Artificial Media, Real Rights: The Impact of Gen AI on Freedom of Expression in Eastern and Southern Africa

REUTERS/Aly Song

TrustLaw | Thomson Reuters Foundation

ARTICLE 19 EASTERN AFRICA

Patrick J McGovern FOUNDATION

Artificial Media, Real Rights: The Impact of Gen AI on Freedom of Expression in Eastern and Southern Africa

TrustLaw | Thomson Reuters Foundation

ARTICLE 19 EASTERN AFRICA

ALP EAST AFRICA

BOWMANS THE VALUE OF KNOWING

ALN RWANDA K-Solutions & Partners

Est. 1991 KANOKANGA & PARTNERS

MLA Mehrteab & Getu Advocates LLP striving for excellence

About ARTICLE 19 Eastern Africa

ARTICLE 19 Eastern Africa is a regional think-do organisation that propels the freedom of expression movement locally and globally to ensure all people realise the power of their voices without fear or discrimination.

Since launching in 2007, our mandate, drawn from Article 19 of the Universal Declaration of Human Rights, has been to promote and protect the fundamental rights of freedom of expression and access to information. We believe the full enjoyment of these rights is vital for the realisation of other fundamental rights and freedoms. We bring our core values of integrity, transparency, diversity, accountability, resilience, and solidarity to our capacity building work in Kenya, Uganda, Tanzania, Ethiopia, South Sudan, Rwanda, Burundi, and Somalia. We support grassroots organisations, journalists, citizen groups, and human rights defenders to claim their rights safely. We do this through promotion of amplified, inclusive and resilient voices that reflect the diversity of the human experience in the Eastern Africa region.

Email: kenya@article19.org
Website: https://www.article19.org/regional-office/eastern-africa/
X: @article19eafric
Tiktok: @a19eaf
Facebook: article19EasternAfrica
LinkedIn: ARTICLE 19 Eastern Africa

About the Thomson Reuters Foundation

The Thomson Reuters Foundation is the corporate foundation of Thomson Reuters, the global news and information services company. As an independent charity, registered in the UK and the USA, we leverage our media, legal and data-driven expertise to strengthen independent journalism, enable access to the law and promote responsible business. Through news, media development, free legal assistance and data intelligence, we aim to build free, fair and informed societies.

TrustLaw, an initiative of the Thomson Reuters Foundation, is the world's largest pro bono legal network. Working with leading law firms and corporate legal teams, we facilitate free legal support, ground-breaking legal research and resources for non-profits and social enterprises in over 190 countries. By spreading the practice of pro-bono worldwide, TrustLaw wants to strengthen civil society and drive change. If you have ideas for resources we could develop or legal research projects that would be of assistance after reading this guide, please contact us at trustlaw@thomsonreuters.com. If you are a non-profit or social enterprise in need of legal support, you can find out more about the service at www.trust.org and join TrustLaw for free.

About ALP East Africa

ALP East Africa is a regional premier integrated legal and professional services firm. ALP combines high impact analysis, strategy and innovation to provide a single service point for your legal and professional service's needs. The ALP ethos of integrating legal and professional services is premised on skilfully managing key elements that ALP believes will deliver the law firm of the future to the continent, with tangible, quantifiable, and significant value to our clients. ALP has a deep understanding of Africa and in all their assignments they deploy a multidisciplinary and integrated approach using an extensive network of global and local partners to support their clients.

Acknowledgments

Article 19 Eastern Africa and the Thomson Reuters Foundation would like to acknowledge and extend their gratitude to ALP East Africa, Coulson Harney LLP (Bowmans Kenya), Bowmans South Africa, Bowmans Tanzania, B&M Legal Practitioners (Bowmans Zambia), Kanokanga & Partners, Mehrteab & Getu Advocates LLP, and K-Solutions & Partners (ALN Rwanda), for contributing their time and expertise on a pro bono basis to make this report possible. Article 19 Eastern Africa and the Thomson Reuters Foundation are especially grateful to Francis Gimara, SC, Dr. Henry Onoria, Lastone Gulume, and Edmond Babalanda of ALP East Africa for coordinating this project; and Dr Tomiwa Ilori for contributing to the final draft of this report. The Thomson Reuters Foundation would also like to thank the Patrick J. McGovern Foundation for its partnership.

Disclaimer

This report is offered for information purposes only. It is not legal advice. Readers are urged to seek advice from qualified legal counsel in relation to their specific circumstances. We intend the report's contents to be correct and up to date as at February 2025, but we do not guarantee their accuracy or completeness, as circumstances may change, particularly in light of the quickly developing policy landscape in this area. Article 19 Eastern Africa, ALP East Africa, Coulson Harney LLP (Bowmans Kenya), Bowmans South Africa, Bowmans Tanzania, B&M Legal Practitioners (Bowmans Zambia), Kanokanga & Partners, Mehrteab & Getu Advocates LLP, and K-Solutions & Partners (ALN Rwanda), and the Thomson Reuters Foundation, accept no liability or responsibility for actions taken or not taken or any losses arising from reliance on this report or any inaccuracies herein.

ALP East Africa, Coulson Harney LLP (Bowmans Kenya), Bowmans South Africa, Bowmans Tanzania, B&M Legal Practitioners (Bowmans Zambia), Kanokanga & Partners, Mehrteab & Getu Advocates LLP, and K-Solutions & Partners (ALN Rwanda) generously provided pro bono research to Article 19. However, the contents of this report should not be taken to reflect the views of the law firms listed above or the lawyers who contributed.

Similarly, Thomson Reuters Foundation is proud to support our TrustLaw member Article 19 with their work on this report, including with publication and the pro bono connection that made the legal research possible. However, in accordance with the Thomson Reuters Trust Principles of independence and freedom from bias, we do not take a position on the contents of, or views expressed in, this report.


REUTERS/Mike Hutchings

Contents

Executive summary 6

Definition of key terms 8

1. Introduction 10

2. Freedom of Expression-Related Rights in the Age of GenAI: International and Regional Human Rights Perspectives 12
United Nations human rights system 13
African Union human rights system 15

3. Constitutional, Policy and Institutional Frameworks on GenAI and Expression Rights in Eastern and Southern Africa 17
Ethiopia 20
Kenya 22
Rwanda 24
South Africa 26
Tanzania 29
Uganda 31
Zambia 33
Zimbabwe 35

4. Conclusion 37

5. Recommendations 40
To Governments 41
To Tech companies 41
To the International Human Rights System 42
To National Human Rights Institutions (NHRIs) 42
To Civil Society Organisations (CSOs) 42
To academia and think tanks 43
To media and other stakeholders 43

Endnotes 45

REUTERS/Temilade Adelaja

Executive summary

The increased use of Generative Artificial Intelligence (GenAI) tools has introduced both benefits and risks for freedom of expression. While these tools can enhance creativity, access to information, and civic engagement, they also pose significant risks such as the spread of information disorder, algorithmic bias and personal data misuse. In addressing these risks in African contexts, this research report presents an analysis of the intersection between GenAI and the right to freedom of expression in eight countries across Eastern and Southern Africa: Ethiopia, Kenya, Rwanda, South Africa, Tanzania, Uganda, Zambia, and Zimbabwe. It explores the constitutional, policy and institutional frameworks governing GenAI and related rights, including privacy, data protection, copyright, corporate accountability, and access to justice.

This report aims to fill a critical research gap by assessing how national legal systems in the region are responding to GenAI and the possibility of aligning them with international human rights standards. Some of the report findings show that while constitutional protections for freedom of expression exist, they are rarely and inconsistently applied to GenAI-related challenges and further constrained by legal frameworks that do not address the emerging risks posed by GenAI tools. None of the countries analysed have GenAI-specific legislation as they rely on general ICT and media laws, which raises concerns about their legal clarity and compliance with international human rights standards. The existing AI strategies and data protection laws also lack explicit human rights safeguards and mechanisms for corporate accountability. Additionally, copyright and intellectual property protections for artists and legal remedies for GenAI-related harms remain inadequate. These findings show the need for harmonised and rights-based regulatory approaches that balance innovation with the protection of fundamental rights.

The report proposes a multi-stakeholder approach to GenAI governance and emphasises the need for rights-based, inclusive, and harmonised reforms. Some of the key recommendations include governments' review of applicable legislation, strengthening oversight institutions, mandating human rights impact assessments, and integrating AI ethics into public educational systems. International bodies are urged to develop interpretive guidance on GenAI and human rights for governments and tech companies that develop and deploy GenAI tools, support capacity-building for different stakeholders involved in the GenAI value chain, and promote African perspectives and realities in global GenAI governance. Technology companies should conduct human rights impact assessments for GenAI tools, ensure transparency in GenAI system audits, and address harms posed to affected communities. National Human Rights Institutions are also urged to monitor the impacts of GenAI on human rights, provide legal advice to governments on best standard practices and facilitate public complaints mechanisms to address GenAI harms. Civil society and academia are enjoined to advocate for inclusive AI policies, raise public awareness, and produce interdisciplinary research on the impact of GenAI on freedom of expression and other related rights.

This report demonstrates the need for rights-based regulatory frameworks to ensure that GenAI technologies support rather than undermine freedom of expression and related rights. Without proactive legal and policy interventions, the transformative potential of GenAI may be overshadowed by its capacity to exacerbate existing human rights harms and inequalities in African contexts.

REUTERS/Carlos Barria

Definition of key terms

- **Access to justice:** refers to the ability of individuals to obtain a fair and effective remedy through judicial and non-judicial legal institutions for violation of rights.
- **Algorithmic bias:** refers to systematic and repeatable errors in a computer system that create unfair outcomes, such as privileging one arbitrary group of users over others.
- **Copyright:** refers to a legal right that grants the creator of original works exclusive rights to use and distribute their work for a limited time to encourage creativity and innovation.
- **Corporate accountability:** refers to the responsibility of companies to respect human rights, prevent harm, and provide remedies when their operations negatively impact people or the environment.
- **Data protection:** refers to the legal and technical measures that safeguard personal data from unauthorised access, use, disclosure, alteration, or destruction.

- **Generative Artificial Intelligence:** refers to AI systems that can generate content such as text, images, or audio, often using deep learning models trained on large datasets.
- **Human Rights Impact Assessment:** refers to a tool for identifying, understanding, and mitigating the human rights impacts of a business operation or policy.
- **Information disorder:** refers to an umbrella term encompassing various forms of problematic content including disinformation, misinformation and malinformation.
- **Intellectual property:** refers to creations and expressions of the mind protected by law through patents, copyright and trademarks.
- **Large Language Models:** refers to neural networks trained on massive datasets to understand and generate human-like language for a wide range of tasks.
- **Online harm:** refers to any negative impact experienced by an individual or communities as a result of digital interactions or content which includes threats to safety, dignity, privacy and well-being which may involve speech, harassment, manipulation or exploitation.
- **Rights-based approach:** refers to a framework for the process of human development that is based on international human rights standards and operationally directed at promoting and protecting human rights.
- **Technology-Facilitated Gender-Based Violence:** refers to any act committed, assisted, aggravated or amplified by digital technologies which includes behaviours such as cyberstalking, image-based abuse, doxing, online harassment and sextortion.

REUTERS/Aly Song

1. Introduction

Generative Artificial Intelligence (GenAI) systems hold promise for freedom of expression through creativity, access to information, and civic engagement. However, these systems, which also rely heavily on Large Language Models (LLMs), are trained to process large datasets that can generate misleading false content and profiling tools.[1] Simultaneously, these systems introduce complex human rights challenges particularly concerning the right to freedom of expression, including privacy, data protection, intellectual property, corporate accountability and access to justice. In African contexts – where digital literacy, regulatory capacity, and platform accountability are still limited – these systems may cause local tensions, spread disinformation, and normalise hate speech.[2] These challenges are compounded by the region's evolving digital governance frameworks and the absence of GenAI-specific legal instruments. In response, this report presents an analysis of the constitutional, policy and institutional environments in eight African countries – Ethiopia, Kenya, Rwanda, South Africa, Tanzania, Uganda, Zambia, and Zimbabwe – focusing on how GenAI intersects with freedom of expression and related rights such as privacy, data protection, intellectual property, corporate accountability, and access to justice.

The report relies on international and regional human rights standards, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter), existing literature from academia, civil society and media in its analysis to identify key legal gaps, institutional challenges, and opportunities for reform. By mapping the current state of national laws and policies, it aims to support policymakers, regulators, civil society, and other stakeholders in developing rights-based approaches to GenAI governance. In a nutshell, it emphasises the need for harmonised, transparent, and inclusive legal frameworks that safeguard fundamental freedoms while enabling responsible innovation in the digital age.

REUTERS/Navesh Chitrakar

2. Freedom of Expression-Related Rights in the Age of GenAI: International and Regional Human Rights Perspectives

The rapid development of GenAI has introduced complex human rights challenges, particularly concerning the right to freedom of expression.[3] These challenges intersect with broader issues such as privacy and data protection, intellectual property rights, corporate responsibility, and access to justice for AI-related harms. In African contexts, where digital governance frameworks are still evolving, it is critical to assess how GenAI may affect these rights. To guide rights-based AI governance, policymakers must engage with ongoing initiatives within the United Nations and African Union human rights systems. These bodies are actively developing legal and policy guidance to help Member States and stakeholders uphold freedom of expression while addressing the risks posed by GenAI.

