take shape—focusing instead on data protection/governance, AI strategies, AI policies or even AI sandboxes—and adopt a standalone national AI law at a later stage, or whether they should legislate AI from the onset.[3] Given that data privacy regulations cannot fully address the adverse effects of unregulated AI, this research suggests legislation first, and calls upon Mauritius, Zambia and the five focus states in East Africa to take decisive action to pass laws and policies that will govern the development and ethical use of AI.

This will help avert the negative impact of the development and use of unregulated AI and promote use of AI systems and tools in ways that are equitable, safe and respectful of human rights.

This section provides a summary of the legal analysis of laws and policies relating to AI in the focus countries.

Overview of the existing laws and soft law instruments governing AI in Kenya, Mauritius, Rwanda, South Sudan, Tanzania, Uganda and Zambia

Country	Existing AI legislation or regulation	Proposed AI legislation	Existing legislation that could govern the use of AI in the absence of AI-specific legislation	Soft law instruments, action plans, frameworks, strategies, policies or commitments either implemented or proposed by the government which refer to AI
Kenya	No	Yes	Yes	Yes
Mauritius	Yes	Yes	Yes	Yes
Rwanda	No	No	Yes	Yes
South Sudan	No	No	No	No
Tanzania	No	No	Yes	Yes
Uganda	No	No	Yes	Yes
Zambia	No	No	No	Yes

3 Musoni, Melody. "Looking into the crystal ball: Artificial Intelligence policy and regulation in Africa," ECDPM (18 September 2023). https://ecdpm.org/work/looking-crystal-ball-artificial-intelligence-policy-regulation-africa

None of the East African countries in this report have existing legal regimes that specifically provide for AI. Mauritius is the only country in this study with an existing law specifically providing for AI and a proposed law that will govern AI.

Although Kenya, Rwanda, Tanzania, Uganda and Zambia do not currently have any laws that specifically govern AI, their governments have acknowledged the impact of AI by taking steps to develop soft law instruments such as national AI strategies, guidelines or plans.

Attempts to regulate AI

The table below illustrates the different attempts by Kenya, Mauritius, Rwanda, South Sudan, Tanzania, Uganda and Zambia to regulate AI through laws, regulations, soft law instruments, plans, strategies and commitments.

Country	Existing laws, regulations and soft law instruments to regulate AI	Existing laws, regulations and soft law instruments that could govern or have implications on AI in the absence of AI-specific laws
Rwanda	• National AI Policy 2023[4]	• Law nº 058/2021 of 13/10/2021 Relating to the Protection of Personal Data and Privacy[5] • Law nº 055/2024 of 20/06/2024 on the Protection of Intellectual Property[6]
Tanzania	• Policy Framework for Artificial Intelligence in Tanzania Health Sector 2022[7]	• Personal Data Protection Act, Cap. 44[8] • Copyright and Neighbouring Rights Act 1999[9]

4 The National AI Policy, Rwanda. https://rura.rw/fileadmin/Documents/ICT/Laws/Rwanda_national_Artificial_intelligence_Policy.pdf

5 Law nº 058/2021 of 13/10/2021 Relating to the Protection of Personal Data and Privacy, Rwanda. https://www.rfl.rw/docs/kifclaws/04.Law_relating_to_the_protection_of_personal_data_and_privacy.pdf

6 Law nº 055/2024 of 20/06/2024 on the Protection of Intellectual Property, Rwanda. https://www.wipo.int/wipolex/en/legislation/details/22672

7 Policy Framework for Artificial Intelligence in Tanzania Health Sector, Tanzania (February 2022). https://www.moh.go.tz/storage/app/uploads/public/65c/61f/590/65c61f59087ac486047849.pdf

8 The Personal Data Protection Act, Tanzania. https://www.mawasiliano.go.tz/uploads/documents/sw-1691158828-The%20Personal%20Data%20Protection%20Act%202022_English.pdf

9 The Copyright and Neighbouring Rights Act 1999, Tanzania. https://media.tanzlii.org/media/legislation/242825/source_file/tz-act-1999-7-publication-document.pdf

Country	Existing laws, regulations and soft law instruments to regulate AI	Existing laws, regulations and soft law instruments that could govern or have implications on AI in the absence of AI-specific laws
Uganda	• National Fourth Industrial Revolution (4IR) Strategy 2020[10] • Digital Transformation Roadmap 2023/2024–2027/2028[11] • National Cybersecurity Strategy 2022[12]	• Constitution of the Republic of Uganda 1995, as amended[13] • Data Protection and Privacy Act, Cap. 97[14] • Electronic Transactions Act, Cap. 99[15] • Computer Misuse Act, Cap. 96[16] • Industrial Property Act, Cap. 224[17] • Copyright and Neighbouring Rights Act Cap. 222[18] • National Information Technology Authority, Uganda (NITA-U) Act, Cap. 200[19] • NITA-U (Certification of Providers of Information Technology Products and Services) Regulations 2016 (as amended)[20]

10 The National Fourth Industrial Revolution (National 4IR) Strategy 2020 https://ict.go.ug/site/documents/Executive-Summary-Ugandas-National-4IR-Strategy.pdf, Uganda.

11 The Digital Transformation Roadmap 2023/2024–2027/2028, Uganda. https://ict.go.ug/site/documents/Digital%20Transformation%20Roadmap.pdf

12 The National Cybersecurity Strategy 2022, Uganda. https://www.nita.go.ug/infomation-security/national-cybersecurity-strategy-ug

13 Constitution of the Republic of Uganda, 1995, as amended (31 December 2023). https://ulii.org/akn/ug/act/statute/1995/constitution/eng@2018-01-05

14 Data Protection and Privacy Act 2019, Uganda. https://www.nita.go.ug/sites/default/files/2021-12/Data%20Protection%20and%20Privacy%20Act%20No.%209%20of%202019.pdf

15 Electronic Transactions Act, Cap. 99, Uganda. https://ulii.org/akn/ug/act/2011/8/eng@2011-03-18

16

17 Industrial Property Act, Cap. 224, Uganda. https://ulii.org/akn/ug/act/2014/3/eng@2014-02-28

18 The Copyright and Neighbouring Rights Act, Cap. 222, Uganda. https://ulii.org/akn/ug/act/2006/19/eng@2023-12-31

19 National Information Technology Authority, Uganda Act 2009. https://ulii.org/akn/ug/act/si/2009/36/eng@2009-07-31

20 NITA-U (Certification of Providers of Information Technology Products and Services) Regulations 2016 (as amended). https://www.nita.go.ug/sites/default/files/2021-12/NITA-U%20%28Certification%20of%20IT%20Providers%20and%20Services%29%20Regulations%202016%20-%20SI%20No.%2069%20of%202016_0.pdf

Country	Existing laws, regulations and soft law instruments to regulate AI	Existing laws, regulations and soft law instruments that could govern or have implications on AI in the absence of AI-specific laws
Mauritius	• Mauritius Artificial Intelligence Strategy 2018[21] • Digital Government Transformation Strategy 2018–2022 • Digital Mauritius 2030 Strategic Plan[22]	Mauritius has an existing law governing AI, the Financial Services (Robotic and Artificial Intelligence Enabled Advisory Services) Rules 2021. Other existing laws that could govern AI include: • Mauritius Digital Promotion Agency Act 2023[23] • Mauritius Emerging Technologies Council Act 2021[24] • Cybersecurity and Cybercrime Act 2021[25] • Mauritius Research and Innovation Council Act 2019[26] • Industrial Property Act 2019[27] • Data Protection Act 2017[28] • DNA Identification Act 2009[29] • Information and Communication Technologies Act 2001[30] • Electronic Transactions Act 2000[31] • FSC-issued Guidelines on Cloud Computing Services 2023[32]

21 Mauritius Artificial Intelligence Strategy, November 2018. https://mdpa.govmu.org/mdpa/wp-content/uploads/2024/04/MauritiusAIStrategy2018.pdf

22 Digital Mauritius 2030 Strategic Plan. https://mdpa.govmu.org/mdpa/wp-content/uploads/2024/04/DigitalMauritius2030.pdf

23 The Mauritius Digital Promotion Agency Act 2023. https://www.icta.mu/documents/2023/06/The_Mauritius_Digital_Promotion_Agency_Act_2023.pdf

24 The Mauritius Emerging Technologies Council Act 2021. https://mauritiusassembly.govmu.org/mauritiusassembly/wp-content/uploads/2023/03/act1021.pdf

25 Cybersecurity and Cybercrime Act 2021, Mauritius. https://www.icta.mu/documents/2021/12/cybersecurity_act_2021.pdf

26 The Mauritius Research and Innovation Council Act 2019. https://faolex.fao.org/docs/pdf/mat187968.pdf

27 The Industrial Property Act 2019, Mauritius. https://www.mauritiustrade.mu/ressources/pdf/industrial-property-act-2019.pdf

28 Data Protection Act 2017, Mauritius. https://www.fscmauritius.org/media/105843/the-data-protection-act-2017.pdf

29 DNA Identification Act, Mauritius. https://mroiti.govmu.org/Documents/Legislations/DNA%20IDENTIFICATION%20ACT%2C%20No%2015%20of%202009.pdf

30 The Information and Communication Technologies Act 2001, Mauritius. https://fsl.govmu.org/Documents/Legislations/ictact.pdf

31 The Electronic Transactions Act 2000, Mauritius. https://www.icta.mu/documents/2021/08/eta.pdf

32 Financial Services Commission Guidelines on Cloud Computing Services, Mauritius (30 November 2023). https://www.fscmauritius.org/media/168554/final-guideline-on-cloud-computing.pdf

Country	Existing laws, regulations and soft law instruments to regulate AI	Existing laws, regulations and soft law instruments that could govern or have implications on AI in the absence of AI-specific laws
Zambia	• National Electronic Government Plan (2023-2026)[33]	• Zambia Data Protection Act 2021 • The Electronic Government Act 2021
Kenya	• Blockchain and Artificial Intelligence Taskforce[34] • Media Council of Kenya AI Taskforce[35] • Kenya National Digital Master Plan 2022–2032[36]	• Data Protection Act 2019[37] • Computer Misuse and Cybercrimes Act 2018[38]
South Sudan	None	None

With the exception of South Sudan, the focus states are moving towards the regulation of AI, in addition to implementing existing laws, policies and regulations which impact the use of AI.

33 National Electronic Government Plan 2023–2026, Zambia. https://www.szi.gov.zm/wp-content/uploads/2023/08/Final-National_e-Government_Plan_-2023-Final-17.08.2023.pdf

34 Mumo, Muthoki. "Tech dream team to produce Kenya's blockchain roadmap," Business Daily (28 February 2018). https://www.businessdailyafrica.com/bd/corporate/technology/tech-dream-team-to-produce-kenya-s-blockchain-roadmap-2191946#google_vignette

35 "MCK unveils taskforce on data and AI guidelines," Media Council of Kenya (24 October 2023). https://mediacouncil.or.ke/media-center/mck-newsroom/news/mck-unveils-taskforce-data-and-ai-guidelines

36 The Kenya National Digital Master Plan 2022–2032. https://cms.icta.go.ke/sites/default/files/2022-04/Kenya%20Digital%20Masterplan%202022-2032%20Online%20Version.pdf

37 The Data Protection Act (revised 2022), Kenya. http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/D/Data%20Protection%20Act%20-%20No.%2024%20of%202019/docs/DataProtectionAct24of2019.pdf

38 The Computer Misuse and Cybercrimes Act 2018, Kenya. https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ComputerMisuseandCybercrimesActNo5of2018.pdf

Public participation in AI policymaking

This table summarises the extent of stakeholder involvement and public participation in the policymaking process in relation to AI laws, regulations and soft law instruments.

Country	Do the AI laws or policies mention public participation and stakeholder engagement?	Is/was the technical/ expert body on AI involved in drafting the AI laws or policies?	Number of participants in the working group/ expert body
Kenya	Yes	Unknown	Unknown
Mauritius	No	Yes	8
Rwanda	No	Yes	Unknown
South Sudan	No	Unknown	Unknown
Tanzania	Yes	No	Unknown
Uganda	No	Yes	Unknown
Zambia	No	No	Unknown

Public participation and involvement of key stakeholders in legislation and policymaking processes is a fundamental human right recognised under article 25(a) of the International Covenant on Civil and Political Rights,[39] which stipulates that "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions … to take part in the conduct of public affairs, directly or through freely chosen representatives". Inclusive AI governance can only be achieved through meaningful involvement of the public and key stakeholders such as AI developers, users and policymakers.

The UN's Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs[40] (the Guidelines) are an important instrument for states to guarantee meaningful public participation. Page 6 of the Guidelines provides for the principles underpinning the effective implementation of that right[41] and they include:

01. The right to participate in public affairs cannot be considered in a vacuum, thus there is a need for states to create and maintain an enabling environment where all human rights, especially the rights to equality and non-discrimination, are respected and enjoyed by all.

02. The right is closely linked to the full realization of the right of access to information, which is part of the right to freedom of opinion and expression, as well as the right to freedom of peaceful assembly and association.

39 International Covenant on Civil and Political Rights, United Nations. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

40 Guidelines for States on the effective implementation of the right to participate in public affairs, United Nations Human Rights Office of the High Commission. https://www.ohchr.org/sites/default/files/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf

41 Computer Misuse Act, Cap. 96, Uganda. https://ulii.org/akn/ug/act/2011/2/eng@2011-02-14

03. The right requires that the life, physical integrity, liberty, security and privacy of all members of society, including journalists and human rights defenders, be protected at all times.

04. The right requires an environment that values and takes into account the work and contribution of all members of society, supports and encourages their engagement, and ensures that they are empowered and equipped with the knowledge and capacity necessary to claim and exercise their rights.

Tanzania's Policy Framework for Artificial Intelligence in Tanzania Health Sector [42] outlines the public participation process in AI policymaking. The Policy Framework calls for engagement and collaboration with digital health stakeholders. The Kenya National Digital Master Plan 2022–2032 contains a reference to public participation in the information and communications technology (ICT) sector generally and recognises that each stakeholder involved in the decision-making process has valid views, knowledge and experience that can add value to the final decision. It also stresses the need for the continuous involvement of stakeholders.[43]

The other countries in the report rely on the provisions in their constitutions regarding public participation in the policy- and law-making process. However, since there are no specific laws defining public participation, it is up to legislators and policymakers to determine the details of the process, including who should participate and how. In the absence of clear legislation or defined process for public participation, the majority of lawmakers in the focus countries tend to limit their research to a small number of stakeholders—such as CSOs, NGOs and experts—and will consider their opinions without taking into account what the general public thinks about the proposed law.[44]

The absence of a legal framework governing participation leaves a gap in the process of making laws and policies, allowing policymakers to eliminate public participation or to choose an unsuitable method of involving the public that might not be consistent with the UN's principles of public participation.

Overview of the consideration of human rights, ethics and transparency in the laws, soft laws and policies governing AI in Kenya, Mauritius, Rwanda, South Sudan, Tanzania, Uganda and Zambia

42 Policy Framework for Artificial Intelligence, Tanzania. https://www.moh.go.tz/storage/app/uploads/public/65c/61f/590/65c61f59087ac486047849.pdf

43 National Digital Master Plan 2022–2032. https://cms.icta.go.ke/sites/default/files/2022-04/Kenya%20Digital%20Masterplan%202022-2032%20Online%20Version.pdf

44 Assessing Public Participation in Policy-making Process, WeReserach. https://www.undp.org/sites/g/files/zskgke326/files/2022-06/undp_ge_dg_par_assessing-public-participation_research_phase%202_eng.pdf

Country	Do the laws or policies recognise the potential adverse impacts of AI on human rights?	Do the laws or policies refer to ethical or responsible AI use?	Do the laws or policies refer to the need for laws/regulations to govern AI?	Do the laws or policies propose measures to mitigate the negative impacts of AI use?
Kenya	Yes	Yes	Yes	No
Mauritius	Yes	Yes	Yes	Yes
Rwanda	No	Yes	Yes	Yes
South Sudan	No	No	No	No
Tanzania	Yes	Yes	Yes	Yes
Uganda	Yes	Yes	Yes	Yes
Zambia	No	No	No	No

The misuse of AI can have adverse effects on human rights, including societal control, mass surveillance, discrimination, bias and breach of privacy.[45] This potential negative impact calls for robust laws, regulations and policies that are anchored in human rights and promote AI's ethical and transparent use.

The inherent risks of AI use have sparked numerous conversations and debates about human rights threats. In 2021, the African Commission on Human and Peoples' Rights (the African Commission) adopted Resolution 473 on the need to study the relationship between human rights and AI, robotics and other new and emerging technologies. The Resolution recommends that national AI laws and policies should be in line with regional human rights principles. However, the findings of this report so far do not indicate any adherence to Resolution 473 by the focus countries.

In November 2021, UNESCO adopted its Recommendation on the Ethics of Artificial Intelligence.[46] The Recommendation addresses ethical issues related to the domain of AI to the extent that they are within UNESCO's mandate. Chapter 3 recommends that:

> *"Member States and all other stakeholders as identified in this Recommendation should respect, promote and protect the ethical values, principles and standards regarding AI that are identified in this Recommendation and should take all feasible steps to give effect to its policy recommendations."*

Based on the findings of this report, Rwanda has largely adhered to UNESCO's recommendations. While Uganda does not have a specific law or regulation on AI, the National Fourth Industrial Revolution (4IR) Strategy discusses the need for ethical AI and the Data Protection and Privacy Act alludes to or mirrors the principle of a human rights-centred approach to AI.

