
HIPSSA Project

Support for Harmonization of the ICT Policies
in Sub-Sahara Africa

ITU/HIPSSA TECHNICAL ASSISTANCE ON ELECTRONIC TRANSACTIONS
FOR THE REPUBLIC OF RWANDA 2013

Policy for Electronic Transactions and E-Commerce and Proposal for Amendments to ICT Act, 2013

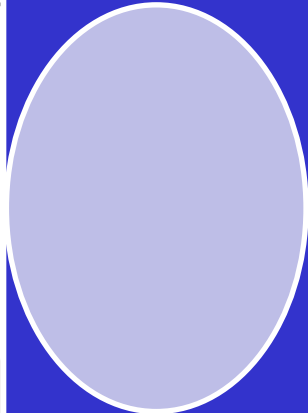
11-12 July 2013



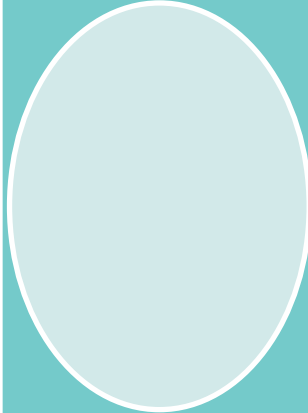
GUIDING PRINCIPLES

- FUNCTIONAL EQUIVALENCE
 - Transposition of paper-based to electronic
- Media neutrality
 - Provisions not tied to a technology
- REGIONAL and INTERNATIONAL Best practices

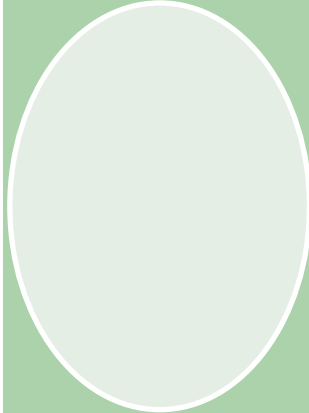




UNCITRAL
MODEL
LAWS
2005
UNCITRAL
Convention



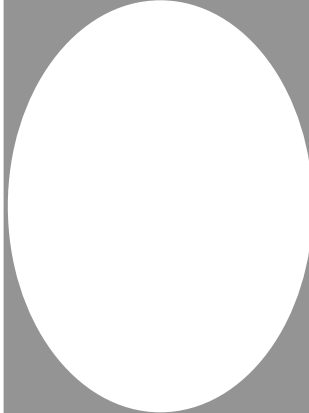
OECD
Guidelines
HIPCAR
HIPSSA
Model LawS



Draft AU
Cyber
Security
Convention



**COMESA
ML**
**2008 Draft
EAC Legal
Framework
for Cyber
laws (EAC)**



**African
Legislation**

Other laws:
UETA
ETA
UECA



MAIN POLICY OBJECTIVES

- **I Trusted business environment**
 - Legal certainty
 - Protection of individuals
- **II Clarify marketplace rules**
 - E-records; authentication



■ III Promote public confidence

- Integrity and reliability of electronic records and electronic commerce
- Fosters the development of electronic signatures to lend authenticity and integrity to correspondence in any electronic medium
- **CROSS-BORDER RECOGNITION**



- **IV Promote the growth of e-commerce through the adoption of a lead position on Electronic Government Services**



PROPOSED AMENDMENTS

- **Definition of data message** – expanded definition– future technologies;
- Term “electronic record” – stored data message; electronic record substituted for data message



A 173. Scope of application

- Party autonomy – no person forced to e-transact;
- Agreement be inferred
- Laws interpreted to apply to; accommodate e-transactions
 - Horizontal application to Rwanda's laws



Peter Steiner The New Yorker 5 July 1993



Art 182
Attribution:
rules
simplified;
UNCITRAL ML
not followed



- **Article 185: Admissibility and evidential weight – requirements for extract from business records**
- **Art 204 Obligations of supplier**
 - exclusions moved to cooling-off
- **Art. 206 –online marketing**
 - opt-in;
 - deeming provision;
 - inaction – no agreement



Art 231 Limitation of liability: Access – re-written mere conduit requirements

- Does not initiate
- Or select recipient;
- automatic, technical;
- no modification



- Code of Conduct for ISPs
- Regulation of Cryptography services and products



THANK YOU...

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Union Internationale des Télécommunications
International Telecommunication Union