United Nations human rights system

The United Nations human rights system has actively engaged Member States on the right to freedom of expression in the context of emerging technologies including GenAI. These engagements are rooted in the foundational principles of international human rights law, which emphasise the importance of freedom of expression as a fundamental human right. The Universal Declaration of Human Rights (UDHR) and the ICCPR both enshrine the right to freedom of expression, recognising its critical role in promoting democracy, transparency, and accountability.[4]

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression plays a crucial role in addressing the challenges posed by GenAI. Established by the United Nations Commission on Human Rights in 1993, the mandate of the Special Rapporteur has been extended multiple times by the United Nations Human Rights Council.[5] The Special Rapporteur's reports and thematic studies provide valuable insights into how AI technologies can both enhance and undermine freedom of expression. Although not exclusively focused on GenAI, the current mandate holder has engaged with the broader implications of digital technologies, including AI, on freedom of expression.[6] For instance, the Special Rapporteur released a call for submissions towards a thematic report on "Freedom of Expression and Elections in the Digital Age" which explores the role of AI in shaping public discourse and its implications for democratic processes.[7] Other relevant special procedures include the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on the right to privacy. These mandates address the broader context of human rights in the digital age, including the impact of GenAI on the protection of the right to freedom of expression.[8]

The United Nations Educational, Scientific and Cultural Organization (UNESCO) has been at the forefront of efforts to uphold freedom of expression in the development and deployment of GenAI.[9] In a UNESCO report on freedom of expression, artificial intelligence and elections, it noted that GenAI has provided new ways for people to innovate in the information space but it may also hallucinate and provide false information due to unrepresentative and outdated datasets which could negatively impact information integrity.[10] In another report by UNESCO on technology-facilitated gender-based violence (TFGBV) in the era of GenAI, it found that more than 58% of young women and girls have experienced online harassment on social media platforms noting that GenAI could lead to new harms and attackers.[11] During World Press Freedom Day 2025, UNESCO, along with other UN bodies,

issued a joint statement emphasising the continued relevance of freedom of opinion and expression in today's information ecosystem.[12] The statement highlighted the potential of AI technologies to advance sustainable development but also warned of the risks associated with their misuse, such as spreading disinformation, enabling surveillance, and restricting media diversity and press freedom. UNESCO has also called on Member States to bridge digital divides, promote digital and media literacy, and raise public awareness about the impact of AI tools on press freedom and the media.[13]

The UN OHCHR B-Tech Project, which focuses on the application of the UN Guiding Principles on Business and Human Rights (UNGPs) to technology companies, has also been instrumental in developing a taxonomy of human rights risks connected to GenAI.[14] This taxonomy provides a framework for understanding how the development, deployment, and use of GenAI technology can impact internationally protected human rights.[15] The taxonomy identifies significant harms to people related to GenAI, such as undermining entitlements guaranteed by international human rights law, and highlights the importance of operationalising the UNGPs to address these risks.

Human rights due diligence is a critical component of AI governance across the entire AI lifecycle.[16] The UN human rights system advocates for integrating human rights considerations into every stage of AI development and deployment.[17] This approach ensures that human rights are not treated as an afterthought but are central to the decision-making process. Companies and regulators are to carry out thorough human rights impact assessments to identify potential risks and implement measures to mitigate adverse impacts on freedom of expression and other fundamental rights.[18] The UN human rights system has also emphasised the importance of international collaboration and capacity building to address the human rights implications of AI technologies.[19]

The intersection of freedom of expression with privacy, data protection, intellectual property, corporate responsibility, and access to justice in the context of GenAI presents a complex and evolving challenge under international human rights law. While GenAI can enhance the right to freedom of expression by enabling new forms of creativity and access to information, it simultaneously raises significant risks – such as the unauthorised use of personal data, infringement of intellectual property rights, and the amplification of harmful or misleading content. These risks necessitate robust safeguards to ensure that GenAI systems are developed and deployed in ways that respect privacy rights, uphold copyright protections, and ensure corporate accountability in line with the UNGPs. Furthermore, the lack of clear legal remedies for GenAI-related harms undermines the right to an effective remedy, a core tenet of international human rights law. Addressing these intersecting concerns requires a holistic and rights-based regulatory approach that integrates freedom of expression with broader human rights protections throughout the GenAI lifecycle.

African Union human rights system

The African Union (AU) human rights system has been actively engaged in promoting and protecting the right to freedom of expression across the continent. This engagement is rooted in the African Charter on Human and Peoples' Rights (African Charter), which enshrines the right to freedom of expression and access to information.[20] The AU has developed various instruments and mechanisms to address the challenges posed by emerging technologies, including those that could be applied to GenAI.

The African Charter, adopted in 1981, is the cornerstone of the AU's human rights framework. Article 9 of the Charter guarantees the right to receive information and the right to express and disseminate opinions within the law. "Within the law" has been interpreted by the African Commission on Human and Peoples' Rights (ACHPR) to mean within international law.[21] This provision underscores the importance of freedom of expression as a fundamental human right essential for the promotion and protection of all other rights. The ACHPR also established the mandate of the Special Rapporteur on Freedom of Expression and Access to Information in Africa to monitor and promote these rights across the continent.[22] The Special Rapporteur plays a crucial role in addressing the impact of emerging technologies, including GenAI, on freedom of expression. Through thematic reports, country visits, and engagement with stakeholders, the Special Rapporteur provides valuable insights and recommendations for ensuring that AI technologies are developed and deployed in a manner that respects human rights.

In 2019, the ACHPR adopted the Declaration of Principles on Freedom of Expression and Access to Information in Africa.[23] This Declaration consolidates developments on freedom of expression and access to information, guided by hard-law and soft-law standards drawn from African and international human rights instruments and standards, including the jurisprudence of African judicial bodies. The Declaration emphasises the importance of freedom of expression and access to information in the digital age, recognising the transformative impact of the internet and digital technologies on these rights. The Declaration includes specific principles that address the challenges posed by digital technologies, including AI. Principle 5, for example, focuses on the protection of the rights to freedom of expression and access to information online. It calls on States to adopt legislative and other measures to ensure that individuals can freely express themselves and access information online without undue interference. This principle is particularly relevant in the context of GenAI, as it underscores the need for regulatory frameworks that protect freedom of expression online. Additionally, Principle 22 requires states to repeal laws that criminalise sedition, insult and publication of false news as found in many cybercrime and electronic communication laws in African contexts.

The African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention) which was adopted in 2014 and came into force in 2023, also plays a significant role in addressing the challenges posed by digital technologies, including GenAI.[24] The Convention provides a comprehensive framework for ensuring cybersecurity and protecting personal data, which are critical for safeguarding freedom of expression in the digital age. It calls on Member States to adopt legislative measures to protect personal data and ensure the security of digital communications, thereby creating a safe and enabling environment for freedom of expression online.

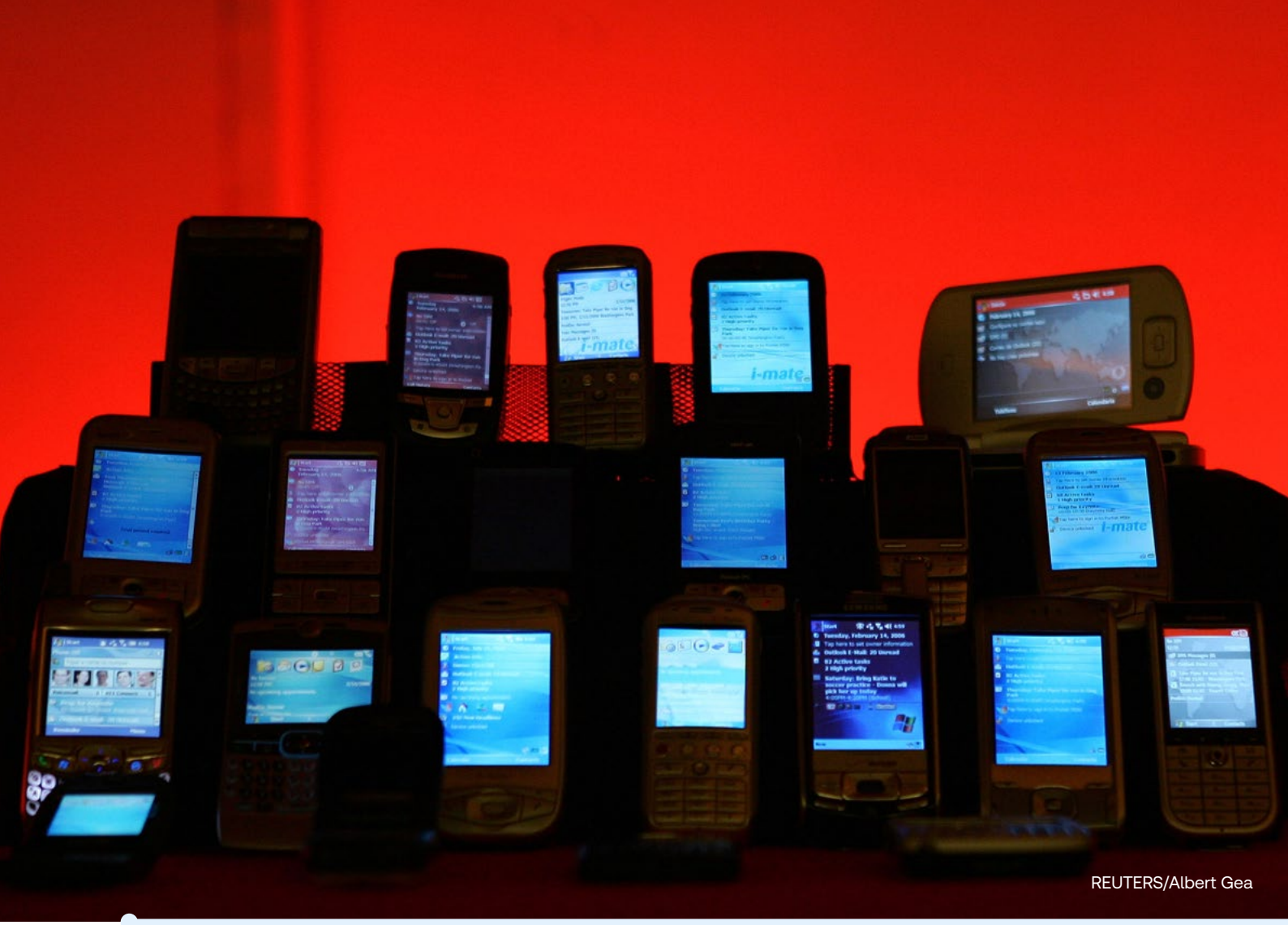
The AU Continental Strategy for Artificial Intelligence, adopted in 2024, aims to harness AI for sustainable development while ensuring that AI technologies are developed and deployed in a manner that respects human rights.[25] The Strategy emphasises the importance of ethical AI governance and calls for the integration of human rights considerations into AI policies and practices. It provides a roadmap for Member States to develop national AI strategies that align with international human rights standards and promote inclusive and equitable benefits from AI technologies.

Resolution 473 (EXT.OS/ XXXI) 2021, adopted by the ACHPR, underscores the need to address the increasingly significant impact of AI, robotics, and other emerging technologies on human rights across the continent.[26] The Resolution recognises that these technologies present both opportunities and challenges for the promotion and protection of human rights in Africa. It calls for comprehensive and multidisciplinary research on the legal, ethical, safety, and security opportunities and challenges raised by AI technologies. The Resolution also emphasises the importance of framing the development and deployment of such technologies within the context of African values, ethics, and human dignity.

In line with Resolution 473, the African Commission has undertaken a study on the impact of AI, robotics, and other new and emerging technologies on human and peoples' rights in Africa.[27] The study aims to develop guidelines and norms that address issues relating to AI technologies and their impact on human rights. The study involves extensive consultations with experts, stakeholders, and the wider public to ensure a comprehensive understanding of the challenges and opportunities presented by AI. The draft study[28] has been reviewed and validated through various workshops and meetings, and the African Commission continues to invite comments and inputs from stakeholders to refine the study.

Within the African Union human rights system, the intersection of freedom of expression with privacy and data protection, intellectual property, corporate responsibility, and access to justice in the context of GenAI is increasingly recognised as a critical area for regulatory attention. Instruments such as the African Charter on Human and Peoples' Rights and the Declaration of Principles on Freedom of Expression and Access to Information in Africa provide a foundational framework for protecting these rights in the digital age. However, while these instruments acknowledge the transformative impact of digital technologies, including AI, they do not yet offer comprehensive guidance on the specific challenges posed by GenAI – such as the unauthorised use of personal data, algorithmic bias, and the reproduction of copyrighted content without consent. The AU's emerging initiatives, including the Continental AI Strategy and Resolution 473 signal a growing commitment to ethical AI governance, but implementation remains uneven across Member States.

While both the United Nations and African Union human rights systems have initiated efforts to address the broader human rights risks associated with GenAI, there remains a notable gap in focused attention on its specific impact on the right to freedom of expression and related rights. One of the efforts seeking to respond to this gap is the UN's B-Tech Project which focuses on mainstreaming the application of the UNGPs to the technology sector in domestic contexts. The project offers one of the most comprehensive frameworks through its taxonomy of GenAI-related human rights risks, yet it does not fully explore the nuanced implications for freedom of expression. Given the interconnected nature of this right with others particularly within different national contexts, there is an urgent need for analysis and guidance focused on specific rights especially those that can be adopted in African contexts. This includes deepening interdisciplinary research and developing specific frameworks that assess the impact of GenAI and propose concrete legal and policy measures to safeguard expression and related rights in the digital age.