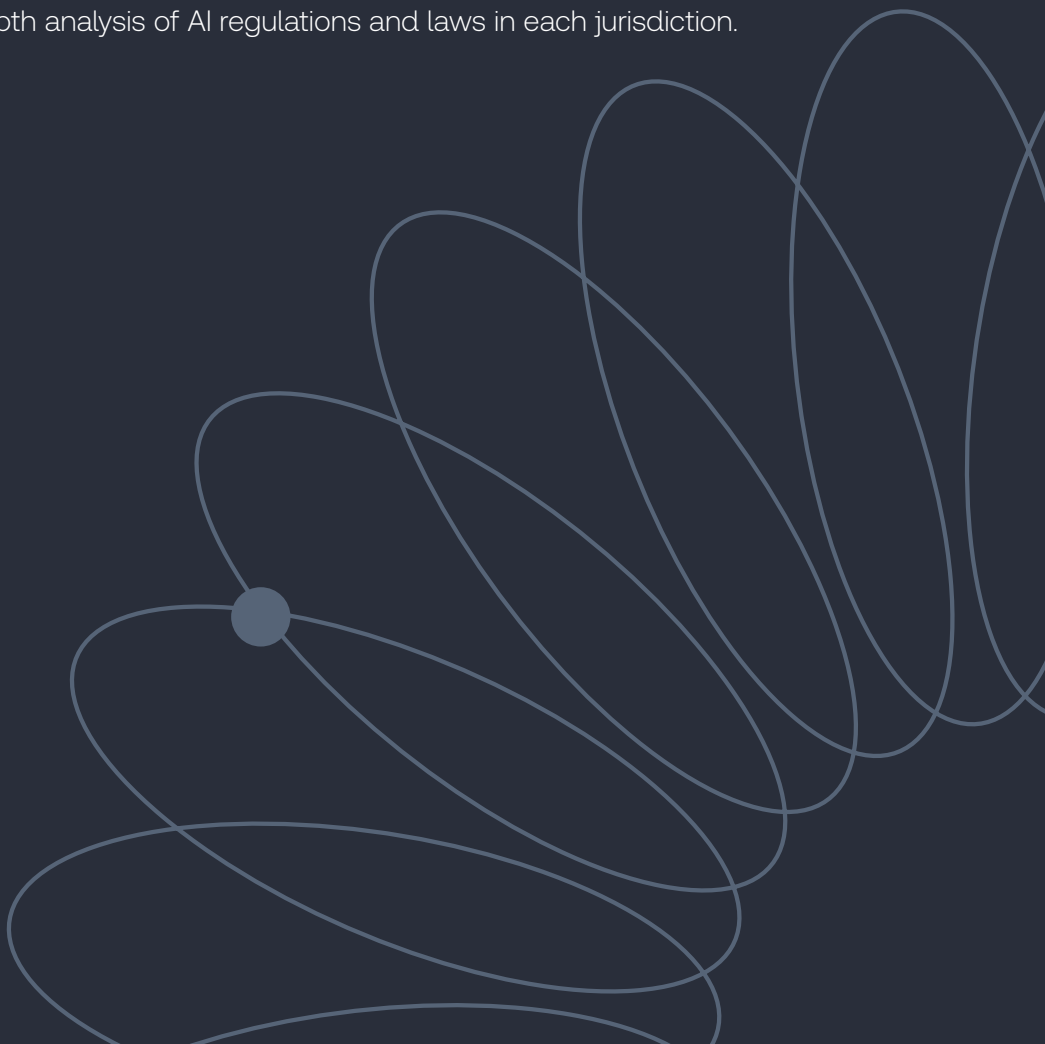
45 Nolan, David, Hajira Maryam, and Michael Kleinman, "The Urgent but Difficult Task of Regulating Artificial Intelligence," Amnesty International (16 January 2024). https://www.amnesty.org/en/latest/campaigns/2024/01/the-urgent-but-difficult-task-of-regulating-artificial-intelligence/

46 Recommendation on the Ethics of Artificial Intelligence, UNESCO (2021). https://unesdoc.unesco.org/ark:/48223/pf0000381137

REUTERS/Mike Blake

Country analysis

This section provides an in-depth analysis of AI regulations and laws in each jurisdiction.



REUTERS/Frank Nyakairu

Rwanda

Rwanda does not have specific legislation governing AI, nor is there any proposed legislation or regulation. It was, however, one of the first countries in Africa to adopt a National AI Policy. It also has existing laws and soft laws that could govern AI.

Existing laws and regulations that could govern AI in Rwanda

Law nº 058/2021 of 13/10/2021 Relating to the Protection of Personal Data and Privacy[47]

Law nº 058/2021 of 13/10/2021 applies to the protection of personal data and privacy and their processing in relation to electronic or other means through automated or non-automated platforms.

Under this law, a data subject has the right not to be affected by decisions based on automated data processing, including profiling, which could have legal or otherwise significant consequences.[48] However, there are exceptions if the decision: 1) is based on the data subject's explicit consent; 2) is necessary for entering into or carrying out a contract between the data subject and the data controller; or 3) is authorised by laws to which the data controller is subject and also puts in place suitable measures to safeguard the data subject's rights, freedoms and legitimate interests. Also, someone's personal aspects—such as work performance, economic situation or health—cannot be evaluated using the automated processing of sensitive personal data unless one of the grounds set out in Article 10 ("Grounds for processing sensitive personal data") is met.[49]

Article 42 gives guidance on information to be provided during personal data collection. The data controller can collect personal data for legal reasons related to the data controller's activity and when the data is necessary for that purpose. They must inform the data subject if any decisions will be made using automated systems, including profiling, and explain the logic involved, the significance and the potential consequences of such processing of personal data.

47 Law nº 058/2021 of 13/10/2021 Relating to the Protection of Personal Data and Privacy, Rwanda. https://www.rfl.rw/docs/kifclaws/04.Law_relating_to_the_protection_of_personal_data_and_privacy.pdf

48 Ibid.

49 Under Article 10, the data controller or the data processor processes sensitive personal data only if: 1) the processing is based on the data subject's consent; 2) the processing is necessary for the purposes of carrying out the obligations of the data controller, of the data processor or exercising specific rights of the data subject in accordance with relevant laws; 3) the processing is necessary to protect the vital interests of the data subject or of any other persons; 4) the processing is necessary for the purposes of preventive or occupational medicine, public health such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices; 5) the processing is necessary for archiving purposes in the public interest or scientific and historical research purposes or statistical purposes.

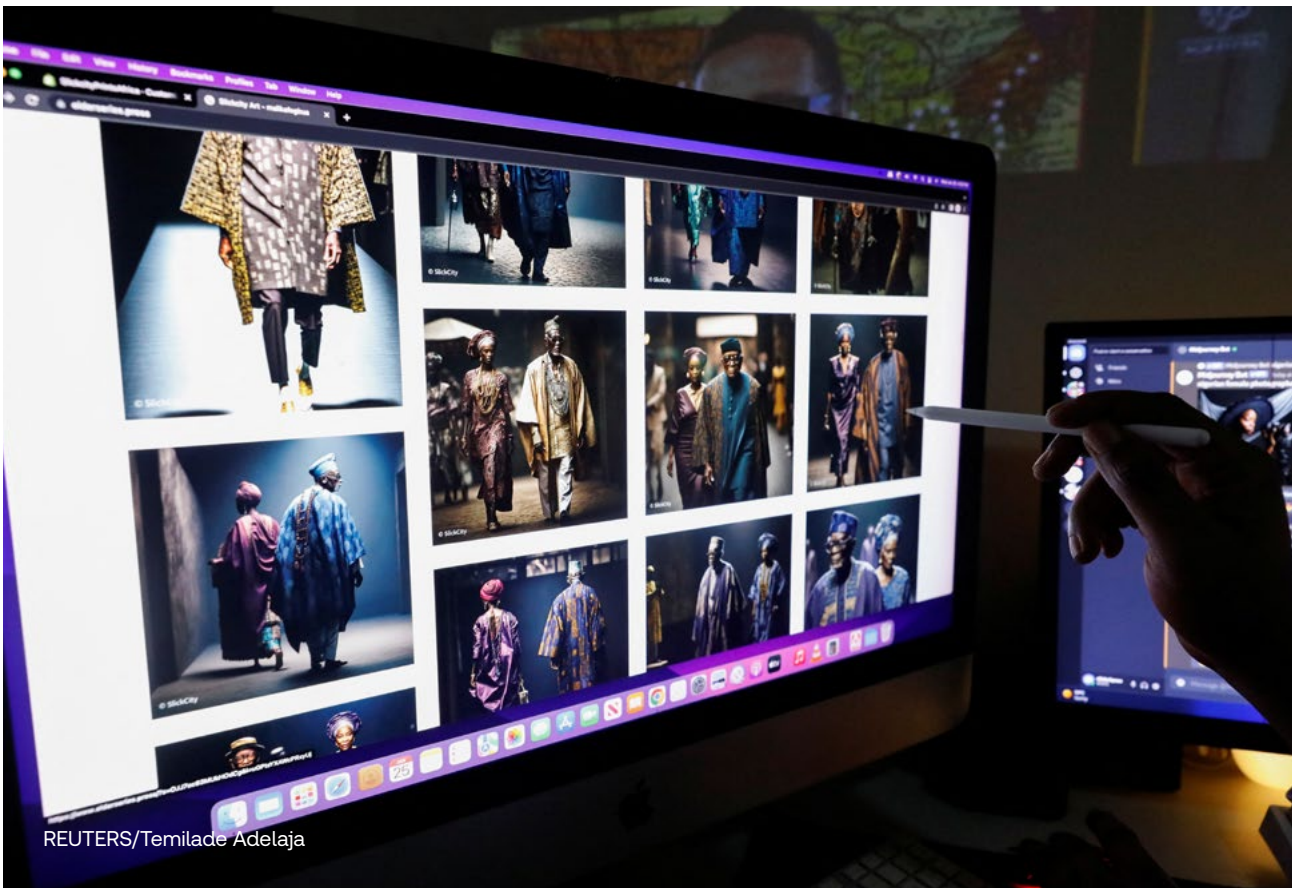
Law nº 055/2024 of 20/06/2024 on the Protection of Intellectual Property[50]

Another relevant piece of legislation is Rwanda's law on the protection of intellectual property (IP),which has two main branches:

01. Industrial property, which applies to the exclusive right to use inventions, innovations or utility models, product or service marks, industrial designs or models, trade names, geographical indications, or layout designs (topography) of integrated circuits that are to be used to carry out an electronic function and the right to request the elimination of acts of unfair competition; and

02. Copyrights and related rights, which apply to literary, artistic and scientific works, as well as phonograms, wireless broadcasting, computer programmes and the performances of performing artists.

There is a recognisable and multifaceted nexus between AI and IP. AI technologies and tools, such as Generative AI, are trained on data available from the internet, including words, texts, images and designs which may be protected by IP rights. AI algorithms and models can be protected under copyright law as literary works, and innovations in AI—such as new algorithms, methods or applications—can also be patented.



REUTERS/Temilade Adelaja

50 Law nº 055/2024 of 20/06/2024 on the Protection of Intellectual Property, Rwanda. https://www.wipo.int/wipolex/en/legislation/details/22672

Plans, soft laws, frameworks, strategies, policies or commitments related to AI in Rwanda

The National AI Policy

Rwanda approved the National AI Policy on 20 April 2023.[51] With the policy's implementation, Rwanda positions itself as a pioneer in AI governance, not just in East Africa but across the continent.

The Policy recognises the integral role of AI in society and serves as a roadmap to enable Rwanda to harness the benefits of AI while mitigating its risks. Building on the mission of Vision 2050, the Smart Rwanda 2020 Master Plan and other key national plans and policies, the Policy equips Rwanda to use AI for sustainable and inclusive growth.

The Policy does not contain a definition of AI. However, it is built upon six key Priority Areas designed to guide the ethical and responsible development and adoption of AI. These are:

01. 21st Century Skills and High AI Literacy: to foster a skilled workforce capable of harnessing AI's potential through education and training initiatives

02. Reliable Infrastructure and Compute Capacity: to develop robust computing infrastructure and capacity to support AI-driven solutions effectively

03. Robust Data Strategy: to establish a comprehensive framework for data collection, management and utilisation to enable AI innovation

04. Trustworthy AI Adoption in the Public Sector: to promote responsible deployment of AI technologies in government services and operations

05. Widely Beneficial AI Adoption in the Private Sector: to encourage the private sector to leverage AI for sustainable growth, innovation and competitiveness

06. Practical AI Ethical Guidelines: to ensure the ethical use of AI technologies through the development and implementation of clear guidelines and frameworks

The Policy proposes a sectoral deep dive that focuses on accelerating responsible AI adoption in several key sectors, including healthcare, banking and digital payments, e-commerce and trade, transportation, agriculture, public administration and education, manufacturing and construction. A consultation process identified these as flagship sectors where AI adoption can result in high rewards. Each sector is articulated with a description of the maturity of AI adoption within the sector, as well as key actors, opportunities, challenges and key recommendations.

51 The National AI Policy, Rwanda. https://rura.rw/fileadmin/Documents/ICT/Laws/Rwanda_national_Artificial_intelligence_Policy.pdf

The Policy also recognises that although AI generates many opportunities and has great potential to promote development, there are significant risks with many of its applications. The Policy therefore also includes ethical considerations to capture the opportunities for economic development and mitigate the risks of AI. Rwanda's Guidelines on the Ethical Development and Implementation of Artificial Intelligence, developed by the Rwanda Utilities Regulatory Authority (RURA), address the range of risks in the AI system lifecycle and considerations for responsible and trustworthy adoption of AI in the country.

Public participation in AI policymaking in Rwanda

Rwanda does not have existing laws, regulations or soft law instruments that outline public participation in the AI policymaking process. However, the Constitution of Rwanda[52] under Article 27 provides that all Rwandans have the right to participate in the government of the country, either directly or through their freely chosen representatives, according to the law. This can be interpreted to indicate that public participation can occur through the involvement of the representatives who amplify the views of those they represent.

The policymaking process in Rwanda involves a diverse range of actors from various sectors, led by the sectoral ministry and regulatory authority working together with other relevant non-governmental bodies and industry associations representing companies.

REUTERS/Luc Gnago

52 The Constitution of the Republic of Rwanda of 2003, revised in 2015. https://www.chronicles.rw/wp-content/uploads/2023/04/Rwanda-2015-Constitution.pdf

The absence of an existing law, regulation or soft law outlining public participation in the policymaking process undermines Rwanda's strides towards AI governance and its vision of becoming a global centre for AI research and innovation. This opens the door for legislators to choose at their discretion who should be included in the policymaking process. Since the right to public participation is a fundamental human right and not just a choice, the absence of laws or soft laws to govern public participation negatively impacts human rights and amplifies the risk of excluding communities.

Stakeholders involved in Rwanda's AI policymaking process

Stakeholders	Composition
Total number of stakeholders involved[53]	120
Civil society	Unknown
Women	Unknown
People living with disability (PWD)	Unknown
Experts	35
Technical bodies	2
Industry representatives	Unknown
Academic	Unknown
Any other	Unknown

While preparing the Rwanda National AI Policy, over 120 private sector, public sector, academic and civil society actors took part in validation workshops with the public sector institutions responsible for implementing the Policy. The Future Society (TFS) also collected data through interviews with over 35 local experts and eight surveys administered to workshop participants.

The stakeholders involved included:

- Ministry of Information Communication Technology and Innovation (MINICT)
- Rwanda Utilities Regulatory Authority (RURA)

GIZ FAIR Forward, which engaged The Future Society, a non-profit organisation based in the US and Europe, with a mission to align[54] governance[55]

53 "Cabinet of Rwanda Approves National AI Policy," The Future Society (29 May 2023). https://thefuturesociety.org/cabinet-of-rwanda-approves-national-ai-policy/

54

55 "Introducing the National Artificial Intelligence Policy for Rwanda," ICTworks (20 December 2023). https://www.ictworks.org/national-artificial-intelligence-policy-rwanda

Consideration of human rights, ethics and transparency in the laws, soft laws and policies governing AI in Rwanda

Recognition of the potential adverse impacts of AI on human rights	Reference to ethical or responsible AI use	Reference to the need for laws/ regulations to govern AI	Proposal of measures to mitigate the negative impacts of AI use
The National AI Policy does not discuss adverse impacts on human rights, nor does it refer to the need to protect human rights.	Under its Key Policy Recommendations, the National AI Policy states that ethical and safety precautions are required to ensure that AI solutions benefit citizens and do not cause harm. The government will work with RURA to promote Rwanda's Guidelines on the Ethical Development and Implementation of AI throughout the AI community and will also launch an annual participatory consultation forum to update the guidelines and create a network of AI Ethics Officers across government institutions to champion them.	The Policy recommends the strengthening of AI policy and regulation and ensuring public trust in AI. It provides that trust is critical to public confidence and acceptance of AI. It also aims to build transparency and trust with the public by strengthening the capacity of regulatory authorities to understand and regulate AI aligned with emerging global standards and best practices.	Although the Policy does not explicitly list the negative impacts of AI use, it recognises that whereas the development and economic opportunities of AI are enormous, they are inextricably connected with risks which require ethical principles and precautions. It states that the Policy is to serve as a roadmap to enable Rwanda to harness the benefits of AI and mitigate its risks. Mitigating measures for AI's adverse effects. As mitigation measures, the Policy proposes the following: • RURA will publish Rwanda's Guidelines on the Ethical Development and Implementation of AI to address the range of risks in the AI system lifecycle and considerations for responsible and trustworthy adoption of AI in Rwanda. • The Ministry of ICT and Innovation will conduct a public awareness campaign on AI to create a general understanding of AI, as well as its benefits and risks through events, radio broadcasts and other activities. • The Ministry of ICT and Innovation, in collaboration with the Centre for the Fourth Industrial Revolution (C4IR)-wanda, will establish a shared risk fund for AI development projects in ministries and agencies, providing budget support for research and development.

