

Strengthening Legal and Policy Frameworks for AI Accessibility for Persons with Disabilities in Kenya: **Doctrinal Analysis**



Strathmore University

*Centre for Intellectual Property and
Information Technology Law*

TABLE OF CONTENTS

TABLE OF CONTENTS	02
ACRONYMS AND ABBREVIATIONS	03
EXECUTIVE SUMMARY	04
01 Introduction	05
1.1 Background of the Study	05
1.2 Problem Statement	06
1.3 Research Objectives	06
Overall research objective	06
1.4 Research Questions	07
Main research question	07
Underlying research questions	07
1.5 Justification and Significance of the Study	07
1.6 Research Methodology	08
1.7 Scope and Limitations of the Study	08
1.8 Organisation of the Report	09
02 Literature Review: Understanding AI and Digital Accessibility	10
03 Doctrinal Analysis	13
3.1 International and Continental Frameworks for AI Accessibility	13
3.1.1 UN Convention on the Rights of Persons with Disabilities (CRPD)	13
3.1.2 UNESCO Recommendation on the Ethics of AI	14
3.1.3 African Charter on Human and Peoples' Rights (ACHPR) and the Protocol on the Rights of Persons with Disabilities in Africa	14
3.1.4 African Union Continental AI Strategy (2024)	15
3.2 Kenya's Legal and Policy Framework for AI Accessibility	16
3.2.1 Constitution of Kenya, 2010	16
3.2.2 Kenya ICT Policy	17
3.2.3 Persons with Disabilities Act (2025)	18
3.2.4 National AI Strategy 2025 - 2030	19
3.2.5 The Artificial Intelligence Bill, 2026	20
3.2.6 KEBS Standards on ICT Accessibility	20
3.2.7 Kenya Persons with Disabilities National Policy 2024	21
3.3 Findings from Doctrinal Analysis	22
04 Conclusion of Findings	24
GLOSSARY	25
BIBLIOGRAPHY	26

ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
AI	Artificial Intelligence
AT	Assistive Technology
CIPIT	Centre for Intellectual Property and Information Technology Law (CIPIT)
CRPD	Convention on the Rights of Persons with Disabilities
EU	European Union
ICT	Information and Communications Technology
KEBS	Kenya Bureau of Standards
KSL	Kenyan Sign Language
NACOSTI	National Commission for Science, Technology and Innovation
OPD	Organisations of Persons with Disabilities
PWD	Person with a Disability
SU-ISERC	Strathmore University Institutional Scientific and Ethics Review Committee
UNFPA	United Nations Population Fund
UNESCO	United Nations Educational, Scientific and Cultural Organisation
WHO	World Health Organisation

EXECUTIVE SUMMARY

For persons with disabilities (PWDs), the impact of Artificial Intelligence (AI) is two-fold. AI-powered assistive technologies, including sign language recognition and speech-to-text systems, can enhance accessibility. However, AI systems designed without disability considerations embedded from the outset risk replicating and deepening existing barriers through biased training data and inaccessible interfaces. Against this context, this report examines Kenya's legal, policy and governance environment for AI accessibility and proposes targeted reforms to meaningfully embed accessibility requirements in law and policy. The study adopts a doctrinal analysis grounded in Kenya's constitutional guarantees under Articles 27, 28 and 54, statutes and relevant international and regional frameworks, contextualised through a Focus Group Discussion (FGD) with Organisations of Persons with Disabilities (OPDs), accessibility advocates, assistive technology developers and policymakers. The FGD findings are presented in an accompanying report titled **"Strengthening Legal and Policy Frameworks for AI Accessibility for Persons with Disabilities in Kenya: Focus Group Findings and Recommendations"**.

The findings in the current report reveal a persistent gap between accessibility commitments and enforceable action. International and regional frameworks, including the CRPD, the African human rights framework and the AU Continental AI Strategy, establish a normative foundation for accessibility but largely leave states to determine specific compliance requirements. Kenya's legal and policy landscape reflects the same pattern. While the National AI Strategy 2025–2030, the Persons with Disabilities Act 2025, the ICT Policy and the KEBS ICT Accessibility Standard recognise PWD inclusion and digital accessibility to varying degrees, they do not establish clear AI-specific accessibility standards, minimum compliance requirements or sufficiently defined enforcement mechanisms.

The ongoing development of the AI and Emerging Technologies Policy, the draft Data Governance Policy and development of AI legislation present an opportunity to embed accessibility within Kenya's emerging AI governance architecture. The report argues for a shift from broad commitments to inclusion towards clear, enforceable and context-specific accessibility requirements that shape AI design, development and deployment from the outset.

1.0

INTRODUCTION

1.1 Background of the Study

Disability may be defined as the various restrictions and limitations that individuals face due to bodily structures, which affect their health and complex interactions with their environment.¹ The United Nations Convention on the Rights of Persons with Disabilities (CRPD) recognises that disability occurs due to individuals' interactions with external attitudes and environments, and is not solely based on their impairments.² Although they are often used interchangeably, it is important to distinguish between the concepts of accessibility and inclusion, both of which are avenues of mitigating barriers that individuals with disabilities face. Disability inclusion means understanding the relationship between the way people function and how they participate in society, and making sure everybody has the same opportunities to participate in every aspect of life to the best of their abilities and desires.³ Article 9 of the CRPD articulates what accessibility entails, being the removal of environmental and structural barriers so that persons with disabilities can physically, communicatively, and informationally reach services, spaces, and systems.⁴

It is estimated by the World Health Organisation (WHO) that about 16% of the world population faces a disability, with the number progressively increasing due to illnesses.⁵ In Kenya, the UN Population Fund (UNFPA) estimates that persons with disabilities make up 0.9 million, or 2.2%, of the population.⁶ However, a 2020 Development Initiatives background paper highlights challenges facing the 2019 census in capturing data on persons with disabilities, due to lack of universally accepted standards for categorising disabilities and methods for collecting data that navigate potential issues of stigma during data collection.⁷

Despite the higher rates of ICT access and use in Africa, persons with disabilities still face barriers to digital accessibility due to inadequate infrastructure, lack of proper accessibility features and high costs of Assistive Technologies.⁸ WHO defines Assistive Technologies (ATs) as products that operationalise accessibility, by supporting people's functioning in their communication including hearing, seeing and self-care, movement and cognition, among other needs.⁹ Building on prior research mapping AI assistive technologies across Africa, this study turns its focus to the legal and regulatory dimension of AI accessibility

⁹ World Health Organization, 'Assistive Technology' (WHO, 2 January 2024) <https://www.who.int/news-room/fact-sheets/detail/assistive-technology> accessed 13 May 2026.

in Kenya.¹⁰

1.2 Problem Statement

While growing adoption of AI across Africa offers both opportunities and accessibility risks for persons with disabilities (PWDs), emerging AI governance frameworks have yet to sufficiently translate disability inclusion into specific requirements for the design, development and deployment of AI systems. The African Union's Continental AI Strategy (2024), the African Charter on Human and Peoples Rights (ACHPR) and its Protocol on the Rights of Persons with Disabilities in Africa read alongside the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)¹¹ and UNESCO's Recommendation on the Ethics of Artificial Intelligence,¹² establish a normative basis for inclusive and human rights centered technology governance. However, they largely provide broad obligations that leave it up to the states to determine what accessibility requires in practice. Kenya's emerging AI governance landscape equally reflects this gap, revealing that although the National AI strategy 2025-2030¹³ provides for ethical AI and inclusive growth, the Persons with Disabilities Act 2025,¹⁴ coupled with the Data Protection Act 2019 do not establish AI specific accessibility requirements capable of operationalising the commitments.¹⁵ As such, accessibility remains recognised in general terms without addressing PWD-specific needs such as accessible chatbots and speech recognition for non-standard speech. This lack of specificity leaves persons with disabilities without the legal protections necessary to ensure their access to AI systems and the opportunities these present.