REUTERS/Albert Gea

3. Constitutional, Policy and Institutional Frameworks on GenAI and Expression Rights in Eastern and Southern Africa

This section examines the constitutional, policy and institutional frameworks governing the right to freedom of expression and GenAI in eight countries across Eastern and Southern Africa: Ethiopia, Kenya, Rwanda, South Africa, Tanzania, Uganda, Zambia, and Zimbabwe. It also reviews how other related rights such as privacy and data protection, intellectual property rights, corporate responsibility and access to justice and remedies for GenAI-related harms are impacted by GenAI. Using international human rights standards as guidance, it spotlights how existing provisions directly or indirectly regulate freedom of expression in the context of GenAI, demonstrating both enabling mechanisms and restrictive measures. The review also identifies important legal and policy gaps that may hinder effective regulation of GenAI and the protection of fundamental rights that provides a foundation for targeted reforms and regional policy alignment to address the borderless nature of AI harms and opportunities.

As provided for in the constitutions of the countries under examination, the right to freedom of expression affirms individuals' rights to express opinions, share ideas and access information – rights that GenAI can significantly amplify by enabling the large-scale creation and dissemination of content such as texts, images and videos. However, the same capabilities that make GenAI a powerful tool for communication also introduce risks such as the spread of information disorder, algorithmic bias, and the misuse of personal data.[29] These risks threaten the integrity of this fundamental right and other associated rights. As such, balancing the benefits of GenAI with appropriate human rights safeguards is essential to ensure that freedom of expression is preserved in the digital age in African contexts.

International instruments such as the ICCPR and the African Charter clearly articulate the right to freedom of expression and this right is closely interlinked with the rights to privacy and data protection – particularly in the context of GenAI. While freedom of expression protects the right to seek, receive, and impart information, it must be exercised in a manner that respects the right to privacy, which seeks to protect individuals from arbitrary surveillance and misuse of personal data.[30] For example, GenAI systems' dependence on LLMs, which also utilise vast datasets that may contain personal or sensitive information, raises concerns about data protection and the potential for amplifying private content without consent.[31] As a result, it is important to ensure that GenAI technologies respect privacy while enabling free expression. This requires robust domestic legal frameworks and ethical standards from both government and business actors that promote transparency, accountability, and harm minimisation – especially within African contexts where regulatory capacity may vary and be limited.

Intellectual property rights further complicate the governance of GenAI especially in the context of exercising the right to freedom of expression. This is because as much as GenAI can democratise creativity by enabling users to generate new forms of expression, it frequently draws on copyrighted or proprietary materials which raises complex legal and ethical questions around ownership, attribution, and fair use.[32] All the countries under review are signatories to the Berne Convention for the Protection of Literary and Artistic Works which provides a global standard for protecting authors' rights while supporting the free flow of information.[33] There is a need for striking a balance between protecting intellectual property and freedom of expression to also encourage inclusive access to knowledge and representative cultural participation.

International human rights frameworks place a responsibility on businesses, particularly those developing and deploying GenAI to ensure that their technologies do not undermine freedom of expression.[34] Under international human rights frameworks such as the UNGPs, businesses are

expected to respect human rights throughout the lifecycle of their technologies. This includes ensuring that GenAI systems are trained, moderated, and deployed in ways that prevent and mitigate human rights risks before, during and after their development. In African contexts, where regulatory policy and oversight may be limited, corporate transparency, ethical governance, and accessible mechanisms for redress stand in the gap in ensuring the alignment of technological innovation with human rights standards.

Lastly, the right to freedom of expression is strongly connected to access to justice and the availability of effective remedies as GenAI systems increasingly influence public discourse and decision-making.[35] GenAI users must have clear and accessible pathways to challenge violations of their rights. For example, in a recent research that analysed 500 court cases concerning AI systems in 39 countries including Kenya, South Africa, Uganda and Zimbabwe, 56 cases were focused on intellectual property, 92 cases on legal profession concerns and 49 cases were on administrative use of AI systems.[36] This research shows the positive growth in awareness about judicial redress in AI-related disputes and strong relationship between AI systems accountability, intellectual property and access to justice. Ensuring accountability through transparent legal processes and meaningful remedies empowers individuals to defend their rights and reinforces the role of GenAI as a tool that supports, rather than undermines, freedom of expression and other rights.

Ethiopia

REUTERS/Thomas Mukoya

In May 2025, the Ethiopian Prime Minister called on African countries to adopt indigenous AI for Africa's development,[37] a call that aligns with Ethiopia's broader ambition to position itself as Africa's 'AI giant'.[38] While efforts to adopt AI tools in Ethiopia have been geared towards development, there are currently limited or yet to be seen efforts to incorporate human rights, freedom of expression and GenAI. A report on AI use cases in Ethiopia identifies the application of Ethiopia's law on copyright and digital content creation but there was no mention of human rights, GenAI or the right to freedom of expression specifically.[39]

The right to freedom of expression is enshrined in Article 29 of the *Constitution of the Federal Democratic Republic of Ethiopia (Proclamation No. 1/1995).* This provision guarantees individuals the freedom to seek, receive, and impart information and ideas through any media. This underscores the need for fostering open discourse and access to information. The *Media Proclamation No. 1238/2021* seeks to uphold media freedom but does not directly address the implications of GenAI technologies on the right to freedom of expression.[40] Meanwhile, the *Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185/2020* criminalises the dissemination of false information and hate speech via ICTs, which may indirectly apply to GenAI-generated content.[41] Regulatory bodies such as the Ethiopian Broadcasting Authority and the Ethiopian Communications Authority play a pivotal role in enforcing media laws and promoting responsible ICT use, thereby supporting the integrity of public discourse.

Similarly, Article 26 of the Constitution provides for the right to privacy and the provision is further reinforced by the *Personal Data Protection Proclamation No. 1321/2024.* This law provides for detailed requirements for the collection, processing, and storage of personal data, mandating explicit consent and robust security measures. While the law does not specifically refer to GenAI, its general principles are applicable to AI-related data processing.[42] The proposed Ethiopian Data Protection Commission (EDPC), alongside the Ethiopian Human Rights Commission (EHRC) and the Ethiopian Communications Authority, have the responsibilities of overseeing the implementation of privacy and data protection laws as they are instrumental in ensuring that data controllers uphold individuals' privacy rights in an increasingly digital environment.

In Ethiopia, intellectual property rights are governed by the *Copyright and Neighbouring Rights Protection Proclamation No. 410/2004.* The law provides comprehensive protection for literary, artistic, musical, and digital works, including computer programs.[43] Authors of these works are granted both economic and moral rights which gives them control over the use and integrity of their creations. The Ethiopian Intellectual Property Authority (EIPA) is responsible for administering and enforcing these rights however, the current legal framework does not directly address the status of AI-generated content under the law. Despite this, existing copyright principles may potentially be extended to cover GenAI outputs only if a human can demonstrate meaningful creative contribution, potentially offering a degree of protection to creators in the digital age. If a GenAI model is trained on copyrighted materials without the copyright holder's authorisation, this could potentially constitute an infringement.

Ethiopia has also taken steps toward aligning with international human rights standards, particularly the UN Guiding Principles on Business and Human Rights (UNGPs). The EHRC, in collaboration with international partners, has facilitated multi-stakeholder dialogues and awareness-raising initiatives aimed at integrating the UNGPs into national policy. Although a commitment to develop a National Action Plan (NAP) on Business and Human Rights was included in the 2016 - 2020 National Human Rights Action Plan, it has yet to be realised.[44] The government's broader plan to attract foreign direct investment includes efforts to ensure corporate respect for human rights.[45] However, there are currently no direct legal or administrative measures requiring technology companies including those deploying GenAI, to comply with the UNGPs.

Article 37 of the Ethiopian Constitution affirms every individual's ability to bring justiciable matters before a court and seek remedies for rights violations. This right is supported by various legal and institutional mechanisms including the EHRC which plays a central role in promoting human rights, conducting investigations, and advocating for legal reforms.[46] However, despite these provisions, systemic issues such as prolonged court cases, limited resources, and geographic differences hinder effective access to justice, particularly in rural areas in Ethiopia.[47] Additionally, the absence of GenAI-specific legal remedies presents a significant gap in seeking and getting appropriate remedies for potential human rights harms. As it stands, victims of GenAI-related harms may pursue redress through general human rights or other litigation channels, but the lack of specific regulations complicate efforts to address the unique risks associated with GenAI tools.

Kenya

REUTERS/Monicah Mwangi

There is an increase in the use of GenAI tools in Kenya.[48] It has been adopted by different business sectors and the Kenyan public.[49] In some specific instances, these tools have been used to drive political dissent,[50] and it has been reported that some social media users have been allegedly abducted by law enforcement officers in connection with anti-government AI generated content.[51] These issues not only raise a need for assessing the legal and policy landscape in Kenya regarding freedom of expression and GenAI, but they also bring forward the question of regulating GenAI tools and ensuring that the right to freedom of expression is promoted and protected due to its increasing proliferation and accessibility.

The *Constitution of Kenya, 2010* provides for the right to freedom of expression under Article 33, which guarantees the right to express opinions and ideas.[52] However, this right is not absolute as it is limited in cases of propaganda for war, incitement to violence, hate speech, and advocacy of hatred. In addition to this, the *Kenya Information and Communications Act (KICA), 1998* regulates broadcasting and electronic communications to ensure that content dissemination aligns with legal and ethical standards.[53] The *Computer Misuse and Cybercrimes Act, 2018,* criminalises the intentional publication of false information through ICTs which is a provision that may be applied to GenAI-generated content.[54] Kenya published a National Artificial Intelligence Strategy in March 2025. While the National Artificial Intelligence Strategy notes the transformative potential of AI and recognises the risks associated with its misuse, it does not explicitly address the implications of GenAI on freedom of expression, relying instead on general legal instruments that may not fully capture the technology's unique risks.[55]

The governance of GenAI in Kenya is currently anchored in existing legal frameworks such as the Constitution, the *Data Protection Act, 2019* and the *Computer Misuse and Cybercrimes Act, 2018.* The Kenya Bureau of Standards (KEBS) has also developed the draft Information Technology – Artificial Intelligence – Code of Practice for AI Applications.[56] These instruments are enforced and implemented by key state institutions such as the Ministry of ICT and the Digital Economy, the Communications Authority of Kenya (CAK), and the Office of the Data Protection Commissioner (ODPC). They play an important role in regulating the ICT sector to ensure compliance with data protection laws and safeguarding individual rights in the digital age.

Privacy rights in Kenya are firmly rooted in *Article 31 of the Constitution,* which protects individuals from unwarranted searches, seizures, and the unauthorised disclosure of personal information. The *Data Protection Act, 2019* operationalises this right by establishing a comprehensive framework for the protection of personal data.[57] It mandates that data controllers and processors rely on a lawful basis including obtaining informed consent from data subjects and implement appropriate security measures to protect personal information which may be applicable in the context of GenAI and LLMs which utilises vast datasets.[58] The Act establishes the ODPC as the primary regulatory authority overseeing data protection compliance and they may be supported by other regulatory agencies such as the CAK in enforcing compliance.[59] Although there are no GenAI-specific data protection laws in Kenya, the existing framework may be directly applied to AI technologies which offers a degree of oversight and accountability.

In the context of intellectual property, Kenya's *Copyright Act No. 12 of 2001* provides robust protection for a wide range of creative works, including literary, musical, artistic, and audio-visual content.[60] The law provides authors of these works with exclusive rights to control the use, reproduction, and distribution of their works. The Kenya Copyright Board (KECOBO) is responsible for administering and enforcing copyright laws, conducting public awareness campaigns, and offering legal advisory and mediation services.[61] While the Act does not directly address AI-generated content, its general provisions may be interpreted to extend protection to AI outputs, and the use of copyrighted works to train GenAI language models may infringe copyright.

Kenya has also made significant progress in aligning its national policies with the UNGPs. As a member of the UN Human Rights Council, Kenya has a National Action Plan (NAP) on Business and Human Rights.[62] This NAP was spearheaded by the Office of the Attorney General and the Kenya National Commission on Human Rights and it outlines a strategic approach to preventing and addressing human rights abuses by businesses though there were no specific mentions of GenAI and other emerging technologies. The NAP was developed through extensive stakeholder consultations which consolidates existing efforts and sets policy priorities for the next five years (2020-2025). However, it does not specifically address the human rights challenges posed by GenAI which leaves a gap in the regulatory framework for technology companies operating in this space.

Article 48 of the Constitution obligates the state to ensure that all individuals can access legal remedies. The Judiciary, through the Judicial Service Commission, plays a key role in fulfilling these responsibilities which includes the administration justice, while the Office of the Ombudsman addresses complaints against public officials and institutions.[63] Kenya's legal system supports alternative dispute resolution (ADR) mechanisms, such as mediation and arbitration, which also offer efficient and cost-effective means for resolving disputes. However, despite these provisions, there are no specific legal mechanisms for addressing harms caused by GenAI. Victims must rely on general legal channels which may not adequately address the complex issues associated with GenAI technologies.

