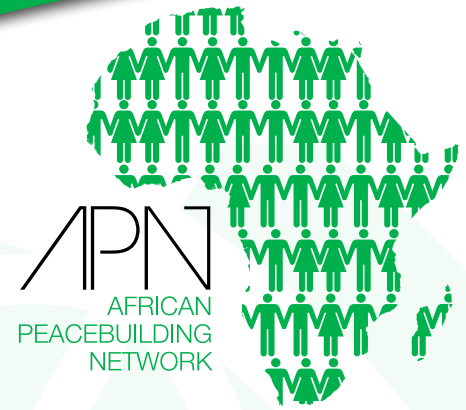




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Ethical Guidelines for Artificial Intelligence in Crime Control and Public Order Management in Kenya

By Job Mwaura

RECOMMENDATIONS

- **Develop AI ethical guidelines** that deeply respect and integrate Kenya's diverse cultural and social norms. This involves actively involving community leaders and sociocultural experts in the drafting process to ensure that the guidelines are reflective of and sensitive to local values and practices.
- **Prioritise human rights and civil liberties** when drafting AI guidelines. This includes clear directives against the misuse of AI for surveillance or discrimination and provisions for safeguarding privacy and freedom of expression.
- **Establish a dynamic framework** for the guidelines, with regular reviews and updates to adapt to technological advancements and societal shifts. Encourage continuous dialogue and engagement with various stakeholders, including technologists, ethicists, policymakers, and civil society, to ensure the guidelines remain relevant and practical.
- **Initiate comprehensive training and awareness** programs for all stakeholders involved in AI deployment, including law enforcement, judiciary, and civil sector. These programs should emphasise the ethical use of AI, focusing on respect for cultural diversity and human rights.
- **Foster an environment** where government bodies, the private sector, academia, and civil society collaborate to ensure the ethical application of AI. This collaboration should bridge gaps between technological advancements and ethical considerations, providing a balanced approach to AI deployment.
- **Implement robust monitoring and evaluation** mechanisms to oversee the application of AI in public order and crime control. This requires setting up independent review boards or committees to assess the impact of AI applications on society, and ensure adherence to the established ethical guidelines.

This policy brief explores the integration of Artificial Intelligence (AI) into Kenya's public order and crime control framework, highlighting its potential to reshape societal security and law enforcement practices. Given AI's increasing influence on crime detection and public safety, it being in alignment with Kenya's legal frameworks, cultural values, and human rights commitments—including the Data Protection Act of 2019¹, The Kenya Information and Communications Act of 1998², and the Computer Misuse and Cybercrimes Act of 2018³—is crucial to ensure its positive impact while safeguarding civil liberties and privacy.

Integrating AI into Kenya's crime control and public order management presents significant opportunities and challenges. Currently, AI's role in these sectors primarily revolves around data analytics, predictive policing, and cybercrime⁴ and surveillance⁵, aiming to enhance efficiency in crime detection and resource allocation. Balancing technological benefits with ethical considerations⁶ and civil liberties poses a central challenge, with concerns such as privacy infringement and algorithmic biases at the forefront. Despite these challenges, AI offers promising opportunities for more efficient law enforcement, conflict resolution,⁷ and enhanced public safety.

Insights from interviews conducted between September 2023 and November 2023 in Kenya, spanning security experts, legal professionals, human rights advocates, ethicists, IT professionals, government regulators, and civil society representatives, offer valuable perspectives on AI's cultural, social, political, and ethical implications in crime control, public order management, and peacebuilding.

FINDINGS

The research findings explain Kenya's expert opinions and perspectives on Artificial Intelligence (AI) ethics. Below is a summary of these findings, focusing on the critical areas identified:

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1. Cultural, Social, and Political Considerations

Experts stressed the significance of cultural, social, and political factors in deploying AI technologies in Kenya. They emphasised the need for sensitivity to local nuances, traditions, and customs to prevent the alienation or unfair targeting of specific communities. Additionally, the country's political landscape, shaped by historical events such as the 2007/2008 crisis, is deemed crucial in guiding the ethical use of AI.

2. Human Rights and Civil Liberties Protection

Experts mostly agree that AI guidelines should prioritise safeguarding human rights and civil liberties, explicitly prohibiting its use for unlawful surveillance and discrimination. Additionally, they emphasised the importance of transparency, accountability, and establishing mechanisms for ongoing oversight and evaluation of AI applications.

3. Need for Adaptability and Evolution in AI Ethics Guidelines

Experts stressed the need for dynamic, responsive and adaptable ethical guidelines that can evolve. They proposed periodic review and feedback mechanisms, integrating diverse perspectives to update policies in alignment with technological and societal shifts.

CONCLUSION

The research findings indicate the need for a multi-stakeholder approach in developing AI ethical guidelines. The proposed policies and guidelines on crime control and public order management in Kenya hold a significant potential impact. By embedding ethical considerations into AI deployment, these guidelines aim to ensure AI enhances public safety and societal well-being while safeguarding fundamental rights and freedoms, serving as a model for other nations. This policy brief calls for collective action from policymakers, technologists, legal experts, and civil society activists to ensure AI development aligns with ethical standards and human rights. Pursuing ethical use of AI in Kenya is essential for a future where technology enhances human capabilities, respects diversity, and fosters peace and stability. This brief intends to guide stakeholders towards a society where AI is used ethically and responsibly for the benefit of all.

¹ 'The Kenya Data Protection Act 2019' http://kenyalaw.org/kl/fileadmin/pdffdownloads/Acts/2019/TheDataProtectionAct_No24of2019.pdf accessed 23 July 2023.

² Kenya Information and Communications Act 2008: Accessed 1st August 2023

³ Computer Misuse and Cybercrimes Act of 2018, Kenya: <https://kenyalaw.org/kl/fileadmin/pdffdownloads/Acts/ComputerMisuseandCybercrimesActNo5of2018.pdf>. Accessed 20 July 2023

⁴ National Cybersecurity Strategy 2022-2027, Kenya: <https://nc4.go.ke/national-cybersecurity-strategy-2022-2027>. Accessed 20 July 2023

RECOMMENDATIONS

Government and regulatory agencies should:

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- Initiate comprehensive training and awareness programs for all stakeholders involved in AI deployment, including law enforcement, judiciary, and civil sector. These programs should emphasise the ethical use of AI, focusing on respect for cultural diversity and human rights.
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- Implement robust monitoring and evaluation mechanisms to oversee the application of AI in public order and crime control. This requires setting up independent review boards or committees to assess the impact of AI applications on society, and ensure adherence to the established ethical guidelines.

⁵ Lyon, D. (2003). Surveillance technology and surveillance society. *Modernity and technology*, 161, 184.

⁶ Erdélyi, O. J., & Goldsmith, J. (2018, December). Regulating artificial intelligence: Proposal for a global solution. In *Proceedings of the 2018 AAAI/ACM Conference on AI, Ethics, and Society* (pp. 95-101).

⁷ Olsher, D. J. (2015). New artificial intelligence tools for deep conflict resolution and humanitarian response. *Procedia Engineering*, 107, 282-292.