1.3 Research Objectives

Overall research objective

To examine whether Kenya's legal, policy and governance landscape adequately provides for AI accessibility for persons with disabilities, and to propose targeted reforms informed by international and regional human rights standards.

Specific research objectives

- a. To examine the international and regional human rights standards governing AI accessibility for persons with disabilities, and assess the extent to which these standards are reflected in Kenya's legal and policy landscape.
- b. To assess Kenya's key legal and policy instruments for gaps in AI accessibility provisions, and to recommend targeted updates to strengthen these instruments.
- c. To analyse the data gaps and governance challenges facing accessible AI

¹⁰ Josephine Kaaniru, 'AI Assistive Technologies for Persons with Disabilities in Africa' (CIPIT 2023) <<https://cipit.strathmore.edu/ai-assistive-technologies-ats-for-persons-with-disabilities-pwds-in-africa/>>. accessed 13 May 2026

¹¹ United Nations Convention on the Rights of Persons with Disabilities [2006].

¹² UNESCO Recommendations on the Ethics of Artificial Intelligence [2021].

¹³ Republic of Kenya, Kenya Artificial Intelligence Strategy 2025-2030 (March 2025) 14, 17-19.

¹⁴ Persons With Disabilities Act 2025

¹⁵ Data Protection Act 2019; Persons With Disabilities Act 2025.

development for persons with disabilities in Kenya, and to explore how existing and emerging data governance laws and policies could be leveraged to address them.

1.4 Research Questions

Main research question

Does Kenya's legal and policy landscape adequately provide for AI accessibility for persons with disabilities, and what targeted reforms are needed to address the identified gaps, informed by international and regional human rights standards?

Underlying research questions

- a. To what extent do international and regional human rights standards provide for AI accessibility for persons with disabilities, and how are these standards reflected in Kenya's legal and policy landscape?
- b. To what extent do Kenya's key legal and policy instruments adequately provide for AI accessibility for persons with disabilities, and what targeted updates would address the identified gaps?
- c. What data gaps and governance challenges hinder the development of accessible AI for persons with disabilities in Kenya, and how can existing and emerging data governance laws and policies be leveraged to address them?

1.5 Justification and Significance of the Study

While some legal and policy instruments in Kenya recognise PWD accessibility in digital technologies, they lack the technical specificity, minimum standards and enforceable obligations necessary to translate these commitments into practice and address barriers in technological accessibility. This not only risks continued exclusion of PWDs from AI systems but also undermines Kenya's obligations under the CRPD and the ACHPR. Addressing the legal gap therefore, becomes particularly important given Kenya's position as the first African country to develop a digital accessibility standard for ICT products and services in its ongoing AI governance processes. Therefore, the reforms proposed in this study seek to strengthen accessibility in Kenya while contributing to broader regional conversations on accessible AI practices and providing organisations of Persons with Disabilities (OPDs) and policy makers with evidence-based recommendations to support advocacy and implementation in advancing accessibility.

1.6 Research Methodology

The study employed a doctrinal legal analysis of the primary international, regional, and domestic instruments governing AI governance and disability accessibility, including the CRPD, the ACHPR and its Protocol on the Rights of Persons with Disabilities, the AU Continental AI Strategy, Kenya's National AI Strategy 2025–2030, the Persons with Disabilities Act 2025, the Data Protection Act, the National ICT Policy, and the KEBS ICT Accessibility Standard. This review formed the legal foundations for identifying gaps in Kenya's existing legal and policy landscape and for developing the study's recommendations, by determining whether the provisions were specific and enforceable in practice.

This study was conducted in accordance with established ethical principles of confidentiality, anonymisation, voluntary participation and the right to withdraw consent, and received ethical approval from both the Strathmore University Institutional Scientific and Ethics Review Committee (SU-ISERC) and the National Commission for Science, Technology and Innovation (NACOSTI) prior to data collection.

1.7 Scope and Limitations of the Study

This research report focuses on the legal, policy and governance environment for AI accessibility for persons with disabilities in Kenya. It adopts the PWDs Act of 2025 definition of persons with disabilities, to mean “persons with long-term physical, mental, intellectual, developmental or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.”¹⁶ Thus, this definition acknowledges a wide range of disabilities and accessibility mechanisms, since its main focus is on the legal and policy considerations of accessibility. While it draws on international and regional human rights instruments, these are relied on as normative benchmarks rather than as subjects of in-depth comparative analysis.

A follow-up report provides findings from primary data collection, to give broader context to the doctrinal analysis. Additionally, given the rapidly evolving nature of AI technology and regulation, some developments in Kenya's legal and policy landscape, particularly around potential dedicated legislation, the AI and Emerging Technologies Policy which is still under development, and the Data Governance Policy, published in draft in May 2026 but not yet approved by Cabinet as of July 2026, may occur after the completion of this study.

¹⁶ Persons with Disabilities Act (2025), section 2

1.8 Organisation of the Report

Chapter Two presents a literature review on AI and digital accessibility. Chapter Three presents the doctrinal analysis of international, regional and domestic legal and policy instruments governing AI accessibility for persons with disabilities in Kenya. Chapter Four concludes the report, summarising the key findings and their implications for the follow-up report.



2.0

LITERATURE REVIEW: UNDERSTANDING AI AND DIGITAL ACCESSIBILITY

Kenya's AI Strategy 2025-2030 adopts the definition of Artificial Intelligence (AI) to be "a collection of emerging technologies that leverage machine learning, data processing, and algorithmic systems to perform tasks that typically require human intelligence, encompassing capabilities such as automated decision-making, language processing, and computer vision."¹⁷ In this study, AI encompasses both narrow AI systems, those designed to perform specific tasks such as speech recognition or image classification,¹⁸ and the broader data-driven systems and automated decision-making tools that increasingly mediate access to services in healthcare, education, and employment.¹⁹ Digital accessibility refers to designing digital tools and services in a way that enables all people, including those with various disabilities, to access them, and interact with them effectively.²⁰ This concept is tied to the idea of universal design, which the CRPD defines as designing products and environments in a way that they are usable by everyone without need for specialised design.²¹

The intersection of AI and digital accessibility is significant, as AI has the potential to be an accessibility enabler,²² through powering assistive technologies such as screen readers, sign language recognition tools, and predictive text systems,²³ but can also impede accessibility and reproduce or deepen existing bias against persons with disabilities.²⁴ Biased training data and inaccessible interfaces have been shown to replicate and deepen accessibility barriers for persons with disabilities. These risks result from decision-making at every stage of the AI lifecycle, including planning and design, data collection and curation, implementation, and post-deployment monitoring.²⁵ For instance, research shows that automatic speech recognition systems that are trained predominantly on standard speech data, consistently produce significantly higher error rates when processing disordered or impaired speech, undermining their accessibility for persons with speech disabilities.²⁶

These design risks are mainly exacerbated by structural barriers to development of

²² Chemnad and Othman (n 20)

²³ Kaaniru (n 10)

²⁴ Kaaniru (n 10)

²⁵ D Newman-Griffis and others, 'Definition Drives Design: Disability Models and Mechanisms of Bias in AI Technologies' First Monday <<https://firstmonday.org/ojs/index.php/fm/article/view/12903/10797>> accessed 7 April 2026.