Rwanda

REUTERS/Frank Nyakairu

The adoption of GenAI tools across sectors such as education, agriculture, and digital entrepreneurship is increasing in Rwanda.[64] Rwandan youth and tech innovators are integrating these tools into daily workflows and creative industries. However, alongside these positive developments, there is a growing concern about the potential misuse of GenAI in Rwanda, particularly in ways that could violate the right to freedom of expression.[65] Specific documented cases are currently limited but regional and global trends, combined with Rwanda's increasing digital transformation goals, highlight the importance of proactive safeguards to prevent such harms.[66] The lack of clear legal remedies and limited digital literacy among marginalised populations further complicates access to justice. This situation amplifies the importance of reviewing Rwanda's legal and policy frameworks on GenAI and freedom of expression to ensure that innovation is balanced with protections against emerging forms of harms through GenAI use.

The *Constitution of 2003 of Rwanda* (as amended) provides individuals with the right to express their opinions, while also allowing for restrictions aimed at preserving national unity, social order, and public morals.[67] This balance between freedom and responsibility is further provided for by *Law No. 60/2018 on the Prevention and Punishment of Cybercrimes,* which criminalises the use of ICTs to publish indecent information and rumours, provisions that are increasingly relevant in the context of GenAI.[68] While Rwanda does not yet have specific legislation targeting GenAI, the country's National AI Policy outlines a framework for the ethical and responsible development and deployment of AI

technologies.[69] State institutions such as the Rwanda Utilities Regulatory Authority (RURA) and the Rwanda Media Commission are central to enforcing ICT and media laws, promoting responsible digital practices, and safeguarding freedom of expression while also mitigating the risks associated with AI-generated misinformation.

Regarding data protection and privacy, Rwanda has established a comprehensive legal framework through *Law No. 058/2021 of 13/10/2021.*[70] This legislation aims to empower individuals with control over their personal data, ensure secure data flows, and provide regulatory clarity for businesses. The law provides for data controllers and processors to obtain clear and unambiguous consent before processing personal data and mandates the implementation of stringent security measures. It also provides for the handling of sensitive personal data and guarantees data subjects the rights to access, rectify, and erase their information. However, the law does not specifically address GenAI but its principles are applicable to AI-driven data use and processing. Oversight is provided by the Data Protection and Privacy Office, which is responsible for ensuring compliance and protecting citizens' data rights.

In Rwanda, the intellectual property and copyright regime is governed by *Law no. 055/2024 of 20/06/2024 on the Protection of Intellectual Property.*[71] The purpose of this law is to protect intellectual property and it provides a broad range of protection for creative works, including literary, musical, artistic, and audio-visual content, as well as computer programs and architectural designs. Authors of such works are granted exclusive rights to control the use, reproduction, and distribution of their works.[72] The Rwanda Development Board (RDB) is tasked with administering and enforcing these rights, conducting public awareness campaigns, processing applications, and ensuring legal compliance. There are currently no GenAI-specific provisions, however, the existing intellectual property and copyright framework may extend to AI-generated content if there is sufficient human authorship involved, potentially protecting creators' rights in the digital era, and the use of copyrighted material in the training of GenAI systems may infringe the reproduction rights of the copyright holders.

Rwanda has also demonstrated a commitment to integrating human rights into its development agenda. The RDB and RURA play important roles in implementing business and human rights frameworks, and the country's Vision 2050 and National Strategy for Transformation (NST1) reflect efforts to include human rights considerations into national planning. However, Rwanda has not yet developed an action plan on Business and Human Rights. The current policies emphasise inclusive growth, climate resilience, and good governance but they do not address the human rights implications of GenAI directly and this gap showcases the need for more specific measures to ensure that technological innovation is in line with human rights standards.

Access to justice in Rwanda is constitutionally guaranteed, with *Article 18* affirming the right of every individual to seek legal redress and obtain remedies for rights violations. The judiciary, led by the Supreme Court and supported by other judicial bodies, have the responsibility to ensure that justice is accessible to all. The Office of the Ombudsman also strengthens accountability by addressing complaints against public officials and institutions.[73] Rwanda has made notable progress in expanding this right through legal aid programmes and community-based dispute resolution mechanisms. However, the legal system does not provide for specific provisions for addressing harms caused by GenAI. Victims of GenAI harms may pursue remedies through general human rights or civil litigation processes but the lack of targeted regulations makes it difficult to effectively address the unique challenges posed by GenAI technologies.

South Africa

REUTERS/Howard Burditt

In South Africa, GenAI is not only seen as a game changer by business executives, but also potentially beginning to slowly impact elections. In terms of the business prospects in South Africa, 96% of respondents in a report are planning further investments in GenAI while 84% have a well-defined GenAI strategy in place.[74] Regarding the impact of GenAI in elections, there is limited proof that AI-powered information disorder could significantly impact electoral processes in South Africa.[75] This is because online harms are still mostly powered by traditional sources rather than AI tools. However, in both contexts of business and elections, there are concerns that laws and policies that could regulate GenAI are currently not fit for purpose.

The *Constitution of the Republic of South Africa, 1996,* is a cornerstone for protecting freedom of expression. Section 16 guarantees this right while excluding propaganda for war, incitement of imminent violence, and hate speech. These constitutional protections are reinforced by the *Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA)* and which prohibits unfair discrimination.[76] In addition, the *Prevention and Combatting of Hate Crimes and Hate Speech Act*,[77] signed into law in May 2024 but not yet in force pending a commencement date, will introduce specific offences for hate speech and hate crimes. The *Cybercrimes Act of 2020* also substantiates this framework by addressing malicious communications disseminated through electronic means which are increasingly relevant in the context of GenAI-generated content.[78] South Africa does not yet have specific legislation targeting GenAI however, the National AI Policy Framework provides strategic guidance

for the ethical development and use of AI technologies.[79] Additionally, state institutions such as the Independent Communications Authority of South Africa (ICASA) and the South African Human Rights Commission (SAHRC) play an important role in ensuring that freedom of expression is upheld while addressing the risks associated with GenAI.

The right to privacy is similarly well-protected under South Africa's Constitution as enshrined in the Bill of Rights. This right is further operationalised through the *Protection of Personal Information Act (POPIA) of 2013,* which came into full effect in 2021.[80] POPIA regulates the processing of personal information by both public and private entities while establishing conditions for lawful data processing which includes the requirement for consent, data accuracy, and the implementation of security safeguards. POPIA also establishes the Information Regulator, an independent authority responsible for overseeing compliance and addressing data protection complaints. POPIA does not specifically address GenAI but its provisions may apply to data processing by AI systems which may offer a degree of oversight and accountability in the digital age.

South Africa's copyright regime is governed by the *Copyright Act No. 98 of 1978* (Copyright Act). It protects a range of creative works, including literary, musical, artistic, and audio-visual content, as well as computer programs.[81] The Copyright Act grants authors exclusive rights to control the use, reproduction, and distribution of their works. The Companies and Intellectual Property Commission (CIPC) is the state institution responsible for administering registration of companies and certain intellectual property rights, including patents, trade marks, designs and copyrights in films. Other copyright works arise automatically and are not registered with CIPC.. The Copyright Act does not explicitly address AI-generated content. It does, however, recognise "computer-generated works," with authorship deemed to vest in the person who undertook the necessary arrangements for the creation of the work. This provision, which predates modern AI, has not been tested in South African courts, but it could arguably apply to works produced with the assistance of GenAI, provided a human can be identified as making a meaningful creative contribution. The use of copyrighted works to train AI systems without a licence could constitute infringement, as South African law does not include a general text and data mining exception. While the Copyright Act provides limited fair dealing defences (such as for private study, research, criticism, review or reporting current events), these are narrowly construed and unlikely to justify large-scale AI training. This position may change if the Copyright Amendment Bill (B13-2017) (Bill) is enacted, as it proposes a general "fair use" defence which could expand the legal scope for using copyrighted works in AI development. The President formally referred the Bill to the Constitutional Court in October 2024 for judicial review. The case was heard in May 2025 and judgment is pending.

South Africa has also demonstrated leadership in promoting business and human rights. The country has been at the forefront in referencing the UNGPs in judicial and quasi-judicial decisions.[82] The SAHRC and the Department of Justice and Constitutional Development are key institutions in this regard. Although, the National Action Plan (NAP) on Business and Human Rights is still under development, South Africa has made some progress in integrating the UNGPs into national policy. The National AI Policy Framework, published in 2024, emphasises the importance of ethical AI development and the responsibility of businesses to respect human rights. However, there are no specific legal requirements for technology companies to comply with the UNGPs in the context of GenAI, highlighting a regulatory gap.

Access to justice is a fundamental right guaranteed by *Section 34 of the Constitution,* which affirms every individual's right to access courts and obtain remedies for rights violations. The South African Judiciary, which includes the Constitutional Court and other judicial bodies, plays a central role in ensuring that justice is accessible to all. The Public Protector South Africa also enhances accountability by addressing complaints against public officials and institutions.[83] South Africa's legal system supports alternative dispute resolution (ADR) mechanisms, which includes mediation and arbitration that offer efficient and cost-effective means of resolving disputes. In February 2025, the South Africa Competition Authority recommended that publishers be allowed to collectively bargain with companies that develop and use AI tools to ensure fair compensation for the use of their content for training purposes.[84] However, despite these mechanisms, there are currently no specific legal provisions addressing GenAI harms. Victims' recourse lies in existing judicial and non-judicial mechanisms, which may not adequately address the ever-evolving issues associated with GenAI technologies.

REUTERS/Mike Hutchings

Tanzania

REUTERS/Katrina Manson

Like many other African countries, Tanzania is also focused on the developmental benefits of AI tools including GenAI in the education, healthcare and finance sectors.[85] Recently, the Tanzanian judiciary introduced AI use into its transcriptions and translations.[86] In November 2024, a firm introduced a GenAI tool specifically for Swahili speakers called "Pawa."[87] However, despite a promising future for GenAI adoption in Tanzania, there are currently no specific legal or policy commitments towards addressing the risks posed to the right to freedom of expression and other rights by the development and deployment of GenAI tools such as spreading information disorder, algorithmic bias and deepening existing digital inequalities.

The *Constitution of the United Republic of Tanzania, 1977* provides for the right to freedom of expression under *Article 18* but allows limitations to protect public interest.[88] The *Cybercrimes Act, 2015* criminalises the publication of false information using ICTs while the *Electronic and Postal Communications Act* (EPOCA) regulates electronic communications and content dissemination, which may be applied to GenAI.[89] Further, the *Electronic and Postal Communications (Online Content) Regulations, 2020* (as amended) updated the Third Schedule *(Prohibited Content)* to prohibit unethical, fabricated and artificial intelligence-generated content including video clips, audio and still pictures. Tanzania does not have specific laws for GenAI but is currently developing a National AI Policy[90] while relying on existing frameworks like the Cybercrimes Act and EPOCA. In 2018, ARTICLE 19 raised concerns that some provisions of the EPOCA (Online Content) Regulations did not meet international human

rights standards on freedom of expression.[91] The Tanzania Communications Regulatory Authority (TCRA) and the National Information and Communication Technology Commission (NICTC) are key institutions regulating communications and ICT policies. These institutions seek to ensure that the use of GenAI aligns with legal standards and protects the rights of individuals.

The right to privacy is guaranteed under *Article 16 of the Constitution of the United Republic of Tanzania, 1977.* The *Personal Data Protection Act of 2022*, *Cybercrimes Act, 2015*, and the *Electronic and Postal Communications Act* (EPOCA) provide a legal framework for data protection and privacy. The *Personal Data Protection Act* came into effect on 1 May 2023 and provides for general principles of data protection.[92] These laws criminalise unauthorised access to personal data, the publication of false information, and the misuse of electronic communications. The laws require data controllers and processors to implement security measures to protect personal information and obtain consent from data subjects before processing their data.[93] The general principles of data protection and privacy laws apply to the use of AI technologies in the absence of a specific law on GenAI. The Personal Data Protection Commission (PDPC), TCRA and NICTC are key institutions responsible for overseeing data protection practices and ensuring compliance with the law.

Tanzania's intellectual property and copyright law is governed by the *Copyright and Neighbouring Rights Act No. 7 of 1999.* It provides protection for literary, musical, artistic, and audio-visual works, as well as computer programs.[94] The Act grants authors exclusive rights to control the use and distribution of their works, including reproduction, adaptation, and public performance. The Copyright Society of Tanzania (COSOTA) and the Business Registration and Licensing Agency (BRELA) oversee the administration and enforcement of intellectual property rights in Tanzania. COSOTA and BRELA conduct public awareness campaigns, processes applications for intellectual property rights, and ensures compliance with the law. The existing copyright framework may apply to AI-generated content in order to potentially protect creators' rights in the digital age, while use of copyrighted work for purposes of training GenAI systems without prior approval or licence may potentially amount to copyright infringement.

Tanzania's Commission for Human Rights and Good Governance (CHRAGG) has been advocating for the development of a NAP on Business and Human Rights.[95] A National Baseline Study on Business and Human Rights has been conducted, and a multi-stakeholder NAP-BHR Alliance has been established.[96] Despite these efforts, Tanzania has not yet developed a specific NAP, and there are no laws or administrative measures requiring tech companies to comply with the UNGPs, particularly in the context of GenAI.