Consideration of international standards and recommendations in the laws, soft laws and policies governing AI in Rwanda

This section presents an overview of how Rwanda's laws, soft law instruments and policies reference international standards and recommendations.

One recommendation of the National AI Policy is the establishment of a Responsible AI Office (RAI Office) during the first year of the Policy, which can actively participate in global AI governance and policy fora, such as the OECD AI Policy Observatory, the International Telecommunication Union (ITU), UNESCO, and the Global Partnership on Artificial Intelligence (GPAI).

Rwanda's National AI Policy reflects the 10 core principles of a human rights-centred approach to AI, as set out in the UNESCO Recommendation on the Ethics of Artificial Intelligence, and attempts to implement the recommendations in the African Commission's Resolution 473 as follows:

References to the UNESCO Recommendation on the Ethics of AI

The table below shows the extent to which Rwanda's AI laws, regulations and soft laws align with the UNESCO recommendations:

No.	Principle	Comment
1	**Proportionality and do no harm**	The Policy recognises that whereas the development and economic opportunities of AI are huge, they are inextricably connected with potential risk and harm to human rights, communities, society at large, the environment and others, requiring the creation of ethical principles and precautions. It proposes the establishment of a risk-sharing fund to support research and development in the public sector.
2	**Safety and security**	One of the Key Policy Recommendations is to operationalise and share Rwanda's AI ethical guidelines. Under this recommendation, the Policy recognises that ethical and safety precautions are required to ensure that AI solutions benefit citizens and do not cause harm. The government will thus promote Rwanda's Guidelines on the Ethical Development and Implementation of AI throughout the AI community, led by RURA, launch an annual participatory consultation forum to update the guidelines, and create a network of AI Ethics Officers across government institutions to champion them.
3	**Fairness and non-discrimination**	Not mentioned in any law or strategy

No.	Principle	Comment
4	**Sustainability**	One of the Key Policy Recommendations is the commitment to reskilling the workforce with 21st Century AI and data skills. It recognises the important role played by emerging technologies like AI in transforming and reshaping societies and labour markets. It further recognises that Rwanda's workforce needs to be equipped with the skills to flourish in this transition and remain competitive in the regional and global landscape. The government will therefore invest in and develop a National Skills Building Program, prioritising AI and data skills combined with a Young Professionals/Apprenticeship Program to develop AI talent and career opportunities in the knowledge economy.
5	**Right to privacy, and data protection**	Under the Policy, one of the key priority areas is Reliable Infrastructure and Compute Capacity. Some of the activities listed under this area include publishing guidance targeted towards industry and users on how existing privacy legislation fits with cloud computing and enforcement of the Data Protection and Privacy law.
6	**Human oversight and determination**	The Policy emphasises the principle of human oversight and determination. It seeks to ensure that AI technologies are developed, deployed and used in ways that are transparent, accountable and aligned with human values and interests. This includes employing mechanisms for human oversight to ensure that AI systems are used responsibly and ethically.
7	**Transparency and explainability**	The Policy incorporates the principles of transparency and explainability by stressing the importance of transparency in AI systems and creating public trust, which is critical to public confidence and acceptance of AI. It emphasises strengthening the capacity of regulatory authorities to understand and regulate AI in ways that are aligned with emerging global standards and best practices to build transparency and trust with the public. Similarly, explainability ensures that AI systems can provide intelligible and meaningful explanations for their decisions or recommendations, which is particularly important in the identified key sectors such as healthcare, banking and digital payments, e-commerce and trade transportation, agriculture, public administration and education, manufacturing and construction.

No.	Principle	Comment
8	**Responsibility and accountability**	Responsibility in AI ensures that all stakeholders involved in the development, deployment and use of AI systems are accountable for their actions and decisions. Accountability includes holding stakeholders accountable for the outcomes of AI systems. Under Priority Area 2: Reliable Infrastructure and Compute Capacity, the Policy proposes having the National Cybersecurity Agency (NCSA) conduct a compliance audit of registered and authorised local and foreign cloud service providers to ensure compliance with regulation andcertification. Priority Area 4: Trustworthy AI Adoption in the Public Sector proposes the development of an annual AI Readiness Index and Maturity Assessment Framework.[56]
9	**Awareness and literacy**	The Policy aims to promote awareness and literacy about AI among the general population, policymakers, businesses, organisations and other stakeholders through initiatives to educate people about the capabilities and potential impacts of AI and through digital literacy campaigns to ensure individuals can effectively engage with AI technologies and understand their implications. Under Priority Area 1: 21st Century Skills and High AI Literacy, the Policy proposes conducting a public awareness campaign to create a general understanding of AI as well as its benefits and risks. This can include events and radio broadcasts, among other tools.[57]
10	**Multi-stakeholder and adaptive governance and collaboration**	The Policy emphasises the importance of multi-stakeholder collaboration and adaptive governance. It recognises that the development and implementation of AI technologies require input and collaboration from local, regional and international stakeholders, including government ministries and agencies, private sector entities, civil society organisations and academic institutions. Priority Area 6: Practical AI Ethics Guidelines proposes that Rwanda apply to join international and regional platforms on AI governance such as the OECD AI Policy Observatory and the Global Partnership on Artificial Intelligence (GPAI).[58]

56 Ibid, page 14
57 Ibid, page 10
58 Ibid, page 19

Areas of policy action in line with the UNESCO Recommendation on the Ethics of AI

Area of policy action	How the law/strategy addresses or references the policy area
Ethical impact assessment	The Policy recognises that ethical and safety precautions are required to ensure that AI solutions benefit citizens and do not cause harm. It states that the government will work with RURA to promote Rwanda's Guidelines on the Ethical Development and Implementation of AI throughout the AI community and will also launch an annual participatory consultation forum to update the guidelines and create a network of AI Ethics Officers across government institutions to champion them.
Ethical governance and stewardship	One of the key recommendations of the Policy is to strengthen AI policy and regulation and ensure public trust in AI. Under Priority Area 4: Trustworthy AI Adoption in the Public Sector, the output is indicated as the establishment of an AI policy and regulatory capacity-building programme aligned with emerging global standards and policy/regulation best practices. The ICT Ministry is to implement this programme and conduct a series of workshops with ministries and agencies responsible for the implementation of AI policy to raise awareness on the goals and objectives, as well as responsibilities, for policy implementation.
Data policy	The seventh Key Policy Recommendation in the National AI Policy provides for the creation of pathways to greater availability and accessibility of AI-ready data. It states that data is the energy that will fuel Rwanda as Africa's AI Hub, but there is currently a lack of digitised data and most existing data from the public and private sectors remain inaccessible. Priority Area 3: Robust Data Strategy requires the Ministry of ICT and Innovation, in collaboration with C4IR, to set up a joint public-private and multi-sectoral taskforce to develop frameworks and protocols with standards for sharing data ethically, responsibly and securely. C4IR is to develop procurement guidelines incentivising data sharing and access for public projects including ICT/data/AI components such as future telecom licences, data centres, etc., and will conduct a feasibility study for the implementation of data-sharing platforms/infrastructure for Rwanda. The taskforce will also provide guidance for the public sector to migrate data to digital formats and improve the AI-readiness of public data. Under Priority Area 2: Reliable Infrastructure and Compute Capacity, the NCSA is required to enforce the Data Protection and Privacy law.

Area of policy action	How the law/strategy addresses or references the policy area
Development and international cooperation	The Policy seeks to foster the development of AI technologies within Rwanda while also encouraging collaboration with international partners. Among its recommendations, the Policy states that international collaboration is essential to drive sustainable development in AI. The government will establish international partnerships, building upon international AI readiness indexes, and will benchmark Rwanda's AI competitiveness and capacity in an annual AI Readiness Index to help drive the development of AI in the country and spur local, regional, continental and global investment in AI foundations.
Environment and ecosystems	Under Priority Area 6: Practical AI Ethics Guidelines, RURA is to initiate regulatory sandbox projects on AI to provide a controlled testing environment to develop or evaluate innovative AI solutions in line with the guidelines.
Gender	Not mentioned in any law or strategy.
Culture	Though not explicitly stated, the National AI Policy under its key recommendations provides that Rwanda will seek to participate in the global fora on AI, sharing Rwandan perspectives and interests, learning from international practices, and joining platforms that aim to shape the responsible adoption of AI regionally and globally, including UNESCO.
Education and research	The Policy, under Key Policy Recommendation 2 ("Set the foundations for world-class AI university education and applied research"), provides that investment in talent is a crucial stepping stone for a thriving AI economy. Through the Policy, the government, in partnership with the private sector, will establish a public-private-funded programme for AI skills building at the university level with research fellowships, PhDs and master's degrees. The government will also set up long-term public-sector funding to universities to build capacity in AI education and research by attracting researchers and partnering with global universities. Under Key Policy Recommendation 4 ("Streamline the exchange of students and professionals between Rwanda and foreign countries"), the Policy states that building on the strategy to become a regional hub on the African continent, Rwanda can become a leader in AI education and research by attracting and retaining talent from across Africa and around the world.
Communication and information	The Policy addresses issues such as data privacy, security and AI literacy to ensure responsible and equitable AI deployment within the communication and information sector. Under its Priority Area 2: Reliable Infrastructure and Compute Capacity, the output is provided as access to affordable, reliable and secure scalable storage and high-performance computing capability/ infrastructure.

Area of policy action	How the law/strategy addresses or references the policy area
Economy and labour	The output under the Policy's Priority Area 5: Widely Beneficial AI Adoption in the Private Sector provides for robust investment in targeted AI projects creating social and economic impact and new growth opportunities for the private sector, as well as catalysing investment into AI.
Health and social well-being	The National AI Policy emphasises the importance of leveraging AI for various key sectors, including healthcare.[59]

Implementation of the recommendations in the African Commission on Human and Peoples' Rights Resolution 473

The National AI Policy has endeavoured to incorporate the recommendations in the African Commission on Human and Peoples' Rights Resolution 473 as follows:

Concerning privacy, the Policy recommends publishing guidance targeted towards industry and users on how existing privacy legislation fits with cloud computing and the enforcement of the Data Protection and Privacy law.

Regarding transparency, the policy recommends strengthening the capacity of regulatory authorities to understand and regulate AI in ways that align with emerging global standards and best practices, translating into building transparency and trust with the public.

59 "Rwanda's DoctorAI uses artificial intelligence to improve healthcare outcomes," Customer Data Platform Institute (9 March 2023). https://www.cdpinstitute.org/news/rwandas-doctorai-uses-artificial-intelligence-to-improve-healthcare-outcomes/#:~:text=Rwandan%20startup%2C%20DoctorAI%20is%20using,including%20low%20numbers%20of%20physicians.

Tanzania

The Tanzanian government is currently on a transformative journey to integrate AI into its digital governance framework to revolutionise public service accessibility, efficiency and transparency.

At the time of this report's publication, there is no specific AI legislation in place in Tanzania. However, the government has issued directives[60] to utilise AI to improve the efficiency of delivering its services. There are indications that AI-specific legislation is on the horizon, especially given Tanzania's recent recognition of the need for specific data protection laws. This recognition was reflected in the enactment of the Personal Data Protection Act 2022 (PDPA). Additionally, the Ministry of Health released the Policy Framework for Artificial Intelligence in Tanzania Health Sector in February 2022.[61]

Existing laws and regulations that could govern AI in Tanzania

The Personal Data Protection Act, Cap. 44 (PDPA) 2022

The Personal Data Protection Act 2022[62] and its regulations, notably the Personal Data Protection (Personal Data Collection and Processing) Regulations 2023 (Data Protection Regulations),[63] govern the collection, storage and processing of personal data. Their primary objective is to bolster individuals' rights and promote transparency in data processing. These regulations have introduced various measures to enhance data protection, including the right to be forgotten, data portability and the right to access one's data, even when transferred outside Tanzania.

The emergence of AI has profoundly impacted privacy rights, as organisations can now collect, store and process vast amounts of personal data at unprecedented speeds. Consequently, it could be concluded that the use of AI for data processing has inevitably played a role in the enactment of the Act. The PDPA acknowledges the use of AI in data processing by defining processing to mean the "analysis of personal data, whether or not by automated means, such as obtaining, recording or holding the data, or carrying out any analysis on personal data".[64]

Data Protection Regulations 4 and 5 provide for the procedure for registering data controllers and data processors. As per Regulation 4, any person who wants to collect personal data must apply to be registered with the Personal Data Protection Commission.

Regulation 5 outlines the obligations of data controllers and data processors, as well as security standards during the collection and processing of personal data. Regulation 23 stipulates that data controllers or processors must ensure that personal data is collected and processed lawfully, fairly

60 "Tanzania makes AI a key government tool", 360 Mozambique (8 February 2024). https://360mozambique.com/innovation/ai/tanzania-makes-ai-a-key-government-tool/

61 Policy Framework for AI, Tanzania. https://www.moh.go.tz/storage/app/uploads/public/65c/61f/590/65c61f59087ac486047849.pdf

62 The Personal Data Protection Act, Chapter 44. https://www.mawasiliano.go.tz/uploads/documents/sw-1691158828-The%20Personal%20Data%20Protection%20Act%202022_English.pdf

63 The Personal Data Protection (Personal Data Collection and Processing) Regulations 2023, Tanzania. https://www.mawasiliano.go.tz/uploads/documents/sw-1691159153-GN%20NO.%20449C%20OF%202023.pdf

64 Personal Data Protection Act, Section 4. https://www.mawasiliano.go.tz/uploads/documents/sw-1691158828-The%20Personal%20Data%20Protection%20Act%202022_English.pdf

and transparently, among other requirements. The obligations of the data collectors and processors are detailed from Regulation 23 to Regulation 34.

Section 36 of the PDPA restricts the use of AI relating to automated decision-making. It states a data subject may, through the procedures prescribed in the Personal Data Protection Regulations, require the data controller to ensure that any decision taken by or on behalf of the data controller which significantly affects the data subject is not made solely on the basis of processing by automatic means. However, without prejudice to the provision, where a decision significantly affecting a data subject is based solely on automated processing, the data controller is required to notify the data subject that the decision was taken on that basis, as soon as practicable. The data subject may require the data controller to reconsider the decision.

The Copyright and Neighbouring Rights Act 1999

The Copyright and Neighbouring Rights Act 1999[65] governs the use of copyrights in Tanzania. Works by writers who are Tanzanian citizens or have a habitual residency in the country are protected by copyright. Under the Act, copyright protection applies to original works of authorship, including literary, artistic, musical and dramatic works, as well as related rights such as performers' rights and producers' rights. Copyright protection arises automatically upon the creation of a work, without the need for registration or any other formalities.

Section 4 of the Act defines a computer programme as "a set of instructions expressed in words, codes, schemes or in any other form, which, when incorporated in a medium readable by a computer, enables the computer to perform or achieve a particular task or result." AI can broadly be categorized under this definition, as it relies on encoded instructions for its functionality. However, the Act does not explicitly address whether works created with AI assistance are afforded the same protection as traditional works, leaving a gap in the law concerning AI-generated content.

Plans, soft laws, frameworks, strategies, policies or commitments related to AI in Tanzania

Although provisions related to AI are yet to be fully incorporated into Tanzanian legislation, recent advocacy has pushed for AI use across both private and public sectors. Notably, the Chief Justice of Tanzania, Prof. Ibrahim Hamis Juma, has emphasised plans to integrate AI into the judiciary's new transcription and translation systems,[66] a move aimed at bolstering court efficiency. He stated: "We can't hire stenographers for all 34 judges serving the Court of Appeal, 105 judges in the High Court and about 2,000 magistrates, but we can use AI, which we have now adopted for transcription. Automatic transcription will reduce the judge's burden of work, as the judges and magistrates' job is to listen and make decisions and not to do transcription."

65 Copyright and Neighbouring Rights Act, Tanzania. https://media.tanzlii.org/media/legislation/242825/source_file/tz-act-1999-7-publication-document.pdf

66 "Tanzania Court Adopts Artificial Intelligence," The Chanzo Reporter (2 February 2024). https://thechanzo.com/2024/02/02/tanzania-court-adopts-artificial-intelligence-ai-in-its-processes/

George Simbachawene,[67] Tanzania's minister of state in the president's office, has also noted that the government is contemplating the adoption of AI systems into e-government platforms to elevate the national digital data pool and its associated services.[68] Moreover, ongoing dialogues within the private sector are exploring the integration of AI into daily business operations.