²⁶ Nada Gohider and Otman A. Basir, "Recent Advancements in Automatic Disordered Speech Recognition: A Survey Paper" (2024) 9 Natural Language Processing Journal 100110 <<https://doi.org/10.1016/j.nlp.2024.100110>>

accessibility technology across the continent. Prior research mapping the AI assistive technology landscape across Africa found that while a handful of countries, including Kenya, South Africa, Ghana, Egypt and Nigeria had produced homegrown Assistive Technology (AT) innovations, most ATs used across the continent were imported from large Western technology companies, and many African nations had low levels of AT development, if at all.²⁷ The core barriers identified were a shortage of representative local datasets, inadequate funding, widespread digital skills gaps, and national policies that acknowledged disability rights on paper but failed to address assistive technology in practice.²⁸ These findings underscore the importance of the legal and policy environment as an enabling condition for accessible AI development, the gap this research specifically addresses.

The tension between expanding digital access and embedding inclusive design by default is evident in Kenya's own experience with digital public infrastructure. Recent research in Kenya illustrates a critical tension in digital transformation, where infrastructure can simultaneously broaden and narrow access depending on its inclusive design. While centralized digital public infrastructure (DPI) like the eCitizen portal has significantly reduced service delivery timelines, these gains are often both enabling and limiting.²⁹ When accessibility is not embedded into the core design, the infrastructure effectively marginalises those it intends to serve.³⁰ A prime example of this narrowing access through design is the use of biometric authentication systems, where systems that rely exclusively on fingerprints create barriers for persons with limb differences, barring them from vital public services.³¹ To mitigate such exclusion, experts recommend transitioning toward universal design that incorporates AI-driven multimodal authentication and voice support.

This interaction between automation of services and accessibility barriers is well documented even beyond Kenya, where research on identity verification in government services has found that such systems are often designed around visual interaction, leaving blind and low vision individuals disproportionately burdened, despite identity verification being a critical gateway to accessing government services.³² Studies drawing on both online accounts and direct interviews with blind and low-vision users have found that inaccessible verification workflows do not merely inconvenience users, but restructure how security is achieved in practice, with repeated verification demands and inaccessible physical infrastructure compounding exclusion from essential services.³³ These findings are particularly relevant to our analysis of the legal and policy mandates for accessibility, especially considering Kenya's own digital public infrastructure agenda, where identity verification increasingly mediates access to government services delivered through platforms such as eCitizen.

Legally, most jurisdictions have yet to translate these accessibility risks into binding, AI-

27 Kaaniru (n 10)

28 Kaaniru (n 10)

29 Albino Luciani and others, 'The Influence of Emerging Technologies and Digital Public Infrastructure on Inclusive Digital Service Delivery for Persons with Disabilities and Senior Citizens in Kenya' (2026) 9(2) East African Journal of Arts and Social Sciences 338

30 Luciani and others (n 29)

31 Luciani and others (n 29)

32 RJ Oommen and T Sharma, 'Essential, yet Overlooked: Identity Verification Barriers for Blind and Low Vision People in Government Services' ACM <<https://arxiv.org/pdf/2604.28166v1>> accessed 23 June 2026.

33 RJ Oommen and T Sharma (n 32)

specific obligations. The European Union’s Artificial Intelligence Act is a notable exception, being the first binding framework for AI governance to include explicit disability accessibility obligations, though the European Union’s position as a bloc of member states means its approach reflects a resource and institutional context materially different from Kenya’s.

Notably, the way a legal or policy instrument defines disability shapes the design choices made in the AI systems built under it.³⁴ This highlights why the specificity of a legal instrument’s provisions, rather than general recognition of disability rights, is crucial for accessibility outcomes in practice, a theme this report returns to throughout its doctrinal analysis.



³⁴ D Newman-Griffis and others (n 25)

3.0

DOCTRINAL ANALYSIS

3.1 International and Continental Frameworks for AI Accessibility

3.1.1 UN Convention on the Rights of Persons with Disabilities (CRPD)

“All human beings are born free and equal in dignity and rights.”³⁵ Arising from this primary principle of the international human rights framework, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) operationalises the rights of persons with disabilities, outlining duty bearers’ obligations to respect, protect and fulfil rights. Article 4 of the Treaty outlines states’ general obligations, including to champion and conduct research and development of “universally designed goods, services, equipment and facilities... and promote universal design in developing standards and guidelines”, to enable research and development in assistive and other technologies, as well as consult PWDs in developing and implementing legislation and policies that seek to implement the CRPD in the domestic jurisdiction.³⁶ Article 9 provides for accessibility, and requires state parties to take appropriate measures to ensure PWDs access information and communication technologies and systems, to promote access to new technologies and systems, and to promote the design, development, production and distribution of accessible technologies and systems.³⁷ These provisions of the CRPD are legally binding upon Kenya as a state party.

Despite the ideals promoted in the CRPD regarding accessibility and inclusivity, state parties have wide discretion in implementation, as the Convention does not mandate minimum enforceable standards for implementation tools.³⁸ For instance, the Treaty requires member states to put into place ‘appropriate measures’ to ensure PWD access to technologies and systems. This allows the country to determine for themselves what measures meet the definitional threshold of ‘appropriate measures’, but does not require them to consider the actual impact of the measure. In AI policy and governance, this means there is no specified requirement for accessibility testing, the use of disability-representative training data, or other measures as minimum conditions of compliance. The lack of enforceable standards renders the obligations ineffective, as member states may ratify the treaty and implement hollow commitments, without a genuine commitment to abide by the treaty’s principles. This is evidenced by the fact that civil society organisations report widespread violations of the rights embedded within the CRPD, which reflects the disconnect between the legal

³⁵ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217A(III), art 1.

³⁶ United Nations Convention on the Rights of Persons with Disabilities [2006], art 4.

³⁷ CRPD 2006, art 9.

³⁸ Christina Warner, ‘The rights of persons with disabilities: Is the CRPD fit for purpose?’ (Counsel, 22 January 2025) <[https://www.counselmagazine.co.uk/articles/the-rights-of-persons-with-disabilities-is-the-crpd-fit-for-purpose->](https://www.counselmagazine.co.uk/articles/the-rights-of-persons-with-disabilities-is-the-crpd-fit-for-purpose-) accessed 29 April 2026.

ideals and the on-the-ground realities.³⁹

Further, the CRPD was not developed in anticipation of the technological advancements that have since emerged, including AI, hence it does not specifically reference AI systems within its scope. As such, its applicability to AI accessibility is based on a broader interpretation of the law. The CRPD Committee's General Comment clarifies that new technologies and technological advancements should similarly contribute to eliminating inequality and not creating new barriers.⁴⁰ This implies that all new objects, infrastructure, facilities, goods, products and services must adopt universal design principles.⁴¹

3.1.2 UNESCO Recommendation on the Ethics of AI

UNESCO's Recommendation on the Ethics of AI aims to, among other things, provide a universal framework of values, principles and actions to guide States in the formulation of their legislation, policies or other instruments regarding AI, and to protect, promote and respect human rights and fundamental freedoms, human dignity and equality.⁴² It provides for fairness and non-discrimination by promoting inclusivity in ensuring that the benefits of AI technologies are available and accessible to all people, taking into consideration the specific needs of PWDs among other groups.⁴³

The main limitation of the Recommendation is that it is soft law and not binding on states. Nevertheless, the principles therein carry policy influence and may continually inform Kenya's AI governance processes. Evidently, the National AI Strategy 2025-2030 draws from the Recommendation's principles in articulating Kenya's approach to ethical and inclusive AI.⁴⁴ Further, despite its ideals, it does not prescribe any specific standards for AI accessibility, such as accessible design requirements and disability-inclusive data use, which undermines its effectiveness in embedding accessibility.