In Tanzania, the legal framework for access to justice is supported by the Constitution of the United Republic of Tanzania, which guarantees the right to a fair trial and access to justice. *Article 13 of the Constitution* provides that everyone has the right to seek justice and obtain a remedy for violations of their rights. The Tanzania Judiciary, through the High Court and other judicial bodies, administers justice and seeks to ensure that legal remedies are accessible to all citizens. Tanzania has also established the Commission for Human Rights and Good Governance, which addresses complaints against public officials and institutions.[97] Tanzania has made significant efforts to promote access to justice through legal aid programmes and community-based dispute resolution mechanisms. There are no specific laws or mechanisms addressing GenAI-related harms. Victims of GenAI-related harms can seek remedies through human rights and civil litigation processes, but the absence of targeted regulations makes it difficult to address GenAI harms.

Uganda


REUTERS/Mike Blake

Uganda is leveraging the potential of GenAI tools towards developmental initiatives which includes productivity boost, driving innovation and increasing positive economic impacts.[98] However, these tools are also used to spread bias and information disorder while facilitating surveillance.[99] The *Constitution of Uganda, 1995,* guarantees the right to freedom of expression under Article 29, while allowing for limitations if the enjoyment prejudices the fundamental or other human rights and freedoms of others or the public interest. This constitutional right is subject to regulation under various laws including the *Uganda Communications Act, Cap. 103, 2013.* The law regulates broadcasting and electronic communications while the *Press and Journalist Act, 1995*[100], *Uganda Communications (Content) Regulations, 2019*[101] and *Computer Misuse Act, Cap. 96, 2011* criminalise dissemination of malicious information and false information and the misuse of digital technologies.[102] These laws, while not GenAI-specific, may be applied to regulate the dissemination of harmful or misleading AI-generated content but they have also raised human rights concerns in their application. The Ministry of ICT and National guidance and the National Information Technology Authority (NITA-U) provide oversight and implementation functions for ICT policies in Uganda while the Uganda Communications Commission (UCC) regulates communications and broadcasting.

The right to privacy is enshrined in Article 27 of the Constitution and operationalised through the *Data Protection and Privacy Act, Cap. 97, 2019.*[103] This Act establishes a legal framework for the protection of personal data which includes data protection principles such as informed consent, data accuracy,

and the implementation of security safeguards. It also outlines the rights of data subjects such as the ability to access, rectify, and erase their personal information. The Personal Data Protection Office, created under the Act, is tasked with overseeing its implementation. Alongside NITA-U and the UCC, this office plays a critical role in ensuring compliance with data protection standards.

In Uganda, copyright is governed by the *Copyright and Neighbouring Rights Act, Cap. 222, 2006,* which provides protection for a wide range of creative works, including literary, musical, artistic, and audio-visual content, as well as computer programs.[104] The Act grants authors exclusive rights to control the use, reproduction, and distribution of their works. The Uganda Registration Services Bureau (URSB) is responsible for administering and enforcing intellectual property rights, conducting public awareness campaigns, processing applications, and ensuring legal compliance. While the law does not explicitly address AI-generated content, its general provisions extend to protecting the rights of creators in the context of GenAI, and the training of GenAI systems using copyrighted input data may constitute copyright infringement unless it is for private, non-commercial purposes or for teaching, academic research, or professional training.

Uganda has demonstrated a commitment to the UNGPs through national dialogues and the development of a NAP on Business and Human Rights.[105] The Uganda Human Rights Commission (UHRC), the Office of the High Commissioner for Human Rights (OHCHR) and other key partners have played key roles in these efforts.[106] The NAP addresses business-related human rights abuses and promotes corporate accountability. However, it does not specifically address the implications of GenAI, and there are currently no legal requirements for technology companies to align with the UNGPs in the context of AI development and deployment.

Access to justice is a constitutionally protected right under *Article 28 and 44(c)* which guarantees the right to fair hearing, *Article 50 of the Constitution,* which empowers individuals whose rights have been violated to seek redress through a competent court and Article 126, which provides the principles to be followed by courts while administering justice. Justice in Uganda is administered by the Judiciary through courts of judicature; the Supreme Court, Court of Appeal/ Constitution court, the High Court; and other subordinate courts whose mandate is to ensure that justice is accessible to all. The Uganda Human Rights Commission also has powers to hear complaints against public officials and institutions.[107] Uganda has made significant progress in expanding access to justice through legal aid initiatives and community-based dispute resolution mechanisms. However, the legal system lacks specific provisions for addressing harms caused by GenAI. While victims may pursue redress through general legal channels, the absence of targeted regulations makes it difficult to effectively address the unique risks associated with GenAI technologies.

Zambia


REUTERS/Mackson Wasamunu

GenAI tools are used in sectors such as education, agriculture, and digital entrepreneurship, with growing interest among youth and tech innovators in Zambia.[108] However, concerns are rising about the potential for these tools to exacerbate existing digital harms. A 2023 UNESCO global report on TFGBV warns that GenAI can be used to create convincing fake narratives, manipulated images, and defamatory content targeting women, particularly those in public-facing roles.[109] While Zambia-specific GenAI abuse cases have not yet been widely documented, concerns have been expressed regarding the country's broader human rights environment - the 2024 Human Rights Watch report on Zambia highlighted ongoing challenges in protecting freedom of expression and digital safety, especially for civil society actors and journalists.[110] These developments suggest that as GenAI becomes more accessible in Zambia, it could be weaponised in ways that disproportionately harm women, journalists and media practitioners.

Zambia's legal and institutional framework provides a foundational basis for regulating digital technologies, including the emerging field of GenAI, though specific legislation targeting GenAI remains absent. The *Constitution of Zambia, 2016,* guarantees the right to freedom of expression under Article 20, while allowing for limitations in the interest of public order, morality, and national security.[111] This right is further limited by the *Cyber Crimes Act of 2025,* which criminalises the transmission of deceptive electronic communications, provisions that are increasingly relevant in the context of GenAI-generated content.[112] Zambia has not enacted GenAI-specific laws, however, the launch of

its National AI Strategy marks a significant step toward establishing a framework for the ethical and responsible development and use of AI technologies. A closer look at the strategy reveals that it does not include targeted measures to safeguard freedom of expression in relation to GenAI. State institutions such as the Zambia Information and Communications Technology Authority (ZICTA), Zambia Cybersecurity Agency and the Independent Broadcasting Authority (IBA) provide regulation and oversight regarding ICT services and broadcasting to ensure compliance with legal standards and promote responsible digital practices.

The right to privacy is protected under *Article 17 of the Constitution* and is operationalised through the *Data Protection Act of 2021.*[113] This Act establishes a legal framework for data protection, including principles such as informed consent, data accuracy, and the implementation of security measures to safeguard personal information. It also guarantees data subjects the rights to access, rectify, and erase their data. The Act does not specifically address GenAI but its provisions may be applied to data processing by AI systems. The Data Protection Commissioner, in collaboration with ZICTA, is responsible for overseeing data protection practices and ensuring compliance with the law.

Zambia's intellectual property regime is governed by the *Copyright and Performance Rights Act No. 44 of 1994*, which protects a wide range of creative works, including literary, musical, artistic, and audio-visual content, as well as computer programs.[114] The Act grants authors exclusive rights to control the use, reproduction, and distribution of their works. The Zambia Intellectual Property Office (ZIPO) is responsible for administering and enforcing the provisions of the Act. While the law does not explicitly address AI-generated content, its general provisions can be interpreted to extend protection to works created with the assistance of GenAI which may assist with protecting creators' rights in the digital environment. The training of GenAI systems may potentially infringe copyright if it does not fall within fair dealing exceptions, including for private study or research for personal purposes otherwise than for profit.

Zambia has also made progress in aligning its national policies with the United Nations Guiding Principles on Business and Human Rights (UNGPs). Collaborations with the Danish Institute for Human Rights and the Zambia Human Rights Commission have supported the development of a National Baseline Assessment on Business and Human Rights, completed in 2016.[115] Following a recommendation accepted during the 2017 Universal Periodic Review, efforts to develop a National Action Plan (NAP) are ongoing. These initiatives aim to integrate human rights considerations into business practices. However, Zambia has not yet introduced specific laws or administrative measures requiring technology companies to comply with the UNGPs, particularly in the context of GenAI.

Access to justice is a constitutionally protected right under *Article 18 of the Constitution,* which guarantees individuals the ability to seek legal remedies for violations of their rights. The judiciary, led by the Supreme Court and supported by other judicial bodies, seeks to ensure that justice is accessible to all. The Human Rights Commission further strengthens accountability by addressing complaints against public officials and institutions. Zambia has made significant efforts to expand access to justice through legal aid programmes and community-based dispute resolution mechanisms. However, the legal system currently lacks specific provisions for addressing harms caused by GenAI. While victims may pursue redress through general legal channels, the absence of targeted regulations makes it difficult to effectively address the unique risks associated with GenAI technologies.

Zimbabwe


REUTERS/Siphiwe Sibeko

GenAI tools are influencing sectors such as media, education, and civic engagement in Zimbabwe as journalists and content creators are experimenting with AI for storytelling and translation. However, a 2024 UNESCO-supported study by the Media Institute of Southern Africa (MISA) documented a rise in TFGBV against women journalists in Zimbabwe.[116] While not all incidents involved GenAI, the report warns that AI-generated content such as fake quotes, manipulated images and deepfakes could soon amplify these attacks. Zimbabwe's digital space has already seen coordinated online harassment campaigns, and the integration of GenAI into these tactics could worsen the situation.[117]

The *Constitution of Zimbabwe, 2013* guarantees the right to freedom of expression under Article 20 and provides for limitations in the interest of public order, morality, and national security.[118] The protection of this right is further complicated by the *Cyber and Data Protection Act of 2021,* which criminalises the dissemination of false information through ICTs.[119] While Zimbabwe has not enacted GenAI-specific laws, it relies on existing legal frameworks to govern the use of ICTs. State institutions such as the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) and the Zimbabwe Media Commission regulate telecommunications and media practices to ensure compliance with legal standards.

The right to privacy is protected under *Section 57 of the Constitution* and is operationalised through the *Cyber and Data Protection Act, 2021*. This Act provides a legal framework for data protection which includes principles such as informed consent, data accuracy, and the implementation of security measures to safeguard personal information. It also guarantees data subjects the rights to access, rectify, and erase their data. Although the Act does not specifically address GenAI, its provisions apply to AI-driven data processing. POTRAZ and the Zimbabwe Media Commission are the key institutions responsible for overseeing data protection and privacy, ensuring that digital technologies are used in a manner that respects individual rights.

Zimbabwe's intellectual property regime is governed by the *Copyright and Neighbouring Rights Act No. 11 of 2000.* It protects creative works, including literary, musical, artistic, and audio-visual content, as well as computer programmes.[120] The Act provides authors with exclusive rights to control the use, reproduction, and distribution of their works. The Zimbabwe Intellectual Property Office (ZIPO) is responsible for administering and enforcing the Act and the Act does not address AI-generated content directly. However, its general provisions can be interpreted to extend protection to works created with the assistance of GenAI which may assist to protect authors' rights in the digital environment. The training of GenAI systems using input data may potentially infringe copyright.

Zimbabwe has not yet developed a National Action Plan (NAP) on Business and Human Rights. Existing policies focus on general human rights and sustainable development, and they do not specifically address the human rights implications of GenAI. Furthermore, there are no legal or administrative measures requiring technology companies to comply with the UNGPs in the context of AI technologies which highlights a gap in the regulatory framework.

Access to justice is a constitutionally protected right under *Section 69 of the Constitution*, which guarantees individuals the ability to seek legal remedies for violations of their rights. The role of the judiciary, led by the Supreme Court and supported by other judicial bodies, is to ensure that justice is accessible to all. The Zimbabwe Human Rights Commission further strengthens accountability by addressing complaints against public officials and institutions.[121] Zimbabwe has made key progress in expanding access to justice through legal aid programmes and community-based dispute resolution mechanisms. However, the legal system currently lacks specific provisions for addressing harms caused by GenAI. While victims may pursue redress through general legal channels. The absence of targeted regulations makes it difficult to effectively address the unique risks associated with GenAI technologies.

REUTERS/Karen Pulfer

4. Conclusion

The analysis above is limited to the international, regional and national standards on GenAI and expression-related rights in eight countries in Eastern and Southern Africa. In the national contexts, it analyses the constitutional, policy and institutional landscape for GenAI and freedom of expression-related rights. It shows that while constitutional protections for freedom of expression exist in all eight countries studied, policy and institutional frameworks remain largely underdeveloped in addressing the specific risks and impacts of GenAI. Current laws on freedom of expression, false information, data protection, copyright, and corporate accountability are often outdated or insufficiently aligned with international human rights standards, and this leave critical gaps in regulation, oversight, and access to remedies.

This report reveals the following major findings:

01. Out of the eight countries, only South Africa does not have cyber-related laws that seek to criminalise the publication of false information;

02. While countries such as Kenya, Rwanda, South Africa, Zambia have national AI strategies, none of the eight countries studies have a GenAI-specific law or policy. Instead, these laws depend on general ICT, cybercrime, copyright and media laws to address emerging AI systems risks. This legal gap raises concerns about compliance with international obligations to ensure legal clarity, proportionality, and necessity in any restriction of expression.