Policy Framework for AI in Tanzania Health Sector 2022

The Policy Framework for AI in Tanzania Health Sector 2022 (the Policy Framework) defines AI as the utilisation of computers to make decisions or provide recommendations in an automated manner. The Policy Framework intends to outline key aspects that are to be considered, including processes, technologies, capabilities, stakeholders, principles and recommendations to guide the implementation and use of AI in the health sector, to systematically and effectively build on the existing digital health and data landscape with the aim of facilitating better health outcomes. Moreover, it provides the basis for the development of appropriate national policies and regulatory mechanisms to shape the use and application of AI by all stakeholders within the sector. It also informs stakeholders at all levels on how to leverage AI in the health sector. Stakeholders include policymakers, health managers, healthcare providers, funders, training institutions and implementers.

The Policy Framework proposes several governance mechanisms to regulate AI use in the health sector. These include:

- Inclusion of AI in the national health policy
- Ensuring AI is included on the meeting agendas of all digital health committees, including the National Digital Health Steering Committee, Sector-Wide Approach (SWAP) meetings, the technical working group for digital health, the monitoring and evaluation committee, the digital health secretariat and other relevant committees
- Establishment of a dedicated task team for AI to map, track and report on all AI implementations in the health sector within key health sector meetings
- Explicit inclusion of AI in the National Digital Health Strategy and the National Digital Health Investment Roadmap as an investment area
- Incorporation of AI in the National Health Information System (HIS) Guidelines to address issues such as data privacy, consent for data usage and access control

By implementing these measures, the Policy Framework aims to ensure responsible and effective integration of AI technologies in the health sector.

67 "Tanzania makes AI a key government tool." https://360mozambique.com/innovation/ai/tanzania-makes-ai-a-key-government-tool/

68 Ibid.

Public participation in AI policymaking in Tanzania

The Policy Framework for AI in Tanzania Health Sector calls for sustainability, stakeholder engagement and collaboration. It proposes that the government ensure AI initiatives are included in the plans of healthcare systems at all levels. It further recommends that digital health stakeholders should be sensitised to the importance of allocating resources for building infrastructure, preparing personnel and training, as well as developing, validating and maintaining AI systems. The government is encouraged to create a culture of collaboration, trust and openness among all AI stakeholders in the health sector to ensure continuous implementation and support.

The Policy Framework also recognises the need to bring together all digital health stakeholders to agree on a common vision for the future of AI in Tanzania. The government is urged to strengthen AI leadership and governance with clear guidance for AI implementation. It emphasises that a comprehensive AI national work plan will facilitate alignment, coordination and resource mobilisation for AI in Tanzania.

The Policy Framework underscores the participation of multiple public organisations in AI-related health projects. For example, the University of Dodoma was engaged in the establishment of a Multidisciplinary AI for Development (AI4D) Research Lab in Anglophone Africa.[69] Moreover, the Ifakara Health Institute has been engaged in the process of using machine learning and mid-infrared spectroscopy for rapid assessment of blood-feeding histories and parasite infection rates.

REUTERS/Katrina Manson

69 AI4D Africa's Anglophone Multidisciplinary Research Lab, The Nelson Mandela African Institution of Science and Technology (29 March 2024). https://nm-aist.ac.tz/ai4d-africas-anglophone-multidisciplinary-research-lab/

Although the Policy Framework calls for the involvement of key stakeholders in the health sector, it makes no mention of public participation, especially in the policy development stage, nor does it discuss the process that went into drafting the policy. Furthermore, Tanzania has a vacuum in defining the scope of public participation in AI policymaking at a national level.

Stakeholders involved in Tanzania's AI policymaking process

Stakeholders	Composition
Total number of stakeholders involved	Unknown
Civil society	Unknown
Women	Unknown
People living with disability (PWD)	Unknown
Experts	Unknown
Technical bodies	Unknown
Industry representatives	Unknown
Academic	Unknown
Any other	Unknown

The drafting and development of the Policy Framework for AI in Tanzania Health Sector was a result of the collaborated efforts of various stakeholders. from the following institutions, although there is no information on the actual individuals involved in the process:

- The President's Office, Regional Administration and Local Government (PO-RALG)
- Fondation Botnar
- Muhimbili University of Health and Allied Sciences (MUHAS)
- The University of Dodoma (UDOM)
- The Centre for Digital Health (CDH)
- The Directorate of Curative Services (DCS)
- The Directorate of Human Resource Development from the Ministry of Health (MOH)

Additionally, pivotal contributions were made by the Tanzania AI Lab and the Directorate of Information and Communication Technology (DICT).[70] This collaboration underscores the comprehensive approach taken to address the integration of AI within Tanzania's healthcare landscape.

Be that as it may, no technical working group or expert body on AI has been involved in drafting any AI laws or soft law instruments in Tanzania. As outlined in the National ICT Policy 2024, the country is still grappling with limited digital infrastructure, which poses challenges in supporting technologies like AI. Moreover, Tanzania still lacks a robust institutional framework to lead a working group that would cater for the drafting of AI laws.

70 Policy Framework for AI, Page 4, Tanzania. https://www.moh.go.tz/storage/app/uploads/public/65c/61f/590/65c61f59087ac486047849.pdf

However, during Parliament's speech on the 2023/2024 budget, the Information Minister at the time Nape Moses Nnauye noted that the government had taken proactive measures by appointing a team of 16 experts dedicated to advancing knowledge and understanding of AI.[71]

Consideration of human rights, ethics and transparency in the laws, soft laws and policies governing AI in Tanzania

Recognition of the potential adverse impacts of AI on human rights	Reference to ethical or responsible AI use	Reference to the need for laws/ regulations to govern AI	Proposal of measures to mitigate the negative impacts of AI use
Although Tanzania does not have specific laws on AI, there are existing regulations that acknowledge the potential adverse impacts AI may have on human rights. For instance, the Personal Data Protection Act and its Regulations regulate the collection and processing of personal data to safeguard privacy. AI technologies, by their nature, accumulate vast amounts of data through continuous processing and analysis from various sources. It is imperative that such processes prioritise the protection of personal data and ensure access is granted only with the data subject's consent.	The Cybercrimes Act 2015 provides a framework for governing data privacy and algorithmic transparency, both of which are pertinent to AI systems. Although these laws do not comprehensively address ethical or responsible AI use, the National ICT Policy acknowledges the ethical issues associated with technologies like AI. These include concerns such as job displacement and the potential weaponization of technologies.	The National ICT Policy highlights the need for a stronger legal and institutional framework to regulate digital technologies, including AI. Without close monitoring, AI poses the potential threat of data breaches and other digital security issues.	In the 2024/2025 annual budgetary speech, former Minister of Information, Communication and Information Technology Nape Moses Nnauye, confirmed the appointment of a team of experts dedicated to learning big data analytics and cybersecurity. These steps are aimed at mitigating potential negative impacts arising from the use of AI.

71 Tanzania Parliament annual budgetary speech of 2023/2024. https://www.parliament.go.tz/polis/uploads/documents/1724336528-BJT15MEI2024.pdf

Consideration of international standards and recommendations in the laws, soft laws and policies governing AI in Tanzania

References to the UNESCO Recommendation on the Ethics of AI

The table below shows the extent to which Tanzania's AI laws, regulations and soft laws align with the UNESCO recommendations:

No.	Principle	Comment
1	**Proportionality and do no harm**	Not mentioned in any law or strategy
2	**Safety and security**	Not mentioned in any law or strategy
3	**Fairness and non-discrimination**	Not mentioned in any law or strategy
4	**Sustainability**	Not mentioned in any law or strategy
5	**Right to privacy, and data protection**	The Personal Data Protection Act 2022 serves as a framework setting forth minimum standards to safeguard the privacy of an individual's information and ensure that their data is collected, processed and managed responsibly according to the principles of privacy protection and data security.
6	**Human oversight and determination**	Not mentioned in any law or strategy
7	**Transparency and explainability**	Not mentioned in any law or strategy
8	**Responsibility and accountability**	Not mentioned in any law or strategy
9	**Awareness and literacy**	Not mentioned in any law or strategy
10	**Multi-stakeholder and adaptive governance and collaboration**	Not mentioned in any law or strategy

Tanzania's current laws, regulations and soft laws primarily address privacy and data protection, but they lack comprehensive provisions for other key principles of a human rights-centred approach to AI, as outlined in the UNESCO Recommendation on the Ethics of AI. This limited scope weakens UNESCO's call for states to respect, promote and protect the ethical values, principles and standards associated with AI. The gap may be attributed to Tanzania's nascent stage in AI-related policy development, as evidenced by the absence of broader standard setting in alignment with UNESCO's recommendations.

Areas of policy action in line with the UNESCO Recommendation on the Ethics of AI

Area of policy action	How the law/strategy addresses or references the policy area
Ethical impact assessment	The Policy Framework for AI in Tanzania Health Sector provides an assessment of the promotion of well-developed professional ethics, particularly in the medical community. Since technologists, innovators and computer scientists are prone to handling personal data, such tasks should be monitored with adherence to ethical values throughout the whole process of design, development and use.
Ethical governance and stewardship	Not mentioned in any law or strategy
Data policy	Not mentioned in any law or strategy
Development and international cooperation	Not mentioned in any law or strategy
Environment and ecosystems	Not mentioned in any law or strategy
Gender	Not mentioned in any law or strategy
Culture	Not mentioned in any law or strategy
Education and research	Not mentioned in any law or strategy
Communication and information	Not mentioned in any law or strategy
Economy and labour	Not mentioned in any law or strategy
Health and social well-being	Through the Policy Framework, the health sector is posed to ensure that using AI technologies, data privacy, consent to use data, and access to and control of data are strictly monitored under well-established guidelines to be designed by the Ministry of Health.

REUTERS/James Akena

Uganda

Uganda does not have specific legislation relating to AI. Instead, the country has several laws governing technology, automated processing, data protection, privacy and copyrights which are relevant or have implications for the use of AI.

Existing laws and regulations that could govern AI in Uganda

In the absence of specific laws or regulations relating to AI, Uganda has the following laws that could govern AI:

Constitution of the Republic of Uganda, 1995, as amended

The Objectives and Directive Principles of State Policy in the Constitution of the Republic of Uganda, 1995 mandate the state to stimulate agricultural, industrial, technological and scientific development by adopting appropriate policies and enacting enabling legislation.[72] Essentially, this clause recognises that the state must be able to adapt to new technologies as they emerge and therefore needs to enact laws regulating such.

Additionally, the constitution guarantees the right to privacy and to the effect that no person should be subjected to interference with their right to privacy.[73] Since AI systems primarily rely on vast amounts of personal data to learn and make predictions, this raises concerns about the collection, processing and storage of such data posing a threat to privacy, and the constitution seeks to protect the same.

The Data Protection and Privacy Act, Cap. 97

Article 27(2) of Uganda's Constitution, which guarantees citizens' right to privacy, is put into effect by the Data Protection and Privacy Act, Cap. 97 (the Act).[74] The Article provides that:

> *"No person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property."*

AI models and applications leverage vast data sets which may include personal data to execute various tasks. The collection and processing of personal data in Uganda is regulated by the Data Protection Act and its regulations. The Act provides for the principles of data protection and the rights of data subjects (including the rights relating to automated decision-making and the obligations of data collectors, controllers and processors). It also established the Personal Data Protection Office to oversee the implementation, monitoring, investigation and reporting of the observance of the right to privacy and personal data, among others.

72 The National Objectives and Directive Principles of State Policy, Constitution of the Republic of Uganda, 1995, section XI(i). https://www.ngobureau.go.ug/sites/default/files/laws_regulations/2020/12/Uganda%20Constitution%201995.pdf

73 Constitution of the Republic of Uganda, Article 27. https://www.ngobureau.go.ug/sites/default/files/laws_regulations/2020/12/Uganda%20Constitution%201995.pdf

74 Data Protection and Privacy Act 2019, Cap. 97, Uganda. https://ulii.org/akn/ug/act/2019/9/eng%402019-05-03

Principles of Data Protection

Uganda's Data Protection and Privacy Act recognises the potential adverse impacts that AI-based software and systems may have on individuals, as well as society, regarding data and privacy. It attempts to prevent these impacts by specifying the fundamental principles of data protection which guide data collectors, processors, controllers or anyone else who gathers, processes or otherwise handles data. They include:

- being accountable to the data subject for any of their data that is collected, processed, held or used.
- collecting and processing data fairly and lawfully.
- collecting, processing, using or holding adequate, relevant and not excessive or unnecessary personal data.
- retaining personal data only for the period authorised by law.
- ensuring the quality of information collected, processed, used or held.
- ensuring transparency and participation of the data subject in the collection, processing, use and holding of their personal data.
- observing security safeguards in respect of the data.

Section 7 of the Act requires that consent be obtained before any personal data is collected to safeguard individuals' privacy when collecting and processing data. This consent may be withheld or disregarded only in cases where the collection or processing is required by law; to protect the nation's security; for the prevention, detection, investigation, prosecution or punishment of an offence or legal violation; or when a public body is performing a public function.

Section 10 of the Act prohibits the collecting, processing or holding of data in a manner which infringes on privacy and Section 15 provides for a requirement of ensuring that data collected or processed is complete, accurate, up to date and not misleading in regard to the purpose for its collection or processing.

Therefore, the Act plays a crucial role in ensuring that AI systems are developed and deployed in a way that respects the rights to privacy and security, underlining how crucial data protection principles are for regulating the use of AI.

Electronic Transactions Act, Cap. 99

Uganda's Electronic Transactions Act 2011[75] safeguards consumers when they make electronic transactions. Part IV of the Act mandates e-commerce service providers (including those with AI-powered services) to furnish key information to consumers, including a description of the main characteristics of the services offered, along with the provider's name, legal status, physical address

75 Electronic Transactions Act 2011, Cap. 99, Uganda. https://ulii.org/akn/ug/act/2011/8/eng%402011-03-18

and contact information. This ensures that consumers receive the same level of protection while transacting electronically with a provider as they would while transacting in person.

Under Section 12[76], a person can enter contracts using an electronic agent—defined as a computer programme or electronic or other automated means used independently to initiate an action or respond to data messages or performances in whole or in part, in an automated transaction. A party entering a contract by way of electronic means is bound by the terms of the contract irrespective of whether they reviewed the actions of the electronic agent or the terms of the contract. However, such a contract should be capable of being reviewed by a person representing that party before the formation of the contract. The import of this provision is that automated contracts are considered binding.

The Act also permits some online transactions which can be AI-facilitated, for example, electronic filing of documents, issuance of permits, licences, and making or receiving of payments.

In sum, the Electronic Transactions Act regulates AI indirectly by establishing the rules governing digital transactions and consumer protection, which are essential for the ethical advancement and application of AI technology. This guarantees that as AI develops, it will function in a safe, transparent and legally compliant environment.

The Computer Misuse Act, Cap. 96

While this Act[77] does not specifically provide for or discuss AI, it primarily covers offences that individuals may commit while using or consuming AI services. It follows that AI may be employed to commit computer-related cybercrimes such as phishing, obtaining unauthorised access to computers or data, invasions of privacy and identity fraud, among others. The Act intends to protect electronic transactions and information systems; stop unauthorised access, misuse or abuse of information systems, including computers; secure the conduct of electronic transactions in a reliable electronic environment; and address related matters .

Offences that fall under the Act include: unauthorised access of any programme or data, unauthorised modification of computer material, unauthorised use or interception of computer services, unauthorised obstruction of use of a computer, unauthorised disclosure of electronic data, unauthorised disclosure of information or other material, electronic fraud, child pornography and cyber harassment.

The Industrial Property Act, Cap. 224

Uganda's Industrial Property Act[78] relates to intellectual property (IP) and is intended to promote inventive and innovative activities to facilitate the acquisition of technology through the grant and regulation of patents, utility models, industrial designs and technovations. It also provides for the

76 Ibid.

77 Computer Misuse Act 2011, Cap. 96, Uganda. https://ulii.org/akn/ug/act/2011/2/eng%402011-02-14

78 Industrial Property Act 2014, Cap. 224, Uganda. https://ulii.org/akn/ug/act/2014/3/eng@2014-02-28

designation of a registrar, the functions of the registrar, and the establishment of a register of industrial property rights and related matters.

There is a question as to whether AI can be considered an inventor or whether AI inventions can be protected by patent. The Act answers this in the negative. It defines an inventor as a person who devises the invention as defined in Section 7 ("Meaning of 'invention'") and includes the legal representative of the inventor.[79] Therefore, the Act excludes AI from protection since it only seeks to protect natural persons.

Copyright and Neighbouring Rights Act, Cap. 222

The Copyright and Neighbouring Rights Act 2006[80] provides for the protection of literary, scientific and artistic intellectual works and their neighbouring rights and other related matters.

According to Section 1, the Act applies to any work created or published which has not yet fallen into the public domain, created by Ugandans or a person resident in Uganda, or first published in Uganda. Section 4 provides for the works eligible for protection which, among others, include: audiovisual works and sound recordings—including cinematographic works and other works of a similar nature—computer programmes, electronic data banks and other accompanying materials.