3.1.3 African Charter on Human and Peoples' Rights (ACHPR) and the Protocol on the Rights of Persons with Disabilities in Africa

The ACHPR sets the continental basis for human rights in Africa, and its provisions are legally binding on Kenya as a Member State. Under Article 18, the Charter provides that persons with disabilities shall have the right to special measures of protection in keeping with their physical or moral needs.⁴⁵ The Protocol to the ACHPR on the Rights of Persons with Disabilities in Africa (2018) elaborates this guarantee, where Article 15 provides for the right of PWDs to barrier-free access to the physical environment, transportation, information, communications technologies and systems, and other public facilities and services.⁴⁶ The Protocol outlines states' obligations to ensure access to information and communications, sign languages, tactile interpretation, and the affordability of assistive

39 Christina Warner, 'The rights of persons with disabilities: Is the CRPD fit for purpose?' (Counsel, 22 January 2025)

40 UN CRPD Committee on the Rights of Persons with Disabilities, General Comment No. 2 (2014) <<https://docs.un.org/en/CRPD/C/GC/2>> accessed 29 April 2026, 7.

41 UN CRPD Committee on the Rights of Persons with Disabilities, General Comment No. 2 (2014) <<https://docs.un.org/en/CRPD/C/GC/2>> accessed 29 April 2026, 7.

42 UNESCO Recommendations on the Ethics of Artificial Intelligence [2021], 18.

43 UNESCO Recommendations on the Ethics of Artificial Intelligence [2021], 34.

44 Republic of Kenya, Kenya Artificial Intelligence Strategy 2025-2030 (March 2025), 34.

45 African Charter on Human and Peoples' Rights [1981], art 18(4).

46 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, Article 15 (adopted 29 January 2018) https://au.int/sites/default/files/treaties/36440-treaty-protocol_to_the_achpr_on_the_rights_of_persons_with_disabilities_in_africa_e.pdf accessed 20 July 2026.

devices and technologies.⁴⁷ Article 24 further guarantees the right to access information, requiring states to ensure information intended for the general public and required for official interactions is provided in accessible formats appropriate to different kinds of disability, in a timely manner and without additional cost, and extends this obligation to private entities providing services to the public, including electronic media.⁴⁸ Article 32 additionally requires states to ensure systematic collection, analysis and dissemination of disability-disaggregated statistics and data, with effective participation of persons with disabilities in the design and collection of that data.⁴⁹

The Charter's provision regarding PWDs' right to special measures of protection fails to confer any substantive rights and is vague and unclear.⁵⁰ There is no standard or metric set out in the law to determine whether such special measures have been put in place; hence, this provision does not impose an enforceable obligation on Member States to ensure the accessibility of technology for PWDs. The Protocol's general accessibility under Article 15 is similarly limited, since the threshold of reasonable and progressive measures remains an undefined standard, leaving states discretion in determining what compliance requires and within what timelines. However, Article 32 is a notable provision as it anticipates the importance of disability-disaggregated data and PWD participation in its collection, a concern directly relevant to the data governance challenges identified in this report.

3.1.4 African Union Continental AI Strategy (2024)

The African Union Continental AI Strategy (2024) provides the overarching framework for AI governance across the continent. The Strategy is structured around six focus areas, maximising AI's benefits for social and economic development, minimising AI-related risks, building capabilities in infrastructure and skills, fostering regional and international cooperation, accelerating AI investment, and creating an inclusive governance and regulatory framework.⁵¹ On inclusion, the Strategy acknowledges the risk that AI could deepen existing inequalities and calls on member states to adopt people-centred approaches to AI development and deployment, guided by principles of human rights, human dignity, and non-discrimination, including on the basis of disability.⁵² However, the Strategy does not prescribe specific standards for disability-inclusive AI, nor does it establish enforceable obligations for member states regarding accessibility. Its provisions on inclusion are largely generalised, leaving significant discretion to individual states in determining how inclusion is operationalised in practice.

This omission reflects a broader pattern in continental human rights and technology instruments, where persons with disabilities are frequently addressed, if at all, as part of a general reference to vulnerable or marginalised groups rather than as a distinct rights-holding category with distinct needs. This general inclusion language offers little to guide how AI systems should be designed to be accessible in practice, since it does not specify what disability-inclusive AI requires technically. As a continental strategy, this gap is

47 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa [2018], Article 15

48 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa [2018], Article 24

49 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa [2018], Article 32

50 Serges Alain Djoyou Kamga, 'A Call for a Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa' (2013) 21(2) African Journal of International and Comparative Law, 219, 238.

51 African Union, Continental Artificial Intelligence Strategy (2024) <<https://au.int/en/documents/20240809/continental-artificial-intelligence-strategy>> accessed 2 June 2026

52 African Union, Continental Artificial Intelligence Strategy (2024)

unsurprising given that the instrument is designed to set a shared direction across fifty-five member states with widely varying legal, institutional and resource capacities. It is also noted that translating high-level inclusion principles into disability-specific technical obligations is more the task of domestic instruments, such as those examined in the following section. The gap is nonetheless significant, since a continental instrument's framing choices shape the baseline expectations that domestic AI governance frameworks, including Kenya's, are built upon.

3.2 Kenya's Legal and Policy Framework for AI Accessibility

Kenya's legal and policy framework for AI accessibility cuts across constitutional provisions, ICT policy, disability-specific legislation, AI governance instruments, and standards. These instruments operate at different levels of enforceability and address accessibility from distinct angles, reflecting that AI accessibility for persons with disabilities cannot be addressed by a single law but requires a coordinated legislative, policy and standards framework. Primarily, Kenyan law provides a constitutional guarantee of reasonable access under Article 54, which is operationalised through the Kenya ICT Policy, the Persons with Disabilities Act 2025, and the technical requirements of the KEBS ICT Accessibility Standard. The analysis below demonstrates that AI accessibility for persons with disabilities cannot be addressed by a single law but rather through various legislative, policy, and standards frameworks. The sections below examine each of these instruments, assessing the extent to which each provides for AI accessibility for persons with disabilities and identifying the gaps and limitations that leave PWDs inadequately served in the digital ecosystem.

3.2.1 Constitution of Kenya, 2010

Kenya's Bill of Rights, as outlined in the Constitution, is key to operationalising human rights, including the rights of persons with disabilities. Article 54 of the Constitution establishes a positive obligation to ensure accessibility, guaranteeing persons with disabilities the right to dignity, reasonable access to all places and information, and the use of assistive materials or adaptive technologies.⁵³ While historically applied to physical ramps and Braille documents, this article serves as the baseline for modern digital accessibility and inclusion efforts. In an era increasingly driven by automated services and artificial intelligence, the constitutional guarantee of reasonable access and the use of assistive technologies can be read as a domestic expression of the universal design principle anchored in the CRPD. Read this way, the provision's guarantee of access to information and devices to overcome constraints extends to digital public services, hence these services must be built using universal design principles.