03. Some countries under review such as Kenya have adopted national AI strategies or data protection laws but they often lack explicit and direct human rights safeguards or mechanisms for corporate accountability as required under international human rights frameworks such as the UNGPs.

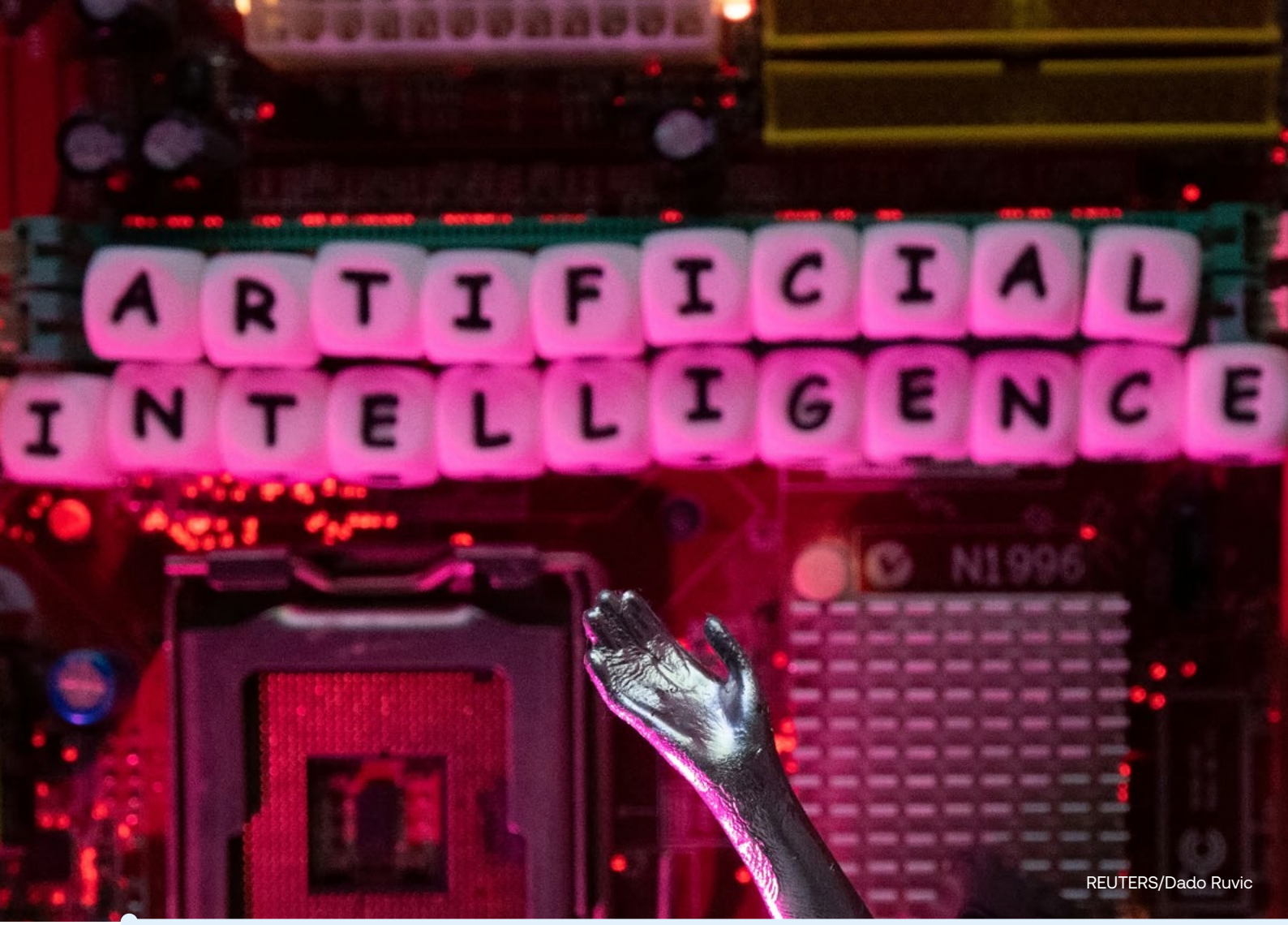
04. There are new concerns as to whether copyright laws in Eastern and Southern African countries can protect artists' intellectual property rights given the increasing use of GenAI tools for artistic expressions.

05. There is an absence of targeted laws and policies that address the impacts of Gen AI on freedom of expression. For instance, the lack of robust legal remedies for GenAI-related harms undermines the right to an effective remedy, a core principle under international business and human rights law.

06. Overall, the report identifies the need for harmonised and rights-based regulatory approaches that align national legal systems with evolving international standards on freedom of expression in the GenAI era.

Furthermore, this report reveals that GenAI tools are primarily being adopted for economic purposes across the eight countries studied. More critically, it highlights a significant information gap on how these tools infringe upon the right to freedom of expression and related rights. This gap stems from the fact that most of the countries analysed are heavily focussed on the developmental and economic benefits of GenAI, which is often at the expense of establishing adequate human rights safeguards.

To ensure that GenAI technologies are harnessed in ways that uphold freedom of expression and related rights, there is a need for comprehensive and rights-based legal reforms. These should be informed by international and regional human rights standards, including the ICCPR, the African Charter, and the UNGPs. Policymakers, regulators, and stakeholders must work collaboratively to develop clear, enforceable standards and measures that promote transparency, accountability, and equitable access to justice regarding the impacts of GenAI on the right to freedom of expression. Without such standards and measures, the promise of GenAI risks being overshadowed by its potential to erode human rights and deepen existing inequalities.



REUTERS/Dado Ruvic

5. Recommendations

To Governments:

- Initiate and support comprehensive legislative reviews to assess the adequacy of current laws in addressing GenAI's human rights implications.
- Establish independent oversight bodies or strengthen existing regulatory mechanisms (e.g., data protection authorities, media councils) with clear mandates to monitor use of GenAI and LLMs and enforce human rights compliance.
- Require Human Rights Impact Assessments (HRIAs) for all public sector GenAI deployments, particularly in sectors such as law enforcement, education, and media.
- Guarantee judicial and non-judicial remedies for individuals affected by GenAI-related harms, including misinformation, defamation, or algorithmic discrimination.
- Champion participatory multi-stakeholder legislative processes that involve civil society, academia, and affected communities in drafting GenAI-related laws.
- Integrate digital literacy and AI ethics into national education curricula, emphasising rights, responsibilities, and critical thinking.
- Promote inter-agency coordination between data protection, media, and ICT regulators to ensure a harmonised and rights-aligned approach to GenAI governance.

To Tech companies:

- Proactively conduct and publish periodic human rights impact assessments for GenAI and LLMs systems, particularly those deployed in high-risk contexts with heightened public discourse such as media, elections and protests.
- Detect and label AI-generated content and provide effective and accessible remedial mechanisms.
- Implement transparent redress mechanisms including clear appeals processes for users whose content is removed or suppressed by GenAI tools.
- Disclose training data sources and model limitations for GenAI tools, especially where outputs may affect public information, cultural narratives, or individual reputations.
- Engage in meaningful consultation with affected communities, civil society, and regulators to co-develop ethical GenAI practices and accountability frameworks.

To the International Human Rights System (e.g., UN, OHCHR, UNESCO, African Commission on Human and Peoples' Rights):

- Develop GenAI-specific interpretive guidance on how existing human rights standards – particularly freedom of expression, privacy, and access to information – apply to GenAI technologies with practical examples for national implementation.
- Support regional and national capacity-building programmes to train regulators, judges, and national human rights institutions on GenAI governance and human rights impact assessments.
- Facilitate inclusive global dialogues that ensure African perspectives and experiences are reflected in the development of international GenAI norms and standards.
- Encourage integration of GenAI risks into Universal Periodic Review (UPR) reports and other treaty body reporting processes to promote state accountability on GenAI tools.

To National Human Rights Institutions (NHRIs):

- Actively monitor and report on GenAI-related rights impacts including freedom of expression, privacy, and access to justice.
- Provide legal and policy advice to governments on aligning national AI governance with international human rights standards.
- Facilitate public complaints mechanisms for individuals affected by GenAI-related harms and advocate for appropriate remedies.
- Engage in public education campaigns to raise awareness of digital rights and the implications of GenAI technologies.

To Civil Society Organisations (CSOs):

- Actively monitor and report on GenAI-related rights violations with a focus on vulnerable and marginalised groups.
- Advocate for inclusive and rights-based AI governance to ensure that national and regional policies reflect community needs and uphold international human rights standards.
- Significantly invest in and implement public awareness and digital literacy programs on GenAI, including how it works, its risks, and how individuals can protect their rights.
- Collaborate with media, academia, and tech developers to jointly develop and implement ethical standards, training materials, and accountability tools for GenAI use.

To academia and think tanks:

- Produce interdisciplinary research on the legal, ethical, and social impacts of GenAI and LLMs, with a focus on freedom of expression, privacy, and access to justice in African contexts.
- Map the development and deployment of GenAI tools and their impacts on human rights across the region.
- Support evidence-based policymaking by developing policy briefs, legal analyses, and model legislation that address GenAI's human rights implications.
- Develop training programs and curricula on AI ethics, human rights, and regulatory innovation for legal professionals, technologists, and public officials.
- Establish regional research hubs or observatories to track GenAI developments and inform public debate and policy responses.

To media and other stakeholders:

- Adopt comprehensive editorial standards for AI-generated content with specific disclosure requirements for different AI applications (research vs. content creation vs. translation), mandatory human oversight protocols, and clear guidelines for protecting confidential sources when using external AI tools.
- Promote responsible journalism on GenAI through accurate, balanced, and rights-aware reporting on its societal impacts, while educating audiences about AI-generated content and its limitations.
- Collaborate with fact-checkers, civil society, and digital platforms to counter disinformation amplified by GenAI while safeguarding legitimate expression.
- Champion press freedom and media pluralism in GenAI governance debates, emphasising the role of independent journalism in democratic accountability and advocating for media representation in national AI policy development processes.
- Develop systematic AI governance frameworks including newsroom auditing of current AI tools, risk assessment mapping for different use cases, and regular policy reviews adapted to varying national regulatory environments.

REUTERS/Tiksa Negeri

Endnotes

1 Partha Konwar, 'Safeguarding Human Rights and Information Integrity in the Age of Generative AI' (*United Nations*, 25 November 2024) <https://www.un.org/en/un-chronicle/safeguarding-human-rights-and-information-integrity-age-generative-ai> accessed 29 May 2025; United Nations, 'Urgent Action Needed over Artificial Intelligence Risks to Human Rights' (*UN News*, 15 September 2021) <https://news.un.org/en/story/2021/09/1099972> accessed 28 May 2025.

2 Dara Kerr, 'Musk's AI Grok Bot Rants about "White Genocide" in South Africa in Unrelated Chats' *The Guardian* (15 May 2025) <https://www.theguardian.com/technology/2025/may/14/elon-musk-grok-white-genocide> accessed 30 May 2025.

3 Dylan Walsh, 'Where Generative AI Meets Human Rights' (*Stanford HAI*, 3 April 2024) <https://hai.stanford.edu/news/where-generative-ai-meets-human-rights> accessed 3 June 2025.

4 Articles 19 of the UDHR and the ICCPR.

5 Office of the High Commissioner for Human Rights (OHCHR), 'Special Rapporteur on Freedom of Opinion and Expression' (*United Nations*) <https://www.ohchr.org/en/special-procedures/sr-freedom-of-opinion-and-expression> accessed 12 May 2025.

6 Special Rapporteur On Freedom Of Opinion And Expression, 'Report on Artificial Intelligence Technologies and Implications for Freedom of Expression and the Information Environment' (Office of the High Commissioner for Human Rights 2018) A/73/348 <https://www.ohchr.org/en/calls-for-input/report-artificial-intelligence-technologies-and-implications-freedom-expression-and> accessed 14 May 2025.

7 Special Rapporteur On Freedom Of Opinion And Expression, 'Call for Submissions to the Thematic Report on "Freedom of Expression and Elections in the Digital Age" by the Special Rapporteur on Freedom of Opinion and Expression' (*Office of the High Commissioner for Human Rights*) <https://www.ohchr.org/en/calls-for-input/2025/call-submissions-thematic-report-freedom-expression-and-elections-digital-age> accessed 3 June 2025.

8 'Privacy, Surveillance, Data' (*United Nations Hub for Human Rights and Digital Technology*) <https://www.digitalhub.ohchr.org/privacydata> accessed 25 May 2025.

9 UNESCO, 'Recommendation on the Ethics of Artificial Intelligence' (2021) SHS/BIO/REC-AIETHICS/2021 <https://unesdoc.unesco.org/ark:/48223/pf0000380455> accessed 26 May 2025; UNESCO, 'Readiness Assessment Methodology: A Tool of the Recommendation on the Ethics of Artificial Intelligence' (UNESCO 2023) <https://unesdoc.unesco.org/ark:/48223/pf0000385198> accessed 3 June 2025.

10 Ajay Patel, 'Freedom of Expression, Artificial Intelligence and Elections' (UNESCO and UNDP 2025) CI-2025/FEJ/ME–1 <https://unesdoc.unesco.org/ark:/48223/pf0000393473> accessed 3 June 2025.