The Act defines a computer programme as a set of instructions expressed in any language, code or notation intended to cause a device with information processing capacity to indicate, perform or achieve a particular function, task or result.[81] This definition covers AI systems and, therefore, AI would be considered a computer programme.

However, since works using AI are artificially created or generated, the Act cannot protect such works. Moreover, there is a requirement of originality, meaning the product is the result of the independent efforts of the author. Therefore, it is evident that the Act contains some provisions for governance of AI, but it currently protects only human creators and leaves out works created by AI.

The National Information Technology Authority, Uganda (NITA-U) Act, Cap. 200 and the NITA-U (Certification of Providers of Information Technology Products and Services) Regulations 2016, as amended.

Section 5 of the National Information Technology Authority, Uganda (NITA-U) Act[82] mandates the Act to monitor the utilisation of information technology (IT) solutions and to regulate and enforce standards for information technology acquisition, implementation and risk management, among others. Regulation 3 of the NITA-U (Certification of Providers of IT Products and Services) Regulations requires all providers of IT products or services to be certified by NITA-U. Through this process, NITA-U audits providers of IT products and services against international best practice standards to ensure the protection of users.

79 Industrial Property Act, Cap. 224, Section 1. https://ulii.org/akn/ug/act/2014/3/eng@2014-02-28

80 Copyright and Neighbouring Rights Act, Cap. 222, Uganda. https://ulii.org/akn/ug/act/2006/19/eng@2023-12-31

81 Copyright and Neighbouring Rights Act, Cap. 222, Section 2. https://ulii.org/akn/ug/act/2006/19/eng@2023-12-31

82 National Information Technology Authority, Uganda Act 2009. https://ulii.org/akn/ug/act/si/2009/36/eng@2009-07-31

REUTERS/Kimimasa Mayama

Plans, soft laws, frameworks, strategies, policies or commitments related to AI in Uganda

The National Fourth Industrial Revolution Strategy

The National Taskforce on the Fourth National Industrial Revolution (National 4IR), established by the president of Uganda in 2018, unveiled a National Fourth Industrial Revolution Strategy[83] which aims to position Uganda as a continental Fourth Industrial Revolution hub that enables a smart and connected society.

One of the key recommendations of the National 4IR is the creation of an ethical AI framework to ensure the responsible and secure design and implementation of AI technologies in the country. Although this framework is still in the preliminary stages of development, the National 4IR discusses relevant aspects of AI, including how AI can help Ugandan tax authorities improve revenue collection and manage the current fiscal gap by predicting the risk of non-compliance and tax avoidance and how AI diagnostics through mobile applications can help smallholder farmers improve soil management practices and maintain healthy crops.

The Digital Transformation Roadmap 2023/2024–2027/2028

The Digital Transformation Roadmap[84] is anchored in Uganda's Vision 2040 and aims to streamline investments in the digital space, enable the utilisation of big data to mitigate risks, accelerate the digital skills programme in schools across the country and support the national digital agenda.

This Roadmap is meant to actualise the Uganda Vision 2040 to achieve several benefits, including data-driven decision-making, which facilitates the collection, analysis and utilisation of data for informed decision-making in various sectors by embracing data analytics and AI. The Roadmap will prioritise data governance, privacy and security to ensure the responsible and ethical use of available data for processing.

The Roadmap highlights key objectives, including: enhance digital infrastructure and connectivity; promote digital services; foster innovations and entrepreneurship; empower digital skills and literacy; and promote cybersecurity, data protection and privacy.

Strategic Area #1 focuses on data foundations and governance, and the purpose thereof is to ensure that the government puts in place an enabling environment for big data that fosters increasing investments and infrastructure deployments and speeds up the utilisation of data for innovative and developmental objectives. The enabling environment necessitates having an effective legal and regulatory framework and data infrastructure, which includes infrastructure and technologies for data processing, storage and data sharing. Data foundations also include enterprise planning for data and standardisation for big data management, budgeting, planning and financing.

83 National Fourth Industrial Revolution (4IR) Strategy, Uganda. https://ict.go.ug/site/documents/Executive-Summary-Ugandas-National-4IR-Strategy.pdf

84 The Digital Transformation Roadmap. https://ict.go.ug/site/documents/Digital%20Transformation%20Roadmap.pdf

The Roadmap recognises the rapid developments in new digital technologies that are challenging the status quo and increasing the possibilities of an AI-filled future. It also recognises the importance of education and digital skills for understanding emerging technologies.

Under Strategic Area #2, the Roadmap recommends the provision of basic and intermediate digital skills to primary and secondary schools and further dictates that the Ministry of ICT and National Guidance and the Ministry of Education and Sports must make use of existing strategic partnerships to sustainably deliver training programmes on emerging technologies such as AI.

The Roadmap recommends the development of a National AI Strategy that will guide the social value, unity and impact arising from the use of AI and other data-driven technologies.

The National Cybersecurity Strategy 2022–2026

The National Cybersecurity Strategy[85] sets the direction for secure management of the country's information and communications technology resources to ensure sound operation and safeguard them from information security threats. The key areas covered by the interventions laid out in the Strategy include: the building of a safe and trusted digital economy, enhancement of threat preparedness and response, development of a robust cybersecurity ecosystem, capacity-building on cyber skills, international cooperation and building of linkages with the global cybersecurity community, and provision of an enabling governance framework for cybersecurity in Uganda.

The Strategy breaks down cybersecurity into three components:

- Threat, which can be either technological or environmental
- Vulnerability, described as a weakness of a computer system which can be exploited
- Consequence (impact), which can be assessed by combining the likelihood of the cyber incident with the potential impact to the ecosystem or its components

According to the Strategy, Uganda will mitigate cybersecurity risks and minimise the negative impacts thereof by continuously updating the National Information Risk Register, taking into consideration notable changes in technological risks and new risks related to AI.

Public participation in AI policymaking in Uganda

Uganda does not have a specific law that outlines public participation in the AI policymaking process. However, guidance on public participation can be found in the country's Constitution and other relevant frameworks.

85 National Cybersecurity Strategy 2022–2026, Uganda. https://ega.ee/wp-content/uploads/2022/08/Ugandan-national-cybersecurity-strategy.pdf

Part II (i) of the National Objectives and Directive Principles of State Policy of the Uganda Constitution 1995 states that "(t)he State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance." This is reinforced by Article 38, which guarantees public participation by outlining that every Ugandan has a right to participate in the affairs of the government and to influence government policies.

The Constitution[86] ensures protection and respect of the role of the people in development by stating that "(t)he State shall take all necessary steps to involve the people in the formulation and implementation of development plans and programmes which affect them." Article 41[87] guarantees the right to access information, which is a prerequisite for public participation. Such rights are also emphasised in Article 21 of the United Nations' Universal Declaration of Human Rights. Every citizen must contribute to their national development and work for the betterment of their societies. Therefore, Uganda's Constitution guarantees the right of citizens to participate in the running of the government through the policy- and lawmaking process. However, it does not specifically describe the process of public participation.

A Guide to Policy Development and Management in Uganda 2013

Furthermore, Uganda has in place a *Guide to Policy Development and Management in Uganda* 2013,[88] which sets out some of the key internationally developed principles of good policymaking. According to the Guide, one of the crucial features of good policymaking is inclusivity, which entails consulting those responsible for the policy's implementation and those affected by it. The Guide spells out that effective policymaking enhances the involvement of the public in the decision-making process and encourages greater citizen participation and better utilisation, creativity and diversity in organisations and communities.

The Guide under Section 2.14 emphasises the engagement of stakeholders and consultation at the right time and in the right ways. It goes on to state that early, informal consultation with key stakeholders, particularly those involved in front-line service delivery and service users, is therefore crucial. Proceeding with no or token consultation may appear to save time in the short term, especially in the context of limited resources, but can result in problems down the line. The Guide further underscores the need to consider holding seminars or organising other alternative channels for consultation to help individuals and organisations formulate their responses.

Further, under Section 6.2, the Guide notes that a good policy process should involve consultation where people are asked for solutions and the policy elements undergo continual improvement as a result. Accordingly, under Section 6.4, public consultation can range from informal consultations to one-time meetings with stakeholders to extended formal public consultations on discussion papers or draft legislations.

86 Constitution of Uganda, 1995 as amended

87 Ibid.

88 *A Guide to Policy Development and Management in Uganda*. https://library.health.go.ug/leadership-and-governance/policy-documents/guide-policy-development-management-uganda

Evidence Based Policymaking: A Guide to Regulatory Impact Assessment

Another key guide for public participation and stakeholder involvement in Uganda is *Evidence Based Policymaking: A Guide to Regulatory Impact Assessment*,[89] which was published by the secretary to the government's Cabinet. According to the Guide, the need for effective consultation is important and should start early to help determine the potential scale of impact and decide on the level of effort needed for the Regulatory Impact Assessment.

It further provides that effective consultation should be preceded by analysis of the individuals or groups that will be affected by the proposed new measure or regulation and the individuals or groups that can impact the proposed new measure or regulation. The individuals and groups altogether are referred to as stakeholders, and they include the intended beneficiaries, intermediaries and implementers, the winners and losers, the people with power, and those without.

According to the Guide, there are different ways to consult including:

- written consultation documents
- meetings or workshops with local community groups and other affected stakeholders
- sample surveys
- focus groups

Jurisprudence on public participation

Several cases that have been decided by the High Court, the Court of Appeal and the Supreme Court of Uganda speak to public participation. However, none of the decisions specifically addresses or discusses public participation with respect to AI.

One of those cases is *Centre for Public Interest Law Limited v. Attorney General*.[90] This was an application for judicial review seeking orders for certiorari to quash the Electricity (Establishment and Management of the Rural Electrification Fund) Instrument, S.I. No. 62 of 2020, by which the Minister of Energy and Mineral Development revoked the Electricity (Establishment and Management of the Rural Electrification Fund) Instrument, S.I. No. 75 of 2001. The Applicant also sought an order of prohibition to restrain the Minister of Energy and Mineral Development or any person or authority acting under S.I. No. 62 of 2020 from implementing the impugned instrument and/or altering the management of the Rural Electrification Fund.

The Applicant sought the above reliefs on the grounds that the process of making and passing S.I. No. 62 of 2020 by the Minister of Energy and Mineral Development did not comply with the

89 Evidence-based policymaking: A guide to regulatory impact assessment, Uganda. https://regulatoryreform.com/wp-content/uploads/2016/09/Uganda-Guide-to-RIA-Cabinet-Office-Undated.pdf

90 Centre for Public Interest Law Limited v. Attorney General (Miscellaneous cause No. 91 of 2020), Uganda High Court (25 September 2020). https://ulii.org/akn/ug/judgment/ughccd/2020/202/eng@2020-09-25

constitutional requirement to consult and involve people in the formulation and implementation of development plans and programmes under Article 8A (1) and Principle X of the National Objectives and Directive Principles of State Policy of the Uganda Constitution.

The Court agreed with the Applicant and went on to discuss public participation and its relevancy in legislation as follows:

- Public participation is what is known as the democratisation of administration; and the rule-making process is regarded as a desirable safeguard, for it enables the interests affected to make their views known to the rule-making authority and thus helps in framing the regulations.

- The National Objectives and Directive Principles of State Policy X encourages the state to take all necessary steps to involve the people in the formulation and implementation of development plans and programmes which affect them. The Minister must involve the public by at least consulting some specific interested groups before making regulations affecting the public.

- Consultation ensures that delegated legislation is passed with adequate knowledge of the problems involved and that the rule-making agency has before it all relevant materials so that it does not make decisions on insufficient information.

- The consultation process must be timely, thorough and focused in order to be meaningful.

Stakeholders involved in Uganda's AI policymaking process

Stakeholders	Composition
Total number of stakeholders involved	Unknown
Civil society	Unknown
Women	Unknown
People living with disability (PWD)	Unknown
Experts	Unknown
Technical bodies	Unknown
Industry representatives	Unknown
Academic	Unknown
Any other	Unknown

As noted earlier, Uganda is in the preliminary stages of developing its proposed ethical AI framework. The technical working group is the Ministry of Information and Communications Technology and National Guidance. However, the composition of the participating members is not known because the information is not yet public.

REUTERS/James Akena

Consideration of human rights, ethics and transparency in the laws, soft laws and policies governing AI in Uganda

Recognition of the potential adverse impacts of AI on human rights	Reference to ethical or responsible AI use	Reference to the need for laws/ regulations to govern AI	Proposal of measures to mitigate the negative impacts of AI use
Yes	Yes	Yes	Yes

In the absence of specific legislation governing AI in Uganda, the Data Protection and Privacy Act is useful in addressing some of the adverse effects of AI, as earlier explained.

Section 3 of the Act lists the principles of data protection which every data collector, controller, processor or any other relevant person must comply with and these include: being accountable to the data subject for data collected, processed, held or used; collecting and processing data fairly and lawfully; retaining data only for the period authorised by law or for which the data is required; ensuring the quality of the information collected, processed, used or held; and ensuring transparency and participation of the data subject in the collection, processing, use and holding of personal data. The provisions of the Act seek to ensure that AI developers and operators process personal data lawfully, fairly and transparently, safeguarding human rights and promoting ethical data use and development.

Consideration of international standards and recommendations in the laws, soft laws and policies governing AI in Uganda

Uganda's Data Protection and Privacy Act mirrors data management practices from several international legal frameworks. They include, for example, the UK Data Protection Act, the African Union Convention on Cybersecurity and Personal Data Protection, and the General Data Protection Regulation (GDPR), influenced by the principles of data protection such as data subject accountability, fair and legal collection and processing of data, and observance of security safeguards.

References to the UNESCO Recommendation on the Ethics of AI

The table below shows the extent to which Uganda's AI laws, regulations and soft laws align with the UNESCO recommendations:

No.	Principle	Comment
1	**Proportionality and do no harm**	Not mentioned in any law or strategy
2	**Safety and security**	The Data Protection and Privacy Act, under Sections 20, 21, 22 and 23, mandates data controllers, collectors and processors to secure the integrity of personal data in their possession or control by adopting appropriate, reasonable, technical and organisational measures to prevent loss, damage or unauthorised destruction of and unlawful access to or unauthorised processing of the personal data. The measures to be taken include identifying reasonably foreseeable internal and external risks to personal data, establishing and maintaining appropriate safeguards against the identified risks, regularly verifying that the safeguards are effectively implemented, and ensuring that the safeguards are continually updated in response to new risks or deficiencies.
3	**Fairness and non-discrimination**	The Data Protection and Privacy Act underscores the principle of collecting and processing data fairly and lawfully, which is key in ensuring fairness and non-discrimination.
4	**Sustainability**	Strategic Area #3 of the Digital Transformation Roadmap underscores the need for the government to, among others, expand the National Backbone Infrastructure and conduct research and monitoring on provision of ICTs and digital skills for females, people in hard to reach areas and PWDs, along with mass advocacy and provision of ICT tools and devices to support digital skilling.

No.	Principle	Comment
5	**Right to privacy, and data protection**	The Data Protection and Privacy Act regulates the collecting and processing of data. The Act dictates that the collection of data should be in tandem with the principles of data collection and use outlined in Section 3 of the Act. Further, personal data should only be collected or disclosed with the prior consent of the data subject.
6	**Human oversight and determination**	Not mentioned in any law or strategy
7	**Transparency and explainability**	One of the key guiding principles for processing and collection of data under the Data Protection and Privacy Act is transparency. This is also highlighted in the Digital Transformation Roadmap under Strategic Area #4.
8	**Responsibility and accountability**	Strategic Area #3 of the Digital Transformation Roadmap underscores the need to ensure and promote the lawful, secure, fair, ethical, sustainable and accountable use of data in Uganda.
9	**Awareness and literacy**	The Data Protection and Privacy Act establishes the Personal Data Protection Office and one of its core functions is to formulate, implement and oversee programmes intended to raise public awareness about data protection and privacy. The Digital Transformation Roadmap also highlights the intent of the government to promote and sensitise citizens to emerging technologies through strategic partnerships, investments and awareness campaigns.
10	**Multi-stakeholder and adaptive governance and collaboration**	The Digital Transformation Roadmap underscores the need to engage multi-stakeholders and collaboration, thus it provides that the digital skills acceleration programme will positively impact the digital skills ecosystem and landscape in Uganda. Therefore, implementation of the strategy should involve multiple stakeholders across the academia, government and private sectors and development partners. The National 4IR calls for multi-stakeholders' participation in the delivery mechanisms to harness the opportunities that National 4IR offers and will require a coordinated effort that includes the government, private sector and civil society.

REUTERS/Ed Harris

Mauritius

The Mauritian government has made strong strides in the process of recognising AI technologies within the country's digital governance framework. To date, this work has mainly focused on the areas of financial services, digital transformation and cybersecurity.

Existing laws and regulations that could govern AI in Mauritius

In 2021, the Financial Services Commission (FSC), which is the integrated regulator for the non-banking financial services sector in Mauritius, issued the Financial Services (Robotic and Artificial Intelligence Enabled Advisory Services) Rules 2021[91] (Financial Services 2021 Rules). These aim for the establishment of a framework for Robotic and AI-Enabled Advisory Services, which are defined in the Act as the "the provision of digital and personalised advisory services through a computer programme and/or artificial intelligence-enabled algorithms with limited human intervention".