Article 54 is further strengthened by Articles 27 and 28, which provide for the rights to equality and non discrimination, and human dignity respectively.⁵⁴ Guaranteeing accessibility

⁵³ Constitution of Kenya, 2010, art 54

⁵⁴ Constitution of Kenya, 2010, art 27; art 28

for persons with disabilities protects them from discrimination such as algorithmic bias.⁵⁵ If, for example, automated systems are created without representative data on persons with disabilities, resulting accessibility failures⁵⁶ would be considered indirect discrimination under Article 27, since the design decisions produce biased outcomes.⁵⁷ Article 28 states that every person has inherent dignity and the right to have that dignity respected and protected.⁵⁸ In practice, when digital platforms such as government portals or mobile banking apps are inaccessible, individuals with disabilities are frequently forced into insecure workarounds, such as sharing passwords or sensitive personal data with intermediaries to navigate the system for them, raising concerns about both the privacy and dignity of persons with disabilities in their interactions with digital systems.⁵⁹

Kenya's courts have confirmed that constitutional accessibility guarantees are judicially enforceable against private actors. In *Macharia v Safaricom PLC* [2021] KEHC 462, the High Court found that Safaricom violated a visually impaired candidate's right to dignity and fair administrative action under Articles 28, 47 and 54(1) of the Constitution by taking him through a full recruitment process without the assistive software necessary to accommodate him, then withdrawing an employment offer without written reasons.⁶⁰ The Court awarded KES 6,000,000 in compensation, establishing that procedural failures to accommodate persons with disabilities carry enforceable constitutional consequences.⁶¹

Beyond the employment context in *Macharia*, the constitutional right to privacy raises concerns in data governance pertaining to persons with disabilities. The Data Protection Act 2019, which governs personal data processing, contains no PWD-specific provisions beyond a narrow guardianship clause and does not address AI accessibility, leaving the constitutional obligations on dignity and privacy under Articles 28 and 31 without effect in the data governance framework as it pertains to persons with disabilities.

3.2.2 Kenya ICT Policy

Kenya's National ICT Policy 2019 predates both the National AI Strategy 2025-2030 and the Persons with Disabilities Act 2025, and provides the foundational accessibility framework upon which the latter instruments rest. The Policy was designed to realise the potential of the digital economy by creating an enabling environment for all citizens and stakeholders.⁶² It mandates the government to ensure full accessibility to PWDs, and commits to equal treatment regarding the use and benefits of ICT.⁶³ It sets out specific measures to be taken by the government, including ensuring ICT services and emergency communications are provided in accessible formats for PWDs, reviewing legislation to

⁵⁵ See New York City Bar Association, Presidential Task Force on Artificial Intelligence and Digital Technologies, The Impact of the Use of Artificial Intelligence on People with Disabilities (12 June 2025), discussing how AI's statistical bias toward "average" users produces discriminatory outcomes for persons with disabilities in employment, lending, and other decision-making contexts.

⁵⁶ See New York City Bar Association (n 55), The Impact of the Use of Artificial Intelligence on People with Disabilities (12 June 2025), discussing how AI systems trained without disability-representative data systematically produce exclusionary or discriminatory outcomes for persons with disabilities.

⁵⁷ Constitution of Kenya, 2010, art 27

⁵⁸ Constitution of Kenya, 2010, art 28

⁵⁹ RJ Oommen and T Sharma (n 32)

⁶⁰ *Macharia v Safaricom PLC* (Petition 434 of 2019) [2021] KEHC 462 <https://kenyalaw.org/akn/ke/judgment/kehc/2021/462/eng@2021-07-08> accessed 11 July 2026

⁶¹ *Macharia v Safaricom PLC* (Petition 434 of 2019) [2021] KEHC 462; In this case, the court did not find discrimination under section 15(2) of the Persons with Disabilities Act 2003, accepting that budgetary constraints excused the respondent's failure to provide the necessary software. Liability rested on the respondent's conduct of the recruitment process, taking the petitioner through it despite knowing it lacked the relevant assistive software, then withdrawing an offer of success without written reasons, which was found to violate his rights to dignity under Articles 28 and 54(1) and to fair administrative action under Article 47. The case is therefore illustrative and instructive for accessibility enforcement, confirming that mishandling a disability accommodation process can attract constitutional liability even where discrimination is not found.

⁶² Republic of Kenya, National Informations, Communication and Technology Policy (November 2019), 6.

⁶³ Republic of Kenya, National Informations, Communication and Technology Policy (November 2019), 17.

promote PWD accessibility, ensuring government websites are accessible for PWDs and requiring public service providers to provide information and services in accessible and usable formats for PWDs.⁶⁴ In this sense, the Policy establishes the baseline expectations for ICT accessibility that the later legislative and governance instruments are expected to operationalise.

However, the policy is completely silent on AI, likely due to its formulation before the recent advancements in AI development and deployment. As such, this silence does not disqualify the Policy from serving as an anchoring framework for AI accessibility, as it establishes the baseline accessibility expectations that both the National AI Strategy, the AI Bill and other succeeding instruments are built upon. Its relevant provisions can properly be understood as the foundation on which AI-specific accessibility obligations should be developed. The limitation arises where subsequent legislation fails to give the Policy's provisions legal force. While the Ministry of ICT, the Communications Authority of Kenya, and the ICT Authority each carry broad implementation roles under the Policy, none is specifically mandated to monitor and enforce its PWD accessibility provisions, although the National Council for Persons with Disabilities (NCPWD) now holds a general mandate under the PWDs Act 2025 to develop and promulgate accessibility standards.⁶⁵

3.2.3 Persons with Disabilities Act (2025)

Kenya's disability rights, including accessibility, were previously governed by the Persons with Disabilities Act, 2003. Enacted before both the CRPD and Kenya's 2010 Constitution, the law was comprehensively reviewed and replaced by the Persons with Disabilities Act, 2025, to align Kenya's disability rights framework with its constitutional and international obligations.⁶⁶

The Act was enacted with the objective of providing an institutional framework for protecting, promoting and monitoring the rights of persons with disabilities.⁶⁷ It anchors this objective in several definitions in section 2 that can be considered relevant to AI accessibility. The Act defines 'communication' broadly to include accessible information and communication technology, augmentative and alternative modes, and other accessible formats, signalling an awareness of ICT accessibility as a rights issue within the framework.⁶⁸ The definition of assistive devices explicitly includes software, which means AI-powered assistive tools could fall within its scope.⁶⁹ Further, the Act defines discrimination on the basis of disability to include denial of reasonable accommodation, which is defined as necessary and appropriate modifications that do not impose a disproportionate burden.⁷⁰

Substantively, the Act under section 26 grants PWDs the right to access information and communications technologies and systems,⁷¹ which may be interpreted to extend to AI systems. Notably, section 26(1) specifies that this right must be exercised in a timely manner and at no additional cost, a qualifier particularly relevant to AI tools, which often require

64 Republic of Kenya, National Informations, Communication and Technology Policy (November 2019), 17.

65 Persons With Disabilities Act 2025, s 30 (6).

66 The UN Partnership to Promote the Rights of Persons with Disabilities (UNPRPD), 'Situational Analysis of the Rights of Persons with Disabilities: Kenya Country Report' (2023) <https://unprpd.org/new/wp-content/uploads/2024/03/CountryBrief_Kenya.pdf?utm_source=

67 Persons With Disabilities Act 2025.

68 Persons With Disabilities Act 2025, s 2

69 Persons With Disabilities Act 2025, s 2

70 Persons With Disabilities Act 2025, s 2

71 Persons With Disabilities Act 2025, s 26.

expensive assistive software or devices for PWDs to access. The provisions relating to ICT that are contained therein, including on telecommunications and media and telephone services, require functionally equivalent services or accessible formats and technologies appropriate to PWDs.⁷² This obligation extends to both public and private institutions under section 26(3), which is significant given that AI systems are predominantly developed and deployed by private entities.⁷³ Yet, it does not set out the minimum standards or specific activities and developments that constitute compliance. Section 26(4) further requires institutions to accept and facilitate the use of Kenya Sign Language, Braille, and augmentative and alternative communication, provisions that directly inform the development of AI tools such as sign language recognition systems.