11 Rumman Chowdhury, *Technology-Facilitated Gender-Based Violence in an Era of Generative AI* (UNESCO 2023) <https://www.gcedclearinghouse.org/sites/default/files/resources/230303eng.pdf> accessed 26 May 2025.

12 UNESCO, 'World Press Freedom Day 2025: Reporting in the Brave New World: The Impact of Artificial Intelligence on Press Freedom and the Media; Concept Note; Executive Summary' (2025) CI-2024/FEJ/WFPD/5 <https://unesdoc.unesco.org/ark:/48223/pf0000392965.locale=en> accessed 15 May 2025.

13 UNESCO, 'World Press Freedom Day Global Conference 2025: Reporting in the Brave New World: The Impact of Artificial Intelligence on Press Freedom and the Media; Concept Note' (2025) CI-2024/FEJ/WFPD/4 Rev. <https://unesdoc.unesco.org/ark:/48223/pf0000392207> accessed 22 May 2025.

14 OHCHR, 'B-Tech Project' (*United Nations*) <https://www.ohchr.org/en/business-and-human-rights/b-tech-project> accessed 21 May 2025.

15 United Nations Human Rights Office of the High Commissioner, 'Taxonomy of Human Rights Risks Connected to Generative AI' <https://www.ohchr.org/sites/default/files/documents/issues/business/b-tech/taxonomy-GenAI-Human-Rights-Harms.pdf> accessed 17 May 2025.

16 UN Advisory Body on Artificial Intelligence, *Governing AI for Humanity: Final Report* (UN 2024) <https://digitallibrary.un.org/record/4062495> accessed 31 May 2025.

17 Vibhu Mishra, 'General Assembly Adopts Landmark Resolution on Artificial Intelligence' (*UN News*, 21 March 2024) <https://news.un.org/en/story/2024/03/1147831> accessed 30 May 2025.

18 UNESCO, 'Ethical Impact Assessment: A Tool of the Recommendation on the Ethics of Artificial Intelligence' (2023) SHS/REI/BIO/REC-AIETHICS-TOOL-EIA/2023 <https://www.unesco.org/en/articles/ethical-impact-assessment-tool-recommendation-ethics-artificial-intelligence> accessed 3 June 2025."plainCitation":"UNESCO, 'Ethical Impact Assessment: A Tool of the Recommendation on the Ethics of Artificial Intelligence' (2023

19 OHCHR, 'Call for Code: AI Solutions Promote Human Rights' (17 December 2024) <https://www.ohchr.org/en/stories/2024/12/call-code-ai-solutions-promote-human-rights> accessed 3 June 2025.

20 African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter) <https://au.int/en/treaties/african-charter-human-and-peoples-rights> accessed 15 May 2025.

21 African Commission on Human and Peoples' Rights, 'Media Rights Agenda, Constitutional Rights Project, Media Rights Agenda and Constitutional Rights Project / Nigeria' (1998) 105/93-128/94-130/94-152/96 <https://achpr.au.int/en/decisions-communications/media-rights-agenda-constitutional-rights-project-media-rights-agenda> accessed 20 May 2025.

22 African Commission on Human and Peoples Rights, 'Resolution on the Mandate and Appointment of a Special Rapporteur on Freedom of Expression in Africa' (2004) ACHPR/Res.71(XXXVI) 04 <https://africanlii.org/akn/aa-au/statement/resolution/achpr/2004/71/eng@2004-12-07> accessed 20 May 2025.

23 African Commission on Human and Peoples Rights, 'Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019' (2019) <https://achpr.au.int/en/node/902> accessed 20 May 2025.

24 African Union, 'African Union Convention on Cyber Security and Personal Data Protection' (2014) <https://au.int/sites/default/files/treaties/29560-treaty-0048_-_african_union_convention_on_cyber_security_and_personal_data_protection_e.pdf> accessed 3 June 2025.

25 African Union, 'Continental Artificial Intelligence Strategy' (2024) <https://au.int/en/documents/20240809/continental-artificial-intelligence-strategy> accessed 21 May 2025.

26 African Commission on Human and Peoples' Rights, 'Resolution on the Need to Undertake a Study on Human and Peoples' Rights and Artificial Intelligence (AI), Robotics and Other New and Emerging Technologies in Africa' (2021) ACHPR/Res. 473 (EXT.OS/ XXXI) 2021 <https://achpr.au.int/en/adopted-resolutions/473-resolution-need-undertake-study-human-and-peoples-rights-and-art> accessed 30 May 2025.

27 African Commission on Human and Peoples' Rights, 'Call for Input on the Draft Study on Human and Peoples' Rights and Artificial Intelligence (AI), Robotics, and Other New and Emerging Technologies in Africa' (8 April 2025) <https://achpr.au.int/en/news/announcements/2025-04-08/call-input-study-human-and-peoples-rights-artificial-intelligence-ai> accessed 17 May 2025.

28 ACHPR, DRAFT Study on human and peoples' rights and artificial intelligence, robotics, and other new and emerging technologies in Africa<https://achpr.au.int/en/documents/2025-04-08/draft-study-human-peoples-rights-artificial-intelligence-robotics> accessed 21 July 2025

29 OHCHR, 'Racism and AI: "Bias from the Past Leads to Bias in the Future"' (30 July 2024) <https://www.ohchr.org/en/stories/2024/07/racism-and-ai-bias-past-leads-bias-future> accessed 3 June 2025.

30 UNESCO, 'Guidelines for the Governance of Digital Platforms' <https://www.unesco.org/en/internet-trust/guidelines> accessed 2 June 2025.

31 UNESCO, 'Guidance for Generative AI in Education and Research' (7 September 2023) <https://www.unesco.org/en/articles/guidance-generative-ai-education-and-research> accessed 17 May 2025.

32 OECD, 'Intellectual Property Issues in Artificial Intelligence Trained on Scraped Data' (OECD Publishing 2025) OECD Artificial Intelligence Papers No. 33 <https://www.oecd.org/en/publications/intellectual-property-issues-in-artificial-intelligence-trained-on-scraped-data_d5241a23-en.html> accessed 3 June 2025.

33 WIPO, 'Berne Convention for the Protection of Literary and Artistic Works' <https://www.wipo.int/treaties/en/ip/berne/> accessed 17 May 2025.

34 UN Advisory Body on Artificial Intelligence (n 16).

35 OECD, 'Rights in the Digital Age: Challenges and Ways Forward' (2022) OECD Digital Economy Papers No. 347 <https://www.oecd.org/content/dam/oecd/en/publications/reports/2022/12/rights-in-the-digital-age_d3a850de/deb707a8-en.pdf> accessed 17 May 20255.

36 Isadora Valadares Assunção, 'Beyond Regulation: What 500 Cases Reveal About the Future of AI in the Courts' (*Tech Policy Press*, 20 May 2025) <https://techpolicy.press/beyond-regulation-what-500-cases-reveal-about-the-future-of-ai-in-the-courts> accessed 17 May 2025.

37 XINHUA, 'Ethiopian PM Calls for Homegrown AI to Propel Africa's Development' (*The Eastleigh Voice News*, 18 May 2025) <https://eastleighvoice.co.ke/ethiopia/151714/ethiopian-pm-calls-for-homegrown-ai-to-propel-africa%27s-development> accessed 3 June 2025.

38 'Ethiopia Aims to Become Africa's Artificial Intelligence (AI) Giant' (*Africanews*) <https://www.africanews.com/2018/09/05/ethiopia-aims-to-become-africa-s-artificial-intelligence-ai-giant/> accessed 17 May 2025.

39 Eugénie Humeau, 'AI in Ethiopia: Promising Use Cases for Development' (GSMA 2025) <https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2025/04/AI_in_Ethiopia.pdf> accessed 1 June 2025.

40 See 'Media Proclamation No. 1238/2021' (*WIPO*) <https://www.wipo.int/wipolex/en/legislation/details/21659> accessed 2 June 2025.

41 'Hate Speech and Disinformation Prevention and Suppression Proclamation' (2020) No. 1185/2020 art 7 <https://www.accessnow.org/wp-content/uploads/2020/05/Hate-Speech-and-Disinformation-Prevention-and-Suppression-Proclamation.pdf> accessed 2 June 2025.

42 'Personal Data Protection Proclamation' (2024) No. 1321/2024, arts 6–22 <https://www.dataguidance.com/sites/default/files/personal_data_protection_proclamation_1321-2024.pdf> accessed 3 June 2025.

43 See 'Copyright and Neighboring Rights Protection Proclamation' (2004) No. 410/2004 <https://wipolex-res.wipo.int/edocs/lexdocs/laws/am/et/et001am.pdf> accessed 17 May 2025.

44 Ethiopian Human Rights Commission, 'A Comprehensive Strategy and National Action Plan on Business and Human Rights Overdue' (2 March 2023) <https://ehrc.org/a-comprehensive-strategy-and-national-action-plan-on-business-and-human-rights-overdue/> accessed 17 May 2025.

45 OHCHR, 'Update on the Human Rights Situation in Ethiopia' (2024) <https://www.ohchr.org/sites/default/files/2024-06/OHCHR-Update-HR-situation-in-Ethiopia-in-2023.pdf> accessed 17 May 2025.

46 'Ethiopian Human Rights Commission Establishment Proclamation' (2000) No. 210/2000 art 6 <https://www.refworld.org/sites/default/files/2025-03/eth70032.pdf> accessed 20 May 2025.

47 United States Department of State, '2023 Country Reports on Human Rights Practices: Ethiopia' <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/ethiopia/> accessed 3 June 2025.

48 Juan Diego Martin Soto, 'Generative AI's Expanding Role for Kenyan Small Businesses beyond ChatGPT' (*BFA Global*, 31 October 2023) <https://bfaglobal.com/insights/generative-ais-expanding-role-for-kenyan-small-businesses-beyond-chatgpt/> accessed 3 June 2025; Noel Wandera, 'Kenya Set for Generative AI Shift amid Adoption Hitches' (*People Daily*, 24 December 2024) <https://peopledaily.digital/business/kenya-set-for-generative-ai-shift-amid-adoption-hitches> accessed 3 June 2025; Vincent Owino, 'The Rise in AI-Generated Pictures Amplifies Body-Image Concerns' (*The EastAfrican*, 18 December 2023) <https://www.theeastafrican.co.ke/tea/sustainability/rise-in-ai-generated-pictures-amplifies-body-image-concerns-4465362> accessed 17 May 2025.

49 Boro Nderi, 'GenAI: Leveraging Tech for Business Transformation' (*Business Daily*, 10 November 2024) <https://www.businessdailyafrica.com/bd/opinion-analysis/columnists/genai-leveraging-tech-for-business-transformation-4818936> accessed 17 May 2025.

50 Odanga Madung, 'Tortured over a Tweet: How the War between Kenya's Gen Z and Their President Has Moved Online' (*The Guardian*, 1 May 2025) <https://www.theguardian.com/global-development/2025/may/01/kenyans-tortured-for-a-tweet-president-ruto-satire-x-youth-gen-z> accessed 3 June 2025; Soto (n 47).

51 DW, Why Kenya is cracking down on viral AI-generated content <https://www.dw.com/en/kenya-ai-generated-social-media-content-free-speech-v2/a-71524279> Accessed 21 July 2025

52 Constitution of Kenya 2010 <http://www.parliament.go.ke/sites/default/files/2023-03/The_Constitution_of_Kenya_2010.pdf> accessed 17 May 2025.

53 Kenya Information and Communications Act 1998 s 5 <https://www.ca.go.ke/sites/default/files/CA/Statutes%20and%20Regulations/Kenya-Information-and-Communication-Act-1998.pdf> accessed 17 May 2025.

54 Computer Misuse and Cybercrimes Act 2018, s 23 <https://nc4.go.ke/the-computer-misuse-and-cybercrimes-act-2018/> accessed 2 June 2025.

55 See Ministry of Information, Communications and the Digital Economy, 'Kenya Artificial Intelligence Strategy 2025-2030' (2025) <https://ict.go.ke/sites/default/files/2025-03/Kenya%20AI%20Strategy%202025%20-%202030.pdf> accessed 1 June 2025.

56 Kenya Bureau of Standards, 'Information Technology — Artificial Intelligence — Code of Practice for AI Applications' (2024) <https://www.kebs.org/wp-content/uploads/2024/04/Public-Review-Kenya-Standard-DKS-3007_AI-Code-of-Practice-1.pdf?form=MG0AV3&form=MG0AV3> accessed 1 June 2025.

57 See preamble of the Data Protection Act 2019 <https://www.odpc.go.ke/wp-content/uploads/2024/02/TheDataProtectionAct__No24of2019.pdf> accessed 1 June 2025.

58 Data Protection Act 2019, s 32

59 Data Protection Act 2019, ss 5 & 8.

60 Copyright Act No. 12 of 2001, s 22 <http://kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/C/Copyright%20Act%20-%20No.%2012%20of%202001/docs/CopyrightAct12of2001.pdf> accessed 2 June 2025.

61 Copyright Act No. 12 of 2001, s 5

62 See 'National Action Plan on Business and Human Rights in Kenya' <https://bhr.knchr.org/> accessed 3 June 2025.

63 See the Commission on Administrative Justice (Office of the Ombudsman) <https://www.ombudsman.go.ke/background> accessed 2 June 2025.