In summary, the Rules are as follows:

01. Only persons or entities who hold a Robotic and AI-Enabled Advisory Services licence issued by the FSC (the Licence) are able to provide said services.

02. Artificial intelligence is defined as "algorithms designed by individuals that, given a goal, act in the physical or digital world by perceiving their environment, interpreting the collected structured or unstructured data, reasoning on the knowledge derived from this data and deciding the best action to take, according to pre-defined parameters, to achieve the given goal."

03. The Advisory Services relate essentially to discretionary and non-discretionary investment and portfolio management services provided by any such licensee to its clients.

04. The holder of the Licence must at all times (a) have its principal bank account in Mauritius; (b) establish an office and relevant infrastructure for the carrying out of its Robotic and AI-Enabled Advisory Services in Mauritius; (c) implement adequate internal controls, risk management (including cyber-risk management), as well as governance policies and procedures; (d) put in place a business continuity and disaster recovery plan; (e) preserve the integrity and privacy of its clients' information in conformity with the applicable data protection laws of Mauritius; (f) be managed by a board of directors consisting of a minimum of three directors, one of whom shall be an independent director and a resident of Mauritius; (g) employ an adequate number of officers with adequate competence, experience and proficiency, and commensurate with the size, nature and complexity of its services; and (h) have in place such code of conduct and ethics which shall be binding on its officers in relation to the provision of its services.

91 Financial Services (Robotic and Artificial Intelligence-Enabled Advisory Services) Rules 2021, Mauritius. https://www.fscmauritius.org/media/101852/annex-1-128_the-financial-services-robotic-and-artificial-intelligence-enabled-advisory-services-rules-2021.pdf

In addition to the above general obligations, the holder of the Licence must also:

01. maintain a minimum unimpaired stated capital of MUR 600,000 or its equivalent in a foreign currency.

02. subscribe to a professional indemnity insurance policy for the sum of at least MUR 2 million or such higher amount as the FSC may determine.

03. maintain a segregated account that keeps its own funds separate from the funds of clients at all times.

04. conduct the appropriate due diligence checks on its clients according to all the relevant laws.

The licensee is required to provide clear, non-misleading information to clients about the nature and scope of the services to be provided and to obtain written confirmation from clients that they so understand, together with any associated risks and limitations.

Most pertinently, a specific notice to clients must be prominently displayed on the licensee's website and platform, as well as in the service-level agreement, informing clients that the FSC will not vouch for the correctness of any information published by the licensee on its AI interface or platform and that anyone using the licensee's services will not be protected by any statutory compensation schemes in Mauritius in case of any failure by the licensee.

The licensee must keep and maintain a copy of any advice provided to the client through its Robotic and AI-Enabled Advisory Services, as well as the output of the investment, the client information that was used or relied upon to generate the advice, and the details of all the software and algorithms used by the licensee.

Governance mechanisms created by the 2021 Rules

The board of directors of the holder of the Licence is responsible for ensuring that the licensee always has:

- adequate policies, processes and controls to ensure that the algorithms continue to perform as intended.

- a robust framework for the design, monitoring and testing of the algorithms through periodic and random reviews.

- competent officers for developing and reviewing the methodologies of the algorithms, even if such functions are outsourced. No licensee shall outsource the key processes and management of their client-facing tools.

Every financial year, the licensee must submit its audited financial statement per the Financial Services Act. It must also submit to the FSC independent evaluation reports for its algorithms and

software systems: (a) at least once every two years from the date of its licence, and (b) following any material changes to its algorithms or software systems. Licensees must seek prior approval from the FSC before appointing the independent persons or experts who will be conducting those evaluation reports.

Plans, soft laws, frameworks, strategies, policies or commitments related to AI in Mauritius

In March 2023, a draft version of the Financial Services (Fintech Service Provider) Rules (the "draft Rules") was made available for public consultation. This was a second consultation exercise, which encouraged stakeholders of the financial services industry and the public to submit their views and comments. The draft Rules intend to govern providers of "fintech-enabled services" and impose the requirement of a licence on such service providers.

The FSC issued the paper "Metaverse: Reshaping the Financial Services Sector"[92] in October 2023 for public consultation. The primary objectives of this paper (the Consultation Paper) were to ensure that the regulatory and business environments in Mauritius are appropriately ready and re-engineered for stakeholders to engage with and benefit from the Metaverse, described as a 3D-enabled digital space that uses virtual reality, augmented reality and other advanced internet and semiconductor technologies to allow people to have lifelike personal and business experiences online. The FSC thus invited all the stakeholders and the public at large to provide feedback on developments of the Metaverse inside the Mauritius service industry. This consultation, which ended in November 2023, could potentially lead to new rules.

In February 2024, the FSC issued a consultant paper entitled "Decentralised Finance (DeFI): Regulatory Considerations on Financial Collaterals" and invited stakeholders of the financial services industry and the general public to submit their views on the paper, helping the FSC formulate effective strategies to address DeFi. The aim, among other things, was to analyse the integration of financial collateralisation in the Mauritian context, given the transformation led by digital technologies in the global financial system.

Other laws and regulations that could govern AI in Mauritius:

The **Mauritius Digital Promotion Agency Act 2023** provides for the establishment of the Mauritius Digital Promotion Agency, which, among its other objectives, advises the Minister on the formulation of national policies with respect to the promotion and development of Information and Communication Technology (ICT) and its application. The Agency is tasked with promoting business compliance towards ICT laws, and promoting and encouraging the use of open data at a national level.

92 "Metaverse: Reshaping the Financial Services Sector," Financial Services Commission, Mauritius (October 2023). https://www.fscmauritius.org/media/167522/consultation-paper-on-metaverse.pdf

The Mauritius Emerging Technologies Council Act 2021[93] establishes a council that aims to boost the use of emerging technologies in line with social, national and economic objectives. The council is tasked with advising the government on any issue related to the use, development and adoption of emerging technologies, as well as on adapting sustainable and appropriate ecosystems in the field of emerging technologies.

The Cybersecurity and Cybercrime Act 2021 establishes a National Cybersecurity Committee, as well as a Computer Emergency Response Team of Mauritius (CERT-MU), and provides for offences relating to cybercrimes such as cyber extortion and bullying and such offences relating to computer data. The legislation could be adapted to meet the risks and limitations of AI.

The Data Protection Act 2017,[94] which would apply on the basis that AI would be used for the processing of data. The Act bestows various obligations on data processors and data controllers, and enshrines rights to data, e.g. in case of breach. In that regard, the Act encourages data anonymisation.

The Industrial Property Act 2019[95]**,** which has potential intellectual property (IP) implications due to the possible intersection between IP issues and AI-generated content.

The FSC issued *Guidelines on Cloud Computing Services* in November 2023[96].

Mauritius also has soft law instruments that discuss the governance of AI. Under the **Digital Mauritius 2030 Strategic Plan**[97], the government of Mauritius intends to set up the Mauritius Artificial Intelligence Council to drive the uptake of AI

Public participation in AI policymaking in Mauritius

No law, regulation or policy in Mauritius outlines public participation in the AI policymaking process. Yet stakeholders are usually involved as the FSC, in line with its transparent regulatory policymaking process, has issued papers on numerous occasions inviting the industry, stakeholders and general public to comment and provide their views on the proposed regulatory framework for Robotic and AI-Enabled Advisory Services.

For instance, stakeholders were involved in the making of the 2021 Rules, after the FSC launched the Consultation Paper in October 2020.

93 The Mauritius Emerging Technologies Council Act 2021. https://mitci.govmu.org/Documents/Legislations/Mauritius%20Emerging%20Technologies%20Council%20Act%202021.pdf?_gl=1*480p9j*_ga*MTEyNTM0MzQ2MC4xNzQ3MDg3NTk0*_ga_JFCCER4YDE*czE3NDcwODc1OTMkbzEkZzAkdDE3NDcwODc1OTYkajU3JGwwJGgw

94 Data Protection Act 2017, Mauritius. https://dataprotection.govmu.org/Pages/The%20Law/Data-Protection-Act-2017.aspx

95 Industrial Property Act 2019, Mauritius. https://www.mauritiustrade.mu/ressources/pdf/industrial-property-act-2019.pdf

96 Guidelines on Cloud Computing Services, Financial Services Commission, Mauritius. (30 November 2023). https://www.fscmauritius.org/media/168554/final-guideline-on-cloud-computing.pdf

97 Digital Mauritius 2030 Strategic Plan. https://mdpa.govmu.org/mdpa/wp-content/uploads/2024/04/DigitalMauritius2030.pdf

Stakeholders involved in Mauritius' AI policymaking process

Stakeholders	Composition
Total number of stakeholders involved	Unknown
Civil society	Unknown
Women	Unknown
People living with disability (PWD)	Unknown
Experts	Unknown
Technical bodies	Unknown
Industry representatives	Unknown
Academic	Unknown
Any other	Unknown

The Mauritius Artificial Intelligence Strategy 2018[98] stemmed from deliberations held within the AI working group which, in its discussions, focused on: the potential applications of AI, in particular by matching the existing and new AI solutions to specific sectors and areas which could be of benefit to the economy; the unique selling point of Mauritius in terms of AI; the potential impact of AI; the appropriate ecosystem to nurture AI in Mauritius, with focus on building collaborative communities; labour requirements, skills and technical expertise to sustain the ecosystem; and the regulatory framework to enable the development of AI, as well as possible incentives, fiscal or otherwise.

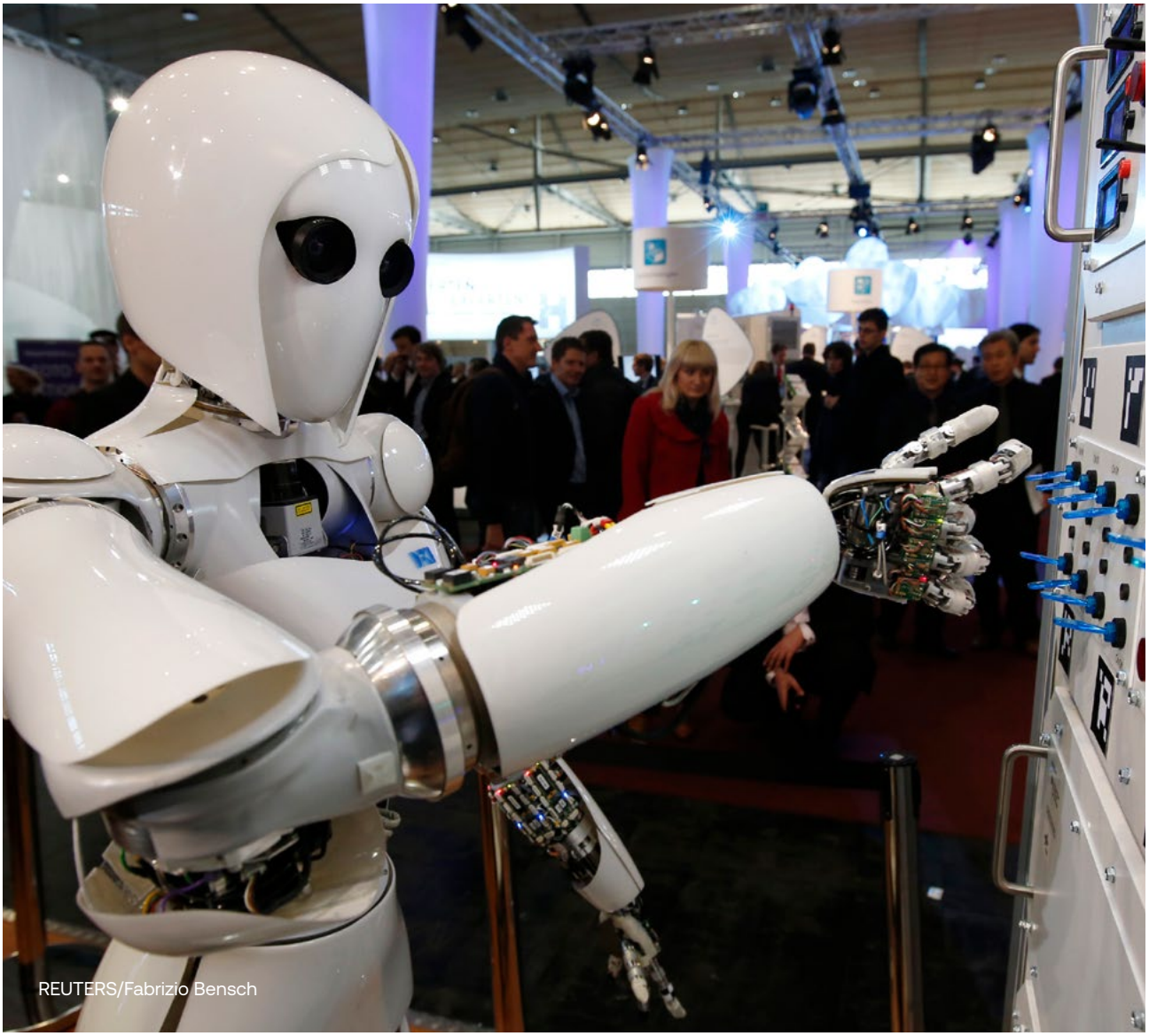
The members of the working group comprised:

- Senior Adviser, Prime Minister's Office (Chairman)
- Director, Ministry of Finance and Economic Development
- Permanent Secretary, Ministry of Technology, Communication and Innovation
- Senior Adviser, Ministry of Technology, Communication and Innovation
- Vice-Chancellor, University of Mauritius
- Chairman, Economic Development Board
- Chief Executive Officer, Economic Development Board
- Executive Director, Mauritius Research Council
- Chief Executive Officer, State Informatics Limited

98 Mauritius Artificial Intelligence Strategy. https://mdpa.govmu.org/mdpa/wp-content/uploads/2024/04/MauritiusAIStrategy2018.pdf

Similarly, the Digital Government Transformation Strategy 2018-2022 was prepared by the Central Informatics Bureau (CIB) of the Ministry of Technology, Communication and Innovation (MTCI), which acknowledged in the Strategy the contributions of stakeholders including:

- Permanent Secretary and the Management of MTCI
- Statistics Mauritius
- The business community including Economic Development Board (EDB), SME Mauritius, Mauritius IT Industry Association (MITIA), Mauritius Export Association (MEXA), Business Mauritius, and Mauritius Chamber of Commerce and Industry (MCCI)
- Consumer associations, academic institutions and students, including University of Mauritius, University of Technology and Open University of Mauritius
- Gartner
- Citizens, private sector and government agencies



REUTERS/Fabrizio Bensch

Consideration of human rights, ethics and transparency in the laws, soft laws and policies governing AI in Mauritius

Recognition of the potential adverse impacts of AI on human rights	Reference to ethical or responsible AI use	Reference to the need for laws/ regulations to govern AI	Proposal of measures to mitigate the negative impacts of AI use
Mauritius' laws do not discuss the potential negative impacts of AI on human rights nor do they refer to the need to protect human rights in relation to AI.	The 2021 Rules state that any holder of a Robotic and AI-Enabled Advisory Services licence must have in place a code of conduct and ethics that is binding on its officers in relation to the services they provide. The Rules also require licensees to put in place safeguards that ensure the robustness of the computer programmes and AI-enabled algorithms they use. Mauritius' AI Strategy calls for the government to ensure "a robust and yet friendly regulatory, ethics and data protection environment."	Mauritius' AI Strategy notes ethical considerations of AI as one of its pillars. It also calls for the establishment of a "clear, explicit and transparent code of ethics" to govern AI.	Mauritius' AI Strategy calls for the establishment of a permanent committee on ethics to "maintain the dialogue and formulate proposals to maintain a healthy relationship between AI and humans." The Strategy also lists measures to help mitigate ethical risks, including: Make AI part of a goals-based citizen-centric programme Get citizen input Build upon existing resources Be data-prepared and tread carefully with privacy Mitigate ethical risks and avoid the use of AI for decision-making Use AI to augment employees, not replace them

Although Mauritius' laws do not explicitly refer to the potential threat to human rights inherent in the widespread use of AI, they do recognise the need for AI to be used ethically and responsibly and the need for the development of laws and/or regulations to govern AI.

The working group involved in developing the Mauritius AI Strategy proposed that current regulations also need to be properly addressed to allow AI to develop, especially in fintech and other related sectors where outdated regulations in areas such as mobile payment, crowdfunding and crowd lending are hindering the sector's growth.

Consideration of international standards and recommendations in the laws, soft laws and policies governing AI in Mauritius

The Consultation Paper and the 2021 Rules were inspired by the 2020 consultation report on the use of AI and machine learning by asset managers and market intermediaries issued by the International Organization of Securities Commissions (IOSCO).