Beyond section 26, section 27 extends accessibility obligations to online financial services, and section 30 provides for accessibility to the physical environment, transportation, and information and communications systems. Section 30(6) designates the Council as the body responsible for developing and promulgating minimum standards and guidelines for the accessibility of facilities and services open to the public, a mandate broad enough in principle to extend to ICT and AI systems.

3.2.4 National AI Strategy 2025 - 2030

The Kenya National AI Strategy 2025-2030 sets out objectives, principles and actionable steps aimed at embracing and harnessing AI for the development, economic growth and well-being of the country and its citizens.⁷⁴ It aims to position the country as an AI innovation hub, emphasising ethical AI, digital infrastructure and inclusive growth.⁷⁵

The strategy, in highlighting key findings, noted responses from key stakeholders who viewed AI as an opportunity to improve service delivery, particularly for PWDs, and stressed the importance of universal design of AI systems to increase their usefulness to all people.⁷⁶ Participants considered it crucial that all Kenyans be able to access AI through increased access to smartphones and accelerated digitisation efforts.⁷⁷ In response, the strategy set out an objective to foster ethical, equitable and inclusive AI development and deployment, including a project to ‘implement a framework for inclusivity in AI, including representation of persons with disabilities’.⁷⁸

However, the Strategy’s approach to PWD inclusion, while containing prescriptions under its flagship projects, does not establish the processes and procedures necessary to realise them. The recently established Standing Cabinet Committee on Artificial Intelligence, tasked with steering the Strategy, has as of July 2026 not established the operational processes and procedures necessary to realize these inclusivity goals.⁷⁹ This gap is compounded by the fragmented development of Kenya’s AI governance framework, where the accompanying AI and Emerging Technologies Policy, which would give operational

⁷² Persons With Disabilities Act 2025, s 26.

⁷³ Persons With Disabilities Act 2025, s 26 (3); Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), Artificial Intelligence Practitioners’ Guide: Kenya (GIZ, 2023) <https://www.bmz-digital.global/wp-content/uploads/2023/04/GIZ-2023-Artificial-Intelligence-Practicioners-Guide-Kenya.pdf> accessed 14 July 2026.

⁷⁴ Republic of Kenya, Kenya Artificial Intelligence Strategy 2025-2030 (March 2025), 9.

⁷⁵ Republic of Kenya, Kenya Artificial Intelligence Strategy 2025-2030 (March 2025), 14, 17-19.

⁷⁶ Republic of Kenya, Kenya Artificial Intelligence Strategy 2025-2030 (March 2025), 47.

⁷⁷ Republic of Kenya, Kenya Artificial Intelligence Strategy 2025-2030 (March 2025), 48.

⁷⁸ Republic of Kenya, Kenya Artificial Intelligence Strategy 2025-2030 (March 2025), 82.

⁷⁹ Cabinet of Kenya, ‘Cabinet News: State House, Nairobi’ (30 June 2026).

effect to the Strategy's prescriptions, remains in development as of July 2026. The result is a disconnect between stated commitments and enforceable obligations.

3.2.5 The Artificial Intelligence Bill, 2026

The Artificial Intelligence Bill 2026 was introduced into the Senate in early 2026, as an individual member's bill and, as of July 2026, has not yet been debated by Parliament. The Bill is illustrative of the kind of gap likely to feature in any future AI legislation, as it contains no substantive provisions on PWD accessibility. Its sole reference to PWDs is the requirement under clause 17(4) that the Cabinet Secretary and the proposed AI Commissioner ensure inclusion of persons with disabilities in appointing members of the Advisory Committee.⁸⁰ This provision only addresses representational participation and does not extend to accessibility obligations in AI development, deployment, or governance. Should this Bill or a successor instrument proceed, the obligations for high-risk AI systems under clause 26, the ethical guidelines framework under clause 30, and its regulation-making powers under clause 36 each present opportunities for embedding accessibility requirements, none of which have been considered in the current draft.⁸¹

A useful point of reference for embedding binding accessibility requirements in AI law, is the European Union's Artificial Intelligence Act (EU AI Act), which entered into force in 2024 and represents the first legally binding framework for AI governance.⁸² While Kenya operates in a distinct legal and policy context, and given that the European Union operates as a bloc of member states with a materially different resource base and institutional capacity than Kenya, the EU AI Act is referenced here for illustrative purposes to demonstrate that AI accessibility obligations can be explicitly defined in binding law.

It imposes a mandatory obligation on providers of high-risk systems to ensure compliance with accessibility requirements, and Article 5(1)(b) separately prohibits AI systems that exploit the vulnerabilities of specific groups, including persons with disabilities, by manipulating their behaviour in ways that cause significant harm.⁸³ This illustrates that Kenya's own Bill or future AI law could similarly embed disability-specific accessibility obligations within its existing high-risk systems and regulation-making provisions, to improve accessibility for persons with disabilities.

3.2.6 KEBS Standards on ICT Accessibility

The 2022 KEBS Standard, KS 2952, 'Accessibility - ICT Products and Services', was prepared by the Joint Working Group on Accessibility of ICT Products and Services for Persons with Disabilities under the guidance of the Standards Projects Committee.⁸⁴ The standards specify requirements for ensuring that ICT products, services, and opportunities are available to all, including PWDs, and are intended for use by policy makers, regulators,

⁸⁰ Artificial Intelligence Bill 2026 (Kenya), cl 17(4).

⁸¹ Artificial Intelligence Bill 2026 (Kenya).

⁸² Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L 1689/1.

⁸³ Regulation (EU) 2024/1689 (Artificial Intelligence Act) [2024] OJ L 1689/1, art 5 (a) (b)

⁸⁴ Kenya Bureau of Standards, Accessibility - ICT Products and Services (2022), 4.

providers, and procurers.⁸⁵

While the standard was developed in response to the National ICT Policy of 2019, it provides a foundational framework that significantly improves AI accessibility through several key provisions. Clause 5 sets out functional performance principles that enable people to identify and operate ICT functions regardless of their physical, cognitive, or sensory abilities.⁸⁶ These principles serve as a baseline for AI tools, requiring they provide modes of operation that do not rely on vision, hearing, or vocal capability. Additionally, the standard explicitly recognises voice-to-text recognition as a valid method to assist users with no or limited vocal capability.⁸⁷ Furthermore, it highlights AI-adjacent features like word prediction and spelling aids as essential simplified support for users with limited cognition.⁸⁸

For web content specifically, the standard incorporates WCAG 2.1 at Level AA as its benchmark, aligning Kenya's requirements with internationally recognised benchmarks. This ensures that AI-driven web services, such as chatbots, must meet strict success criteria for being perceivable, operable, and understandable.⁸⁹ For AI software to be accessible, it must interoperate with ATs, where the standard states that software user interfaces should use platform accessibility services to make element roles, states, names, and values programmatically determinable by screen readers and other AT.⁹⁰

However, this standard predates both the National AI Strategy and the PWDs Act 2025, and it has not been updated to address unique AI-specific accessibility requirements. To remain relevant in the evolving digital landscape, an updated standard would need to address disability-relevant bias testing criteria for AI models to ensure automated systems do not exclude or misrepresent PWDs, as well as conformance requirements for automated decision-making (ADM) tools used in public services to safeguard against algorithmic bias.