64 Thompson Gyedu Kwarkye, 'AI Policies in Africa: Lessons from Ghana and Rwanda' (*The Conversation*, 25 April 2025) <http://theconversation.com/ai-policies-in-africa-lessons-from-ghana-and-rwanda-253642> accessed 2 June 2025.

65 Human Rights Watch, 'Rwanda: Events of 2023', *World Report 2024* (2023) <https://www.hrw.org/world-report/2024/country-chapters/rwanda> accessed 3 June 2025.

66 Ministry of Youth and ICT, 'Smart Rwanda 2020: Master Plan' (2015) <https://smartafrica.org/IMG/pdf/smart_rwanda_master_plan_final.pdf> accessed 17 May 2025.

67 Constitution of Rwanda 2003 <https://www.rwandabar.org.rw/attached_pdf/Constitution%20of%20the%20Republic%20of%20Rwanda-1608275353.pdf> accessed 3 June 2025.

68 Law No. 60/2018 on the Prevention and Punishment of Cybercrimes, arts 38 & 39 <https://www.govca.rw/download/Law_on_prevention_and_punishment_of_cyber_crimes.pdf> accessed 3 June 2025.

69 Ministry of ICT and Innovation, 'The National AI Policy' (Republic of Rwanda 2022) <https://www.minict.gov.rw/index.php?eID=dumpFile&t=f&f=67550&token=6195a53203e197efa47592f40ff4aaf24579640e> accessed 17 May 2025.

70 See Law No. 058/2021 of 13/10/2021 Relating to the Protection of Personal Data and Privacy <https://cyber.gov.rw/fileadmin/user_upload/NCSA/Documents/Laws/OG_Special_of_15.10.2021_Amakuru_bwite.pdf> accessed 17 May 2025.

71 See the Law n° 055/2024 of 20/06/2024 on the protection of intellectual property <https://org.rdb.rw/wp-content/uploads/2024/09/official-gazette-IP-2024-1.pdf > accessed on 11 August 2025..

72 Article 1 of Law n° 055/2024 of 20/06/2024 on the protection of intellectual property.

73 The Office of Ombudsman of Rwanda <https://www.ombudsman.gov.rw/> accessed 12 May 2025.

74 Karin Olivier, 'GenAI Is the Future in South Africa and the World: Are You on Board?' (*NTT Data*, 26 February 2025) <https://services.global.ntt/en-us/insights/blog/genai-is-the-future-in-south-africa-and-the-world-are-you-on-board> accessed 12 May 2025.

75 Phumzile Van Damme, Kyle Findlay and Aldu Cornelissen, 'Generative AI and Its Influence on South Africa's 2024 Elections' (Friedrich Naumann Foundation for Freedom 2024) <https://dgap.org/system/files/article_pdfs/Policy%20Paper%20AI%20on%20South%20Africa%27s%202024%20Electons%20PDF.pdf> accessed 12 May 2025.

76 See Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA <https://www.gov.za/sites/default/files/gcis_document/201409/a4-001.pdf> accessed 3 June 2025.

77 See The Prevention and Combating of Hate Crimes and Hate Speech Act <https://www.gov.za/sites/default/files/gcis_document/202405/50652preventionandcombatingofhatecrimesandhatespeech162023.pdf> accessed 21 July 2025.

78 Cybercrimes Act of 2020, s 14-16 <https://cybercrimesact.co.za/chapter-2/part-ii/> accessed 20 May 2025.

79 See Communications and Digital Technologies, 'SA National AI Policy Framework' (Republic of South Africa 2024) <https://www.dcdt.gov.za/sa-national-ai-policy-framework/file/338-sa-national-ai-policy-framework.html> accessed 20 May 2025.

80 See Protection of Personal Information Act (POPIA) of 2013 <https://www.gov.za/sites/default/files/gcis_document/201409/3706726-11act4of2013popi.pdf> accessed 20 May 2025.

81 See Copyright Act No. 98 of 1978 <https://www.gov.za/sites/default/files/gcis_document/201504/act-98-1978.pdf> accessed 20 May 2025.

82 See South African Human Rights Commission and The Danish Institute for Human Rights, 'Human Rights and Business Country Guide: South Africa' (2015) <https://www.sahrc.org.za/home/21/files/Guide%20Final%20final.pdf%20March%2019.pdf> accessed 4 June 2025.

83 See Public Protector South Africa <https://www.pprotect.org> accessed 20 May 2025.

84 'South African Regulator Wants $27m Yearly from Google, Meta, Others for Local News Publishers' (*Techpoint*, 24 February 2025) <https://techpoint.africa/news/south-african-regulator-wants-27m-yearly-from-google-meta-others-for-local-news-publishers/> accessed 20 May 2025.

85 Augustino Mwogosi and Rajab Simba, 'Integration of AI into Teaching Methodologies in Health Training Institutions in Tanzania' [2025] Journal of Research in Innovative Teaching & Learning <https://www.emerald.com/insight/content/doi/10.1108/jrit-03-2025-0069/full/html> accessed 15 May 2025.

86 Michalsons, 'Tanzanian Judiciary Introduces AI for Enhanced Efficiency' (7 March 2024) <https://www.michalsons.com/blog/tanzanian-judiciary-introduces-ai-for-enhanced-efficiency/72300> accessed 12 May 2025.

87 Julius Maricha, 'Firm Introduces AI Swahili Assistant' (*The Citizen*, 18 November 2024) <https://www.thecitizen.co.tz/tanzania/news/national/firm-introduces-ai-swahili-assistant-4827708> accessed 4 May 2025.

88 See Constitution of Tanzania 1977 <https://elibrary.osg.go.tz/bitstream/handle/123456789/253/Katiba%20ya%20Jamhuri%20ya%20Muungano%20wa%20Tanzania%20_English%20Version_%202009.pdf?sequence=1&isAllowed=y> accessed 3 June 2025.

89 Cybercrimes Act 2015, s 16 <https://www.parliament.go.tz/polis/uploads/bills/acts/1452061463-ActNo-14-2015-Book-11-20.pdf> accessed 3 June 2025.

90 UNESCO, 'From Policy to Action: How Tanzania Is Turning AI and Media Strategy into Reality' (15 May 2025) <https://www.unesco.org/en/articles/policy-action-how-tanzania-turning-ai-and-media-strategy-reality> accessed 30 May 2025.

91 ARTICLE 19, 'Tanzania: Electronic and Postal Communications (Online Content) Regulations 2018' (16 May 2018) <https://www.article19.org/resources/tanzania-electronic-and-postal-communications-online-content-regulations-2018/> accessed 28 May 2025.

92 See the Electronic and Postal Communications Act 2010 <http://parliament.go.tz/polis/uploads/bills/acts/1452072364-ActNo-3-2010.pdf> accessed 3 June 2025.

93 See Personal Data Protection Act <https://www.pdpc.go.tz/media/media/THE_PERSONAL_DATA_PROTECTION_ACT.pdf> accessed 3 June 2025.

94 See Copyright and Neighbouring Rights Act No. 7 of 1999 <http://parliament.go.tz/polis/uploads/bills/acts/1457511754-ActNo-7-1999.pdf> accessed 3 June 2025.

95 'Tanzania 2022 Human Rights Report' <https://www.state.gov/wp-content/uploads/2023/03/415610_TANZANIA-2022-HUMAN-RIGHTS-REPORT.pdf> accessed 4 June 2025.

96 Commission for Human Rights and Good Governance, Danish Institute for Human Rights, and Centre for Research on Multinational Corporations, 'National Baseline Assessment of Current Implementation of Business and Human Rights Frameworks in the United Republic of Tanzania' (2017) <https://globalnaps.org/wp-content/uploads/2017/11/tanzania-bhr-nba_final_nov2017.pdf> accessed 12 May 2025.

97 'United Republic of Tanzania Commission on Human Rights and Good Governance' <https://www.chragg.go.tz> accessed 30 May 2025.

98 'The Promise and Perils of Generative AI' (*Monitor*, 24 June 2024) <https://www.monitor.co.ug/uganda/oped/letters/the-promise-and-perils-of-generative-ai--4667680> accessed 15 May 2025.

99 CIPESA, 'An Artificial Intelligence Eco-System for Uganda: Policy Alternatives for Civil Society Organisations' (2024) <https://cipesa.org/wp-content/files/briefs/An_Artificial_Intelligence_Eco-System_for_Uganda__Policy_Brief.pdf> accessed 13 May 2025.

100 Press and Journalist Act 1995 <https://ulii.org/akn/ug/act/statute/1995/6/eng@2014-02-10#part_I> accessed 18 August 2025.

101 Uganda Communications (Content) Regulations, 2019 <https://www.ucc.co.ug/wp-content/uploads/2024/03/Content-Regulations-2019.pdf>*accessed 18 August 2025.*

102 Uganda Communications Act 2013 <https://www.ucc.co.ug/wp-content/uploads/2023/10/UCC-Act-2013.pdf> accessed 4 June 2025; Computer Misuse Act 2011 <https://chapterfouruganda.org/sites/default/files/downloads/Computer-Misuse-Act-2011_0.pdf> accessed 14 May 2025.

103 Data Protection and Privacy Act 2019 <https://ulii.org/akn/ug/act/2019/9/eng@2019-05-03> accessed 16 May 2025.

104 Copyright and Neighbouring Rights Act, Cap. 222, 2006 <https://ulii.org/akn/ug/act/2006/19/eng@2023-12-31> accessed 18 August 2025.

105 National Action Plan on Business and Human Rights (2021-2026) <https://globalnaps.org/country/uganda/> accessed 13 May 2025.

106 'Dialogue on National Action Plans On Business and Human Rights In East & Horn Of Africa Region: Uganda National Dialogue Report' (2021) <https://www.humanrights.dk/files/media/document/NAP%20Dialogue_Uganda%20Report_ENG_accessible.pdf> accessed 12 May 2025.

107 Uganda Human Rights Commission Act, s 7 <https://www.policinglaw.info/assets/downloads/UGANDA_HUMAN_RIGHTS_COMMISSION_ACT.pdf> accessed 24 May 2025.

108 Tanvi Deshpande, 'Voice-First Generative AI for Impact: Insights from Viamo's Ask Viamo Anything Pilot in Zambia' (GSMA 2025) <https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2025/03/GSMA_Viamo_Voice-First-Generative-AI-for-Impact_2025.pdf> accessed 25 May 2025.

109 Rumman Chowdhury and Dhanya Lakshmi, '"Your Opinion Doesn't Matter, Anyway": Exposing Technology-Facilitated Gender-Based Violence in an Era of Generative AI' (UNESCO 2023) <https://unesdoc.unesco.org/ark:/48223/pf0000387483> accessed 25 May 2025.

110 Human Rights Watch, 'Zambia: Events of 2023', *World Report 2024* (2023) <https://www.hrw.org/world-report/2024/country-chapters/zambia> accessed 19 May 2025.

111 Constitution of Zambia 1996 <https://www.legal-tools.org/doc/52c71a/pdf/> accessed 3 June 2025.

112 Cyber Crimes Act of 2025, s 19 <https://www.parliament.gov.zm/sites/default/files/documents/acts/Acts%20No.%204%20of%202025%2C%20The%20Cyber%20Crimes.pdf> accessed 30 May 2025.

113 The Data Protection Act of 2021 <https://www.parliament.gov.zm/sites/default/files/documents/acts/Act%20No.%203%20The%20Data%20Protection%20Act%202021_0.pdf> accessed 24 May 2025.

114 The Copyright and Performance Rights Act No. 44 of 1994 <https://www.wipo.int/wipolex/en/legislation/details/5351> accessed 22 May 2025.

115 Scott Martin, 'A Baseline Assessment on Business and Human Rights in Africa: From the First Decade to the Next' (UNDP 2022) <https://www.undp.org/sites/g/files/zskgke326/files/2022-10/Baseline%20Assessment%20BHR%20Report%20EN%20-%20web.pdf> accessed 22 May 2025.

116 Media Institute of Southern Africa, 'A Study of Technology Facilitated Gender-Based Violence in Southern Africa' (2024) HAR/CI/2024/03 <https://unesdoc.unesco.org/ark:/48223/pf0000390886> accessed 23 May June 2025.

117 Lungelo Ndhlovu, 'In Zimbabwe, Online Violence Is on the Rise' (*International Journalists' Network*, 20 October 2022) <https://ijnet.org/en/story/zimbabwe-online-violence-rise> accessed 3 May 2025.

118 Constitution of Zimbabwe 2013 <https://www.constituteproject.org/constitution/Zimbabwe_2013> accessed 15 May 2025.

119 Cyber and Data Protection Act of 2021, s 164D <https://www.ictministry.gov.zw/wp-content/uploads/2024/01/Cyber-and-Data-Protection-Act-Chapter-1207.pdf> accessed 4 June 2025.

120 Copyright and Neighbouring Rights Act No. 11 of 2000 <https://zimlii.org/akn/zw/act/2000/11/eng@2004-09-10> accessed 20 May 2025.

121 Zimbabwe Human Rights Commission Act, s 4 <https://www.jsc.org.zw/upload/Acts/2016/1030done.pdf> accessed 4 June 2025.

The Thomson Reuters Foundation's global pro bono legal network, TrustLaw, works with leading law firms and corporate legal teams to facilitate free legal support, research, and resources for civil society organizations, social enterprises, and non-profit independent media around the globe.

For more information, visit www.trust.org.

TrustLaw | Thomson Reuters Foundation