References to the UNESCO Recommendation on the Ethics of AI

The table below shows the extent to which Mauritius' AI laws, regulations, and soft laws align with the UNESCO recommendations:

No.	Principle	Comment
1	**Proportionality and do no harm**	Not mentioned in any law or strategy
2	**Safety and security**	Both the 2021 Rules and the Draft Rules state that the implementation of proper internal controls and cyber-risk management, governance policies and procedures is a prerequisite to holding a Robotic and AI-Enabled Advisory Services licence. The 2021 Rules also require that any licensee carry out due diligence and ensure any advice given through its AI-enabled platform is suitable for the client. The board of directors is responsible for always ensuring that the licensee has adequate safeguards in place concerning the robustness of its AI-enabled algorithms.
3	**Fairness and non-discrimination**	Not mentioned in any law or strategy
4	**Sustainability**	Not mentioned in any law or strategy
5	**Right to privacy, and data protection**	Licensees must preserve the integrity and privacy of clients' information in line with Mauritian data protection laws.
6	**Human oversight and determination**	According to the 2021 Rules, the licensee may only be authorised to collect limited information on the financial situation of clients if they can show that the advisory services are fully automated and do not require any human intervention in the advice-giving process.

No.	Principle	Comment
7	**Transparency and explainability**	Transparency is present in the licensee's obligation to disclose to clients the full nature and scope of its services, allowing clients to make informed decisions. Before providing any services to clients, the licensee must enter into service agreements that provide the triggers that can result in the termination of the licensee's services and the possible replacement of AI with human judgment. Clients must also confirm in writing to the licensee that they understand the nature of the advisory services, along with any associated risks and limitations.
8	**Responsibility and accountability**	The licensee is obliged to subscribe to a professional indemnity insurance policy.
9	**Awareness and literacy**	Not mentioned in any law or strategy
10	**Multi-stakeholder and adaptive governance and collaboration**	Not mentioned in any law or strategy

Zambia

Zambia has no law or soft law that specifically governs the use of AI. However, the Zambian government is in the process of finalising a national AI strategy aimed at leveraging the latest technological developments for national development.[99]

Existing laws and regulations that could govern AI in Zambia

The Data Protection Act 2021

The Data Protection Act 2021[100] (DPA) regulates the collection, use, transmission, storage and processing of personal data. The DPA also provides for the registration of data controllers and data processors and the licensing of data auditors. In addition, the DPA provides for the rights of data subjects.

The DPA defines data controller and data processor as follows:

- Data controller refers to a person who, either alone or jointly with other persons, controls and is responsible for keeping and using personal data on a computer or in structured manual files, and requests, collects, collates, processes or stores personal data from or related to a data subject.

- Data processor refers to a person who processes personal data for, on behalf of and under the instruction of a data controller.

Therefore, depending on the type of AI being used, it or its proprietor could qualify as a data controller or data processor. In that case, the use of AI will be subject to the provisions of the DPA regarding the processing of personal data.

In addition, data controllers and data processors are required to ensure that data is:

01. processed lawfully.

02. collected for explicit, specified and legitimate purposes and not further processed in a manner incompatible with those purposes.

03. adequate, relevant and limited to what is necessary concerning the purposes for which it is processed.

04. accurate and kept up to date and that inaccurate data is erased or rectified without delay.

99 Tembo, Lazarous. "Zambia government completes drafting of artificial intelligence strategy," Efficacy News (30 May 2024). https://efficacynews.africa/2024/05/30/zambia-government-completes-drafting-of-artificial-intelligence-strategy/

100 The Data Protection Act 2021, Zambia. https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%203%20The%20Data%20Protection%20Act%202021_0.pdf

05. stored in a form which permits the identification of data subjects for no longer than is necessary.

06. processed according to the rights of a data subject.

07. processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing and against any loss, destruction or damage, using appropriate technical or organisational measures.

The Electronic Communications and Transactions Act 2021

The Electronic Communications and Transactions Act 2021 (the ECTA), which repeals and replaces the Electronic Communications and Transactions Act 2009, regulates the use, security and facilitation of electronic communications and transactions with the view of providing a safe and effective environment for electronic transactions. The aim is to promote legal certainty and encourage investment and innovation in relation to electronic transactions.

The Electronic Government Act 2021

The Electronic Government Act 2021[101] (the EGA) regulates electronic government services and processes. The EGA requires public bodies to digitalise their business processes for efficient and effective public service delivery.

In addition, the EGA provides for the establishment of the Electronic Government Division (EGD) as the main entity for driving public sector digital transformation. One of the EGD's functions is to develop strategies and standards that enhance the usage and application of ICT innovations in the public sector, including the use of AI.

The Cybersecurity and Cybercrimes Act 2021

The Cybersecurity and Cybercrimes Act 2021 (the CSCCA) regulates cybersecurity in Zambia. It provides for the constitution and functions of the Zambia Computer Incident Response Team (CIRT) and the National Cybersecurity Advisory and Coordinating Council (the Cybersecurity Council). The CSCCA also provides for child online protection and the identification, declaration and protection of critical information infrastructure, and it further provides for the collection and preservation of evidence of computer and network-related crime.

The CIRT serves as a point of collaboration between the government and industry and is tasked with dealing with all cybersecurity-related incidents in Zambia, including data breaches. The CIRT primarily assists government agencies with implementing adequate measures and best practices to reduce the risks of computer security incidents.

101 The Electronic Government Act 2021, Zambia. https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%2041%20OF%202021%2C%20THE%20ELECTRONIC%20GOVERNMENT%20ACT%2C%202021_0.pdf

The Cybersecurity Council oversees the functions of the Zambia Information and Communications Technology Authority (ZICTA) in relation to its cybersecurity-related functions. It is also responsible for providing guidance in the issuance of cybersecurity-linked advice affecting Zambia.

The Information and Communication Technologies Act 2009

The Information and Communication Technologies Act 2009 (the ICTA) provides for the regulation of information and communication technology and the protection of the rights and interests of service providers and consumers in Zambia.

The ICTA also provides for the establishment of ZICTA, whose function is to regulate the provision of electronic communication services and products in Zambia. ZICTA is also responsible for monitoring the performance of the ICT sector, including levels of investment and the availability, quality, costs and standards of electronic communication services.

The National Payment Systems Act 2007

The National Payment Systems Act 2007 (NPSA) regulates the provision and operation of payment systems and mechanisms in Zambia. The NPSA grants the Bank of Zambia the authority to regulate payment systems in Zambia to ensure safe, secure and reliable payment systems.

REUTERS/Dado Ruvic

Plans, soft laws, frameworks, strategies, policies or commitments related to AI

The National Electronic Government Plan (2023–2026)

The National Electronic Government Plan (2023–2026) (NeGP)[102] seeks to implement the EGA by highlighting Zambia's e-government strategic focus, development priorities and implementation strategies for the period 2023 to 2026. The EGA further aims to realise the initiatives provided in the national Electronic Government Master Plan (2018–2030). This master plan sets out the foundational platform for key digital infrastructure and priority information systems development in integration.

Even though the NeGP defines AI and recognises the need for the Zambian public service to accelerate the adoption and advancement of AI, it does not provide for a development strategy specific to AI. The NeGP defines AI as the ability of a computer or computer-controlled robot to perform tasks commonly associated with intelligent beings.

To realise the objectives of the EGA, and to accelerate the use of ICT (inclusive of AI) regarding public sector services, the NeGP proposes that the government should undertake the following:

01. improve digital infrastructure development, administration and management in the public sector.

02. improve the provision and utilisation of e-government services.

03. improve human capital and digitally informed citizenry.

04. strengthen public service digital information security.

05. promote digital innovation and entrepreneurship in the public sector.

06. standardise public sector digital platforms and services.

07. improve the policy and legislative framework governing ICT in the public sector.

To achieve the above, the NeGP proposes the creation of a National Steering Committee to be chaired by the Secretary to the Cabinet. The Committee will have strategic ownership of the NeGP and will ensure that it is adequately resourced with both financial and human capital. The Committee will meet quarterly to prepare consolidated progress reports on initiatives, projects and implementation of the NeGP.

The NeGP further proposes the establishment of a Technical Committee whose role will be to receive and prepare reports on initiatives being implemented to drive the government's digital transformation agenda. The Technical Committee will be chaired by the Secretary to the Cabinet,

102 National Electronic Government Plan 2023–2026, Zambia. https://www.szi.gov.zm/wp-content/uploads/2023/08/Final-National_e-Government_Plan_-2023-Final-17.08.2023.pdf

who has the power to appoint the chairperson and members of the Technical Committee from selected heads of ICT departments in the public sector.

The Technical Committee will also be supported by the following technical working groups:

- e-Government Systems and Infrastructure
- Government Digital Services and Change Management
- ICT Security
- Government Digital Policy and Standards
- Innovation and Entrepreneurship

The National Digital Transformation Strategy 2023–2027

The Zambian government recently unveiled the National Digital Transformation Strategy 2023–2027, which intends to provide a coordinated approach to building Zambia's digital economy. The Strategy recognises, among other technological developments, the emergence of AI and the need to capitalise on its potential impact towards building a digital economy.

The National ICT Policy 2023

The National ICT Policy 2023 (the ICT Policy)[103] aims to provide a conducive environment for public and private sector participation in order to promote the use of ICT solutions such as AI in Zambia. The ICT Policy prioritises the promotion of and investment in ICT infrastructure, digital platforms, e-services, ICT-based research and development, and the adoption and incentivisation of local ICT solutions, products and services. The ICT Policy was developed in response to emerging technologies such as blockchain technologies, 3D printing and AI.

The ICT Policy is anchored on three enablers identified for successful digital transformation: Policy and Regulations, Digital Government, and Security and Integrity. The government recognises that the existence of a legal framework that supports digitalisation is essential for economic development. Further, information security and integrity are also vital for ensuring confidence in the use of digital systems.

Public participation in AI policymaking in Zambia

Other than the NeGP, no law or soft law outlines public participation in Zambia's AI policymaking process.

The stakeholders involved in the policymaking process include civil society, women, people living with disability, experts, technical bodies, industry representatives and academics.

103 National ICT Policy 2023, Zambia. https://www.mots.gov.zm/wp-content/uploads/2023/10/National-ICT-Policy-2023.pdf

REUTERS/Monicah Mwangi

Kenya

The uptake of AI in its various forms has been on a steady increase over the past decade. In Kenya, AI has been used in medicine, transport and even the military. Despite the numerous potential benefits of AI, it poses significant challenges as well, including the exploitation of AI to commit crimes, discrimination by AI due to the biases of its algorithms, and abuse of people's data. Due to this, there has been much discourse centred around the regulation of AI.

Existing laws and regulations that could govern AI in in Kenya

At the time of publishing this report, Kenya had no specific legislation for the regulation of AI. However, the Kenya Robotics and Artificial Intelligence Society Bill 2023 (the Bill) was proposed in Parliament seeking to regulate practitioners in the robotics and AI sector.[104] The Bill, proposed by the Robotics Society of Kenya, aimed to provide a framework to support its objectives, which include promoting and advancing the responsible and ethical development and application of robotics and AI technologies in Kenya.

The Bill, though not passed, sought to foster collaboration and knowledge exchange among robotics and AI practitioners, researchers and stakeholders; establish and enforce standards and best practices for robotics and AI; and facilitate research, education and collaboration among practitioners and stakeholders. The Bill also proposed to promote public awareness and provide training and education, as well as promote the use of robotics and AI for social and economic development. It further aimed to set and enforce industry standards and best practices in robotics and AI and cooperate with other organisations in Kenya and abroad to promote AI use. In addition, the Bill also promised to harmonise the regulation of robotics and AI, including the use of AI in decision-making, while checking the ethical implications of the development and use of robotics and AI.

The Bill defines AI as the ability of machines to perform tasks that are typically associated with human intelligence, such as learning and problem-solving. It does not attempt to define what the AI ecosystem is composed of, from its uses to potential processing activities to AI infrastructure. The Bill limits the understanding of AI to learning and problem-solving while leaving out other uses, such as recognition and automation.

The Bill proposed to consider various principles such as public good for the use and benefit of the people of Kenya, human safety and security, privacy and data protection, accountability from developers and users, and diversity and inclusion of all Kenyans. It did not, however, propose a framework of how this will be achieved by players in the ecosystem. It also did not capture the risks involved and the mitigation to be put in place for the various use cases of AI. The Bill required anyone working within the field of robotics and AI to be a member of the Robotics Society and proposed to introduce licensing for practitioners.

There was widespread criticism from parts of Kenya's tech industry regarding the Bill. Some of the issues raised include the lack of sufficient involvement of tech industry stakeholders in its drafting. The Bill's definition of AI practitioners as "any individual or entity involved in the field of robotics and

104 The Kenya Robotics and Artificial Intelligence Society Bill 2023. https://www.dataguidance.com/sites/default/files/the_kenya_robotics_and_artificial_intelligence_society_bill_2023.docx.pdf

AI" is insufficient, as it does not include providers, deployers, importers or distributors of AI systems and AI models, nor does it include product manufacturers that offer AI as part of their product offering.

The following statutes do not directly regulate AI, but they tangentially affect the operations and use of AI in Kenya:

The Data Protection Act 2019 and its subsidiary Regulations

The Data Protection Act 2019 (DPA)[105] and the General Regulations (Regulations)[106] do not define what AI is or what it could include. However, they do attempt to define profiling as a form of automated processing of personal data to evaluate certain personal aspects relating to a natural person. This essentially includes activities relating to the use of AI. It further provides that any activities related to automated processing must be consensual or according to a contractual relationship or mitigated by putting in place measures to safeguard a data subject's rights. Where these requirements are not adequately met or the resulting action will negatively or significantly affect the data subject based solely on automated processing, then the data controller or data processor must, as soon as reasonably practicable, notify the data subject in writing that a decision has been taken based solely on automated processing.

The DPA provides that the data subject may, after a reasonable period of receipt of the notification, request that the data controller or data processor reconsider the decision or take a new decision that is not based solely on automated processing.

All these obligations go towards ensuring the rights of a data subject are upheld without prejudice or risk to them. The DPA further dictates that the processing of personal data must follow the principles of minimisation, transparency, accountability and purposefulness, among others. This is in addition to the lawful bases of contractual relationship and consent.

The DPA emphasises that sensitive personal data such as family-related data, race and sexual orientation data, health data, biometric data and certain aspects of financial data can only be processed when the principles of processing have been met. This is to ensure that digital processing activities do not override the rights of the data subject, especially where their sensitive personal data is concerned.

Under the DPA, a Data Protection Impact Assessment (DPIA) is strongly recommended for any novel data processing activity that is likely to pose a high risk to the rights and freedoms of data subjects. Where the DPIA identifies a high level of residual risk, even after proposed mitigation measures, the data controller or processor must consult the Office of the Data Protection Commissioner (ODPC) before proceeding. In such cases, the ODPC may issue further directions such as formal guidance, conditions or restrictions on how the processing should be carried out. These directions are

105 The Data Protection Act, revised 2022, Kenya. http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/D/Data%20Protection%20Act%20-%20No.%2024%20of%202019/docs/DataProtectionAct24of2019.pdf

106 The Data Protection (General) Regulations 2021, Kenya. https://www.odpc.go.ke/wp-content/uploads/2024/03/THE-DATA-PROTECTION-GENERAL-REGULATIONS-2021-1.pdf

intended to ensure that high-risk processing is aligned with data protection principles.

This requirement is particularly relevant to the use of AI, which is deemed to be a high-risk processing activity given the nature of the new data it constantly leverages to continually improve its functionalities.

The DPA further guarantees the data subject of several rights, including the right to be informed of how their personal data is being used; to verify the accuracy of the data; to object to the processing of the data; to delete misleading data; and to access their personal data. AI leverages large amounts of data, personal and otherwise, that may be collected directly or indirectly from data subjects. Consequently, there is a need to ensure that the data subject is aware of this and can exercise their rights to oversee how their data is processed.

Finally, the DPA recommends that organisations ensure they have in place necessary technical and organisational safeguards to protect their processing activities. This can include documented policies that govern the use of AI in their operations and how members of staff should carry out their roles in leveraging AI. Data handlers must embed privacy by design or default in their offerings to ensure that privacy is a dominant feature in their products or services. Open-source AI is commonly used by many organisations for various functions and the providers of such must ensure that the personal data submitted therein enjoys a level of privacy. Data breaches are required to be reported to the supervisory authority within 72 hours, providing information on the breach as detailed in the DPA. AI, like most software, is bound to face security incidents from time to time and the DPA spells out how such incidents must be handled to protect the privacy of data subjects.

The Computer Misuse and Cybercrimes Act 2018

Whereas the Computer Misuse and Cybercrimes Act 2018[107] (CMCA) does not explicitly make provisions relating to AI, it applies to the governance of AI, particularly in areas where AI intersects with cybersecurity and misuse of computer systems.

Under the CMCA, the unauthorised access of systems and interference or interception of data is considered an offence. Further, any unauthorised modification of data is unlawful. It prohibits any unauthorised access with intent to commit a further crime or the use of computer systems to spy on organisations or individuals. Additionally, the CMCA allows the Cabinet Secretary to make regulations for its implementation, which includes rules governing AI systems. It is anticipated that this may be part of the outcome of the taskforce currently reviewing the adequacy of this Act.