3.2.7 Kenya Persons with Disabilities National Policy 2024

The Kenya Persons with Disabilities National Policy, developed in 2024 by the Ministry of Labour and Social Protection, addresses challenges faced by PWDs in Kenya and promotes their inclusion and participation in societal activities. The Policy engages with technological exclusion, identifying inaccessibility to information, communication and technology as a major barrier to PWDs attaining an acceptable quality of life, due to inadequate design adaptation for different categories of disability, the affordability and availability of adaptive equipment, and a lack of institutional awareness of PWDs' technological needs.⁹¹ It also commits to concrete measures with direct relevance to digital public infrastructure,

⁸⁵ Kenya Bureau of Standards, Accessibility - ICT Products and Services (2022), 9.

⁸⁶ Kenya Bureau of Standards, Accessibility - ICT Products and Services (2022), 17-20.

⁸⁷ Kenya Bureau of Standards, Accessibility - ICT Products and Services (2022), 17-20.

⁸⁸ Kenya Bureau of Standards, Accessibility - ICT Products and Services (2022), 17-20.

⁸⁹ Kenya Bureau of Standards, Accessibility - ICT Products and Services (2022), 48.

⁹⁰ Kenya Bureau of Standards, Accessibility - ICT Products and Services (2022), 74-78.

⁹¹ Republic of Kenya, Persons with Disabilities National Policy (Ministry of Labour and Social Protection, May 2024) 7-10 <https://www.socialprotection.go.ke/sites/default/files/Downloads/Persons%20with%20Disabilities%20National%20Policy%202024.pdf> accessed 23 July 2026

including the accessibility of digital platforms used for national registration, capacity-building by the NCPWD to improve PWDs' digital literacy, and the integration of disability data into government management information systems on an inclusive-by-design basis.⁹² The Policy further commits the state to ensuring accessibility of reading materials through accessible formats for different categories of disability,⁹³ and for all communication systems to be inclusive and accessible.⁹⁴

While the Policy's provisions on universal design and accessible communications are relevant to how AI-enabled services might be designed, the Policy does not extend to the specific risks AI systems raise, such as biased training data, algorithmic decision-making, or the accessibility of AI-specific interfaces like chatbots and voice assistants. As a policy instrument, it represents a key opening to embed objectives and interventions relevant to AI accessibility, in future updates.

3.3 Findings from Doctrinal Analysis

The doctrinal analysis in this chapter reveals a systemic gap between normative commitments and practical enforcement across the international, regional, and domestic instruments examined. At the international and regional level, the CRPD, the ACHPR and its PWDs Protocol, and the AU Continental AI Strategy establish an important foundation for accessibility, but rely on vague, discretionary obligations that leave states to determine what compliance requires in practice, without prescribing minimum enforceable standards. The CRPD's requirement for appropriate measures and the ACHPR PWDs Protocol's reasonable and progressive measures are illustrative of this pattern, where both formulations permit states to claim compliance without demonstrating that persons with disabilities can actually access and use AI systems on equal terms.

Kenya's domestic framework reflects the same pattern. Article 54 of the Constitution, read together with Articles 27 and 28, create a positive and judicially enforceable obligation to ensure accessibility, as confirmed in *Macharia v Safaricom PLC*. However, this constitutional guarantee has not been operationalised through AI-specific technical standards in subsequent legislation and policy. The ICT Policy, the Persons with Disabilities Act 2025, the National AI Strategy, and the PWDs National Policy each recognise accessibility as an objective, but none specifies what AI accessibility requires technically and which systems or services must meet accessibility standards. The Data Protection Act 2019 contributes very little to this domain, containing no PWD-relevant provisions beyond a narrow guardianship clause, and the Draft Data Governance Policy, while establishing a community consent and benefit-sharing model for indigenous language data, has no recorded extension of that model to disability-related language datasets.

Dedicated AI legislation, such as the current Artificial Intelligence Bill 2026 or any succeeding instrument, remains a direct opportunity to introduce enforceable AI-specific

⁹² Republic of Kenya, Persons with Disabilities National Policy (Ministry of Labour and Social Protection, May 2024) 29

⁹³ Republic of Kenya, Persons with Disabilities National Policy (Ministry of Labour and Social Protection, May 2024) 22

⁹⁴ Republic of Kenya, Persons with Disabilities National Policy (Ministry of Labour and Social Protection, May 2024) 32

accessibility obligations, yet the current draft contains no substantive provisions on accessibility. The EU AI Act, examined as a comparative reference point, demonstrates that enforceable, technically specific accessibility obligations are achievable within an AI governance instrument.

Taken together, these findings indicate that the central challenge is not an absence of commitment to accessibility, but an absence of technical specificity and institutional accountability capable of translating that commitment into enforceable practice. The AI4KSL case study further illustrates this gap at the level of practice, demonstrating that disability-inclusive AI development is possible in Kenya, but remains dependent on individual research initiative rather than a supportive legal and policy environment. This gap, and its practical implications, are further examined against stakeholder experience in the follow-up report presenting Focus Group Discussion findings and recommendations.

4.0

CONCLUSION OF FINDINGS

This study examined whether Kenya’s legal and policy landscape adequately provides for AI accessibility for persons with disabilities and identified reforms necessary to strengthen that framework. The analysis demonstrates a consistent pattern across the international, regional and domestic instruments examined. While accessibility is widely recognised as a legal and policy objective, these commitments rarely translate into enforceable obligations capable of guiding the design, development and deployment of AI systems. International and regional frameworks establish an important normative foundation, but largely leave states to determine what accessibility requires in practice. Kenya’s domestic framework reflects the same trend. Although Article 54 of the Constitution creates an enforceable obligation, subsequent legislation and policy have not operationalised this guarantee through AI-specific standards. Consequently, accessibility remains recognised in principle but insufficiently embedded within Kenya’s emerging AI governance framework.

The study further demonstrates that the challenge is not the absence of commitment to accessibility, but the absence of technical specificity and institutional accountability necessary to give effect to those commitments. This is particularly significant given the moment Kenya finds itself in, with the AI Bill 2026 before the Senate, the AI and Emerging Technologies Policy and Data Governance Policy both awaiting finalisation, and the KEBS standard due for revision. These are not abstract legislative gaps but active processes in which accessibility obligations can still be embedded before these frameworks are locked in. In particular, it identifies missed opportunities across Kenya’s emerging AI governance instruments to move beyond recognising disability representation within governance structures towards embedding accessibility obligations throughout the AI lifecycle. These findings are contextualised by stakeholder experience in the follow-up report,⁹⁵ which presents Focus Group Discussion findings and this study’s recommendations.

The doctrinal findings set out in this report form the analytical foundation for the study’s follow-up report, ***Strengthening Legal and Policy Frameworks for AI Accessibility for Persons with Disabilities in Kenya: Focus Group Discussion Findings and Recommendations***. That report presents findings from the Focus Group Discussion conducted in July 2026, which grounds the doctrinal gaps identified here in the lived experience and expert perspectives of OPDs, accessibility advocates, assistive technology developers and policymakers. It further sets out the study’s recommendations, directed at the specific legislative, policy and regulatory processes currently underway in Kenya, for embedding enforceable AI accessibility obligations before these frameworks are finalised.

Accessibility - The removal of environmental, structural and technological barriers so

GLOSSARY

that persons with disabilities can physically, communicatively and informationally reach services, spaces and systems, as articulated under Article 9 of the UN CRPD.

Assistive technology - Any product, device, software or system that supports or improves the functional capabilities of persons with disabilities, including screen readers, sign language recognition tools, hearing aids, and predictive text systems.

Digital accessibility - The design and development of digital tools, platforms and services in a way that enables all people, including those with disabilities, to access, navigate and interact with them effectively and independently.

Reasonable accommodation - means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

Universal design - The design of products, environments, programmes and services in a way that makes them usable by all people, to the greatest extent possible, without the need for adaptation or specialised design, as defined under the UN CRPD.

A. Table of Cases



BIBLIOGRAPHY

Macharia v Safaricom PLC [2021] KEHC 462

B. International and Regional Instruments

African Charter on Human and Peoples' Rights (1981)

African Union, Continental Artificial Intelligence Strategy (2024)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (2018)

United Nations Convention on the Rights of Persons with Disabilities (2006)

United Nations, Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217A(III)

UNESCO Recommendation on the Ethics of Artificial Intelligence (2021)

C. European Union Legislation

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L 1689/1

D. Kenyan Legislation and Bills

Artificial Intelligence Bill 2026 (Kenya)

Constitution of Kenya 2010

Data Protection Act 2019 (Kenya)

Persons with Disabilities Act 2025 (Kenya)

E. Kenyan Policy and Standards Documents

Kenya Bureau of Standards, Accessibility - ICT Products and Services (KS 2952-1:2022, 2022)

Ministry of Information, Communications and the Digital Economy, Draft Final National Data Governance Policy (May 2026)

Republic of Kenya, Kenya Artificial Intelligence Strategy 2025–2030 (March 2025)

Republic of Kenya, National Information, Communication and Technology Policy (November 2019)

Republic of Kenya, Persons with Disabilities National Policy (May 2024)

F. International Institutional Documents

UN CRPD Committee on the Rights of Persons with Disabilities, General Comment No 2 (2014) <https://docs.un.org/en/CRPD/C/GC/2> accessed 29 April 2026

World Wide Web Consortium, Web Content Accessibility Guidelines (WCAG) 2.1 (W3C Recommendation, 5 June 2018) <https://www.w3.org/TR/WCAG21/> accessed 28 April 2026

G. Books and Journal Articles

Chemnad K and Othman A, 'Digital Accessibility in the Era of Artificial Intelligence-Bibliometric Analysis and Systematic Review' (2024) 7 Frontiers in Artificial Intelligence 1349668 <https://pmc.ncbi.nlm.nih.gov/articles/PMC10905618/>

Gohider N and Basir OA, 'Recent Advancements in Automatic Disordered Speech Recognition: A Survey Paper' (2024) 9 Natural Language Processing Journal 100110 <https://doi.org/10.1016/j.nlp.2024.100110>

Newman-Griffis D, Rauchberg JS, Alharbi R, Hickman L and Hochheiser H, 'Definition Drives Design: Disability Models and Mechanisms of Bias in AI Technologies' [2025] First Monday <https://firstmonday.org/ojs/index.php/fm/article/view/12903/10797>

Oommen RJ and Sharma T, 'Essential, yet Overlooked: Identity Verification Barriers for Blind and Low Vision People in Government Services' [2026] ACM <https://arxiv.org/pdf/2604.28166v1>

H. Reports and Online Sources

Cabinet of Kenya, 'Cabinet News: State House, Nairobi' (30 June 2026).

CIPESA, 'CIPESA Working on Advancing Digital Inclusion for Persons with Disabilities in Africa' (3 December 2021) <https://cipesa.org/2021/12/cipesa-working-on-advancing-digital-inclusion-for-persons-with-disabilities-in-africa> accessed 2 April 2026

Development Initiatives, 'Status of Disability in Kenya' (2020) https://devinit.github.io/media/documents/Status-of-disability-in-Kenya_IF.pdf

Enable Me, 'The Disability Economic Trap in Kenya: Breaking the Cycle of Poverty and Exclusion' (Enableme.ke, 2019) <https://www.enableme.ke/en/article/the-disability-economic-trap-in-kenya-breaking-the-cycle-of-poverty-and-exclusion-12715> accessed 7 April 2026

IBM, 'Understanding the Different Types of Artificial Intelligence' (IBM, 17 November 2025) <https://www.ibm.com/think/topics/artificial-intelligence-types> accessed 18 May 2026

Kaaniru J, 'AI Assistive Technologies for Persons with Disabilities in Africa' (CIPIT 2023) <https://cipit.strathmore.edu/ai-assistive-technologies-ats-for-persons-with-disabilities-pwds-in-africa/>

UN Independent International Scientific Panel on Artificial Intelligence, Preliminary Report (1 July 2026) <https://www.ipsnews.net/2026/07/un-artificial-intelligence-panel-launches-report-ahead-of-global-conference/>

UN Partnership to Promote the Rights of Persons with Disabilities (UNPRPD), 'Situational Analysis of the Rights of Persons with Disabilities: Kenya Country Report' (2023) https://unprpd.org/new/wp-content/uploads/2024/03/CountryBrief_Kenya.pdf accessed 13 May 2026

UN Population Fund, 'Disability Inclusion' <https://kenya.unfpa.org/en/topics/disability-inclusion> accessed 2 April 2026

Warner C, 'The Rights of Persons with Disabilities: Is the CRPD Fit for Purpose?' (Counsel, 22 January 2025) <https://www.counselmagazine.co.uk/articles/the-rights-of-persons-with-disabilities-is-the-crpd-fit-for-purpose-> accessed 29 April 2026

World Health Organization, 'Assistive Technology' (WHO, 2 January 2024) <https://www.who.int/news-room/fact-sheets/detail/assistive-technology> accessed 13 May 2026

World Health Organization, 'Disability' (WHO, 27 January 2020) https://www.who.int/health-topics/disability#tab=tab_1

World Health Organization Regional Office for Africa, 'Disabilities' <https://www.afro.who.int/health-topics/> accessed 2 April 2026

Centers for Disease Control and Prevention, 'Disability Inclusion' (3 April 2025)
<https://www.cdc.gov/disability-inclusion/about/index.html>



© 2026 by **Center of Intellectual Property and Technology Law (CIPIT)**. This work is licensed under a Creative Commons Attribution – NonCommercial – ShareAlike 4.0 International License (CC BY NC SA 4.0). This license allows you to distribute, remix, adapt, and build upon this work for non – commercial purposes, as long as you credit CIPIT and distribute your creations under the same license:

<https://creativecommons.org/licenses/by-nc-sa/4.0>



Strathmore University

*Centre for Intellectual Property and
Information Technology Law*

Ole Sangale Rd, Madaraka Estate.
P.O Box 59857-00200, Nairobi, Kenya.
Tel: +254 (0)703 034612
Email: cipit@strathmore.edu
Website: www.cipit.strathmore.edu