107 Computer Misuse and Cybercrimes Act, Kenya. https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ComputerMisuseandCybercrimesActNo5of2018.pdf

Plans, soft laws, frameworks, strategies, policies or commitments related to AI in Kenya

Blockchain and Artificial Intelligence Taskforce

In February 2018, the Kenyan Ministry of Information, Communications and Technology commissioned a Blockchain and Artificial Intelligence Taskforce[108] to come up with recommendations on how to exploit emerging technologies. By July 2019, the taskforce had published its findings and recommendations, which included using AI in the public and private sectors to align with the then government's Big 4 Agenda on improving healthcare, boosting affordable housing, increasing manufacturing and securing food security.[109]

While the report did not propose any type of regulation, it noted that any future regulation must seek to balance supporting innovation and competition while protecting customers, market integrity, financial stability and human life. The report found that the added complexity of the transnational nature of AI may lead to the question of whether regulations ought to be national or international. It concluded by positing that determining and implementing international regulations could be complicated given that AI is used in a variety of ways, domains and countries and the associated risks differ depending on the application and the country. It highlighted that at the time the report was written, most countries were grappling with a uniform approach towards AI regulation.

Kenya Bureau of Standards, Code of Practice

On 8 April 2024, the Kenya Bureau of Standards (KEBS) published the draft Information Technology–Artificial Intelligence–Code of Practice for AI Applications[110] (the Code of Practice) for public consultation. The closing date for public feedback was 30 June 2024. KEBS is the regulatory body that oversees the standardisation and suitability of products and services to be used by Kenyan consumers.

The scope of the Code is to provide a set of recommendations intended to help an organisation develop, provide or use AI systems responsibly in pursuing its objectives, as well as to help it meet applicable requirements, obligations related to interested parties and expectations from them. It includes the following:

01. approaches to establishing trust in AI systems through transparency, explainability, controllability, etc.

108 Mumo, "Tech dream team". https://www.businessdailyafrica.com/bd/corporate/technology/tech-dream-team-to-produce-kenya-s-blockchain-roadmap-2191946#google_vignette

109 Emerging Digital Technologies for Kenya: Exploration and Analysis, Ministry of Information, Communications and Technology. https://afyonluoglu.org/PublicWebFiles/Reports/AI/National/National%20AI%20Plan-Kenya_Emerging_Digital_Technologies.pdf

110 Information Technology–Artificial Intelligence–Code of Practice for AI Applications, Kenya Bureau of Standards. https://www.dataguidance.com/sites/default/files/kebs-tc_094_n66_public_review_kenya_standard_dks_3007_ai_code_of_practice.pdf

02. engineering pitfalls and typical associated threats and risks to AI systems, along with possible mitigation techniques and methods.

03. approaches to assess and achieve the availability, resiliency, reliability, accuracy, safety, security and privacy of AI systems.

The Code of Practice applies to any organisation—regardless of size, type and nature—that provides or uses products or services that utilise AI systems. It seeks to define AI characteristics and stakeholders to include AI applications which are characterised by their ability to make decisions, predictions or recommendations, often autonomously. It then lists various stakeholders to include anyone involved in the AI lifecycle, such as data providers, AI developers, AI producers, AI customers and regulators, each with specific roles and responsibilities.

It also addresses ethical and societal concerns by highlighting potential issues such as privacy breaches, bias, lack of transparency and the social impacts of AI. It emphasises the importance of addressing these concerns to ensure AI systems are trustworthy and acceptable to society. The Code points to transparency and functionality as crucial characteristics of AI systems and recommends that they encompass robustness, reliability and explainability. It outlines measures that ought to be considered to ensure AI systems are dependable, such as comprehensive testing, risk assessments and continuous monitoring.

The Code places an obligation on AI users to comply with legal requirements, where applicable, to mitigate legal and regulatory risks. It recommends that detailed documentation is essential for all stages of the AI system lifecycle, from data collection to model deployment and maintenance. It also promotes transparency in AI decision-making processes, which will help build stakeholder trust and facilitate regulatory compliance.

While KEBS regulates a myriad of private and public sector players, the Code is quiet on the different regulatory needs that may arise from either sector, such as data governance needs or level of risk. Its formulation included input from players in private, public and academic sectors, although none from sectors actively deploying or experimenting AI systems.

Media Council of Kenya Taskforce

In October 2023, the Media Council of Kenya constituted a 29-member committee to come up with guidelines on the use of AI in journalism.[111] The committee comprised members with varying backgrounds, including technology, media, academia and law. It was given three months to develop guidelines to ensure that AI is properly integrated into professional journalism. By January 2024, the committee had handed over its reports, two of which were based on establishing guidelines for the use of AI: *A Media Handbook for Reporting on Artificial Intelligence in Kenya and a Media Guide on the Use of Artificial Intelligence in Kenya*.[112] .

111 "MCK unveils taskforce," Media Council of Kenya (24 October 2023). https://mediacouncil.or.ke/media-center/mck-newsroom/news/mck-unveils-taskforce-data-and-ai-guidelines

112 https://mediacouncil.or.ke/sites/default/files/downloads/MEDIA%20HANDBOOK%20FOR%20REPORTING%20ON%20ARTIFICIAL%20INTELLIGENCE%20IN%20KENYA.pdf

The Kenya National Digital Master Plan 2022–2032

The Kenya National Digital Master Plan 2022–2032[113] (the Master Plan) was developed to leverage and deepen the contribution of ICT to accelerate economic growth. The Master Plan recognises the importance of leveraging AI to drive government functions in addition to opening up Kenya as a digital business hub. It recommends that Kenya support research and development of AI and encourage the harnessing of the technology's capabilities to solve local problems while exporting the same capabilities to other countries either through skilled AI human capital or through AI products and services.

The strategic plan supporting the Master Plan proposes the government convene an inter-agency AI taskforce to come up with a National AI Research and Development Strategic Plan. Among the key areas to be addressed by the National AI Strategic Plan are the ethical, legal and societal implications of AI, as well as the development of methods for designing AI systems that align with ethical, legal and societal goals.

Public participation in AI policymaking in Kenya

There is no existing law in Kenya regulating public participation in the AI policymaking process. However, Article 118 of the Kenya Constitution[114] underpins the importance of public participation by mandating Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

Public participation under Article 118 is facilitated by the relevant committee which introduces a Bill to the House. The committee is mandated to place adverts in the media requesting public views. These views can be offered by way of written memorandums or orally in public participation sittings. The committee then takes into consideration these views while reviewing the Bill and preparing its report.

Public participation is also a national value and principle of governance under Article 10(2)(a) of the Constitution. Although there have been attempts to legislate public participation guidelines, such as through different public participation bills presented in Parliament since the promulgation of the 2010 Constitution, none has since seen the light of day and, as suchthere is currently no concrete law on this.

113 National Digital Master Plan. https://cms.icta.go.ke/sites/default/files/2022-04/Kenya%20Digital%20Masterplan%202022-2032%20Online%20Version.pdf

114 The Constitution of Kenya 2010. https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Constitution_of_Kenya_-_2010.pdf

Stakeholders involved in Kenya's AI policymaking process

Stakeholders	Composition
Total number of stakeholders involved	Unknown
Civil society	Unknown
Women	Unknown
People living with disability (PWD)	Unknown
Experts	Unknown
Technical bodies	15
Industry representatives	Unknown
Academic	Unknown
Any other	Unknown

Since the Kenya Robotics and Artificial Intelligence Society Bill 2023 did not pass, there is no accurate and accessible information on the stakeholders involved.

REUTERS/Kacper Pempel

With regards to the KEBS Code of Practice on the use of AI, 15 technical bodies were listed:

- Kenya Airports Authority (KAA)
- Tech Innovators Network
- IDEAZ Software
- Kenya Engineering Technology Registration Board (KETRB)
- Daystar University
- Impulse Innovations
- ISACA Kenya Chapter
- Jipee Ajira Limited
- Kenya National Library Services
- MultiMedial University
- Muhoroni Sugar Company Limited
- National Industrial Training Institute
- Office of the President (National Economic and Social Council)
- Social Enterprise Society of Kenya (SESOK)
- Secretariat, Kenya Bureau of Standards

Consideration of human rights, ethics and transparency in the laws, soft laws and policies governing AI in Kenya

Recognition of the potential adverse impacts of AI on human rights	Reference to ethical or responsible AI use	Reference to the need for laws/ regulations to govern AI	Proposal of measures to mitigate the negative impacts of AI use
The Robotics and Artificial Intelligence Society Bill proposes that human safety and security be considered so that AI is developed and used in a manner that is safe and secure for humans.	The Bill proposes accountability on those who develop and use AI and demands they be accountable for their actions.	The Bill does make provisions for the relevant regulator to develop further regulations specific to the use of AI.	There are no provisions relating to risk and risk management.

Consideration of international standards and recommendations in the laws, soft laws and policies governing AI in Kenya

References to the UNESCO Recommendation on the Ethics of AI

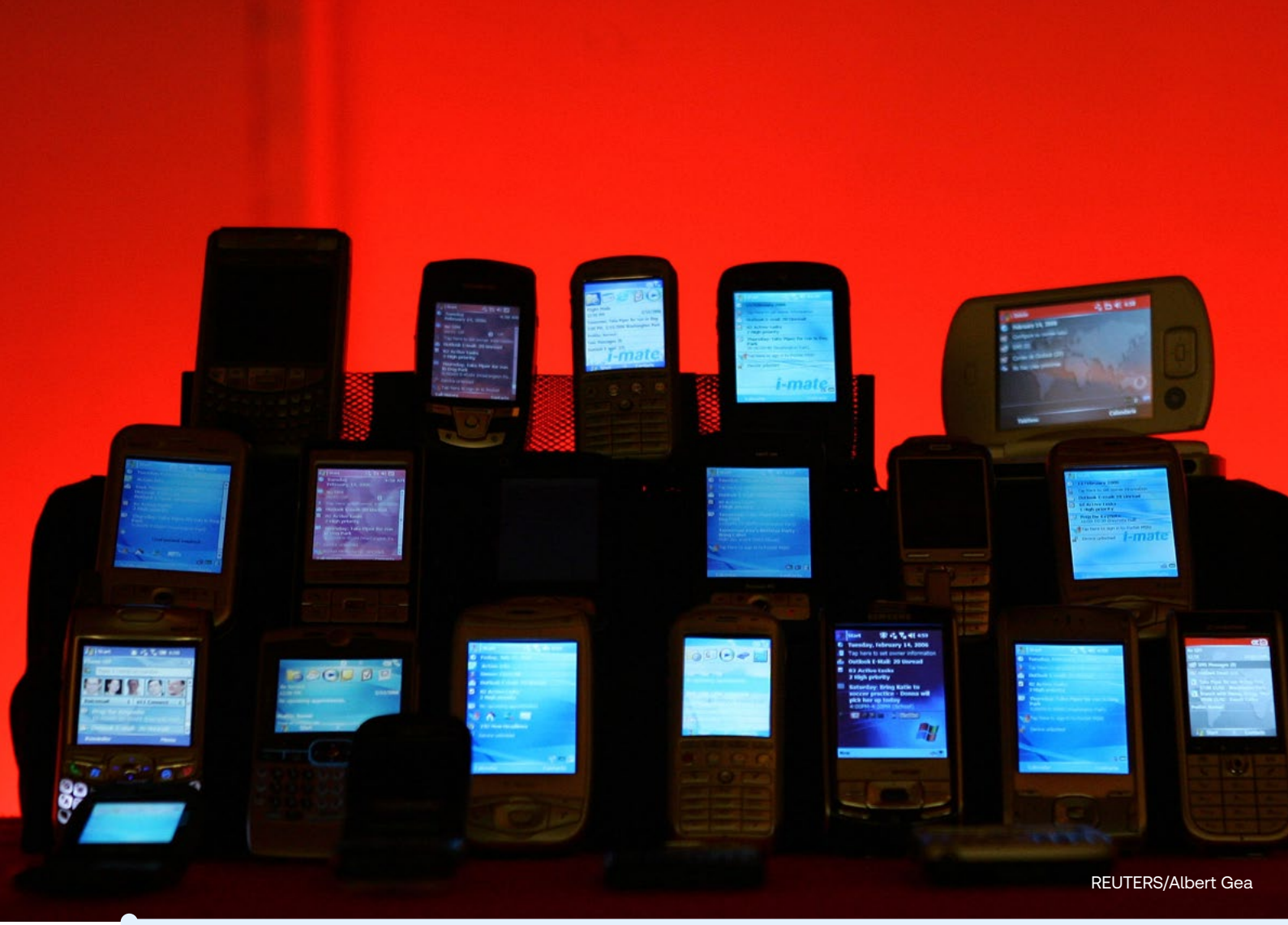
The Kenya Robotics and Artificial Intelligence Society Bill refers to a human rights-centred approach to AI as set out in the UNESCO Recommendation on the Ethics of AI as follows:

No.	Principle	Comment
1	**Proportionality and do no harm**	Not mentioned in any law or strategy
2	**Safety and security**	The Kenya Robotics and Artificial Intelligence Society Bill stipulates that robotics and AI shall be developed and used in a manner that is safe and secure for humans.
3	**Fairness and non-discrimination**	Under the Bill, the development and use of robotics and AI shall be inclusive of all Kenyans.
4	**Sustainability**	Under the Bill, robotics and AI shall be developed and used for the benefit of the people of Kenya.
5	**Right to privacy, and data protection**	The Bill provides that the privacy and data protection of individuals shall be respected in the development and use of robotics and AI.
6	**Human oversight and determination**	Not mentioned in any law or strategy
7	**Transparency and explainability**	Not mentioned in any law or strategy
8	**Responsibility and accountability**	Under the Kenya Robotics and Artificial Intelligence Society Bill, those who develop and use robotics and AI shall be accountable for their actions.
9	**Awareness and literacy**	Not mentioned in any law or strategy
10	**Multi-stakeholder and adaptive governance and collaboration**	Not mentioned in any law or strategy

REUTERS/Adriane Ohanesian

South Sudan

AI has been deployed in South Sudan's healthcare system to detect tuberculosis (TB) using digital x-rays. However, the country has not yet taken any steps to regulate AI and lacks laws, regulations or soft laws governing its use. Despite the existence of legal frameworks such as the Transitional Constitution of the Republic of South Sudan 2011, which encourages all levels of government to promote technological development through appropriate policies and legislation, and the National Communication Act 2012, which guarantees privacy and confidentiality in communication services, South Sudan does not have specific legislation on data protection, AI governance or public participation in AI policymaking. Furthermore, the existing laws mentioned above are inadequate or ineffectual in addressing the unique challenges posed by AI and the need to ensure comprehensive data protection.



REUTERS/Albert Gea

Recommendations

1. **Strengthen the foundations of AI governance:** Countries should intensify efforts to develop AI-specific frameworks and strategies that guide AI testing, deployment and governance. These foundational steps are crucial even before deciding whether to implement formal regulation. For nations already in the process of drafting AI-specific regulations, it is vital to ensure these frameworks address the ethical and societal risks associated with AI.

2. **Benchmark against international standards:** Aligning regional AI policies with global standards, such as the UNESCO Recommendation on the Ethics of AI and the African Commission on Human and Peoples' Rights Resolution 473, would help reinforce ethical practices. Emphasising fairness, accountability and transparency will help ensure AI systems align with international human rights standards.

3. **Enhance public awareness and participation:** Increasing AI literacy and awareness campaigns is essential for informed public participation. Each country should establish clear frameworks for meaningful engagement with civil society, academia and private sector stakeholders in AI policymaking. This could be operationalised through annual AI forums, advisory committees and consultations open to the public.

4. **Support ethical AI development through a multi-stakeholder approach:** A concerted effort by governments, civil society, academia and the private sector to jointly address the ethical deployment of AI is critical. Establishing ethics oversight bodies, such as Rwanda's proposed network of AI Ethics Officers, would promote accountability across sectors.

5. **Articulated role for civil society:** The role of civil society in developing AI policy and strategy must transcend the creation of public awareness. This should include effective participation at the development stage. There is an expertise that exists in civil society that must be leveraged for contextualised frameworks and policies in East and Southern Africa.

6. **Effective mitigation strategy:** AI policies and strategies being developed in Africa must identify inherent risks in the adoption and use of AI in different sectors of society. There must be a clear articulation of how these risks will be mitigated.

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Conclusion

The increasing adoption of AI is a global phenomenon, and countries in East and Southern Africa are actively engaging with this technological shift. Governments across the region recognise the vast opportunities AI presents, particularly in driving economic growth, improving public services and enhancing innovation. However, these countries also face the universal challenge of regulating AI effectively, which requires striking a delicate balance between fostering innovation and safeguarding human rights, fairness and equality. In the absence of robust and enforceable regulatory frameworks, most countries in the region rely on a patchwork of data protection laws, high-level policies and sector-specific regulations to guide the use of AI. This fragmented approach risks creating inconsistencies, perpetuating inequities and failing to comprehensively address emerging ethical and societal risks.

There is an urgent need to accelerate the development of cohesive and enforceable AI-specific legislation to address these gaps. African countries have the unique opportunity to lead the way in setting global standards for AI governance. Rather than relying on frameworks designed in other regions, they can craft legal standards that are informed by the distinct needs, priorities and values of their communities and industries. Such tailored approaches will ensure that regulations are not only innovative but also relevant and effective within African contexts.

However, how the continent approaches regulation and setting standards is important. In order to ensure effective protection of human rights, data privacy and societal well-being, these standards must seek close alignment to both international and regional standards—and states must uphold their legal commitment to ensure effective participation in the policymaking process and ensure that regulatory standards reflect the full range of perspectives from a diverse group of stakeholders, allowing all, irrespective of their background, characteristics and origins, to have equal say in policy development.

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