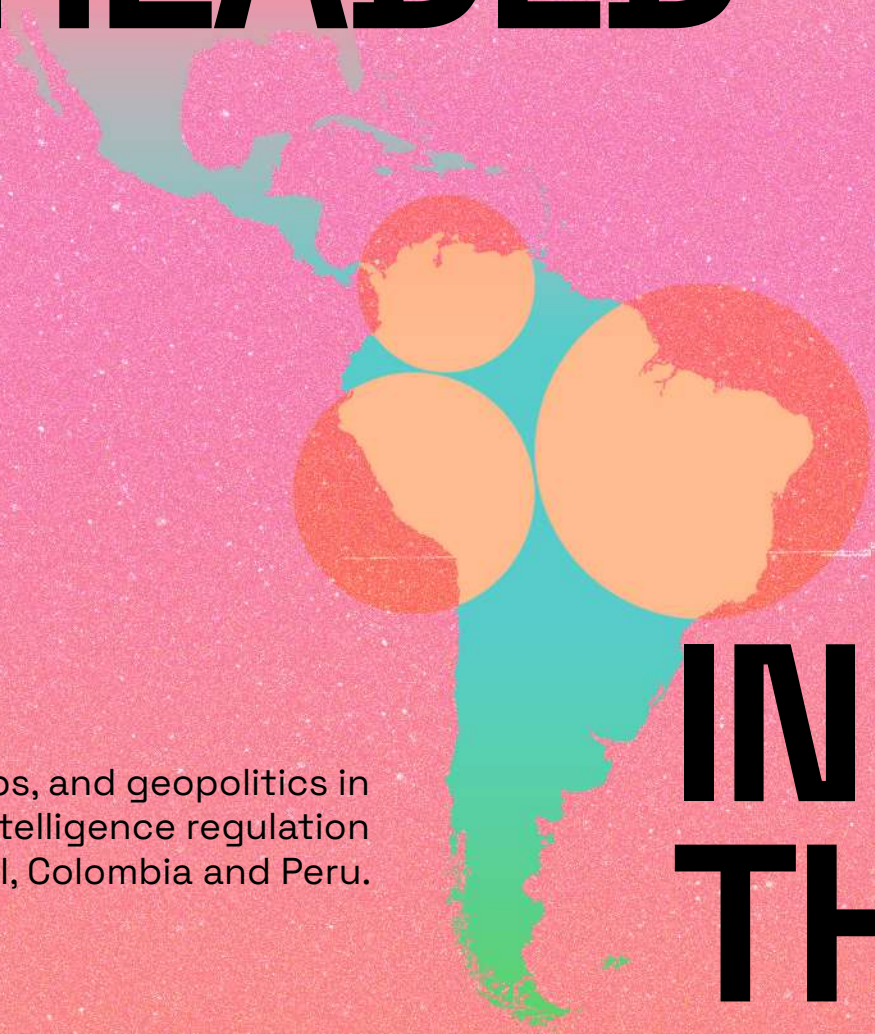


WHERE IS AI REGULATION HEADED

 Derechos
Digitales
AMÉRICA LATINA

Trends, gaps, and geopolitics in
artificial intelligence regulation
in Brazil, Colombia and Peru.



IN THE REGION?



Where is AI regulation headed in the region?

Trends, gaps, and geopolitics in artificial intelligence regulation in Brazil, Colombia and Peru.

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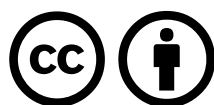
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EXECUTIVE SUMMARY



Executive summary

This paper examines where the regulation of artificial intelligence (AI) is headed in Latin America, drawing on the recent experiences of Brazil, Colombia and Peru. Through these three cases, it identifies the main trends running through the regulatory debate and the issues that do — or do not — make it onto the legislative agenda.

The analysis reveals regulation that is increasingly fragmented and reactive: while comprehensive frameworks stall, lose scope along the way, or end up imposing only limited obligations, narrower initiatives move forward on matters such as child protection, intellectual property, and criminal penalties for certain uses of AI. At the same time, significant gaps persist on issues such as information integrity, technology-facilitated gender-based violence beyond the criminal-law response, and the environmental impacts of AI infrastructure.

These trends are unfolding against a backdrop marked by the rise of right-wing and far-right governments in the region, growing geopolitical alignment with the United States, and pressure from the tech industry on national regulatory agendas. In this context, the analysis warns of the challenges of advancing toward rights-centered AI regulation and points to the need to promote regulatory frameworks grounded in human and environmental rights and capable of responding to the region's specific impacts and needs.

INTRODUCTION





Introduction

The aim of this research is to examine the transformation underway in the debate over the regulation of artificial intelligence (AI) in several Latin American countries and, in particular, to identify where policymakers' attention is turning in that debate: whether the discussion revolves around whether to regulate at all, which matters regulation should cover, and under what approach. The analysis focuses on three countries that, between 2024 and 2026, have moved forward — or stalled — in the regulatory conversation on AI: Brazil, Colombia and Peru.

Taken together, these three settings illustrate much of the path AI regulation has taken in the region. In Colombia, more than two dozen general AI bills have been introduced since 2020, originating in both Congress and the executive branch, without any of them receiving extended legislative debate or genuinely representative stakeholder participation. In Peru, Congress passed a general and deliberately abstract AI law in 2023, which received implementing regulations only in 2025 and today stands as one of the few general rules on the subject in force in the region¹. And in Brazil, a hard-fought debate has unfolded around a bill that, in its early versions, promised to create robust human rights obligations but was progressively watered down as it moved through Congress — to the point that, as of mid-2026, its text has yet to come to a vote in the Chamber of Deputies.

All three countries will hold — or have already held — presidential elections in 2026 in which a shift toward right-wing and far-right political projects could tilt the regulatory balance toward approaches more permissive of the AI industry, in step with the agenda advanced by Donald Trump's administration in the United States. In Colombia, Abelardo de la Espriella was declared president-elect after the runoff of June 21, 2026², and in Peru, Keiko Fujimori prevailed in the runoff of June 7 of that year³.

¹ Presidencia del Consejo de Ministros del Perú, "Conoce el Reglamento de la Ley de inteligencia artificial en el Perú", Presidencia del Consejo de Ministros del Perú (s.f.). Available at: <https://www.gob.pe/110224-conoce-el-reglamento-de-la-ley-de-inteligencia-artificial-en-el-peru>

² Geraldine Bajonero, "Resultados elecciones presidenciales Colombia 2026: con el 99.99% de mesas, avanza escrutinio de los jueces; De la Espriella, presidente electo", El Tiempo (Junio 21, 2026). Available at: <https://www.eltiempo.com/politica/elecciones-colombia-2026/resultados-segunda-vuelta-presidencial-2026-siga-el-minuto-a-minuto-del-preconteo-de-la-registraduria-nacional-3565893>

³ Christian Lengua, "Resultados ONPE en vivo al 100%: se cierra el escrutinio dando la victoria definitiva a Keiko Fujimori", Infobae (Junio 29, 2026). Available at: <https://www.infobae.com/peru/2026/06/23/resultados-onpe-en-vivo-a-poco-del-100-keiko-fujimori-y-roberto-sanchez-en-historica-disputa-electoral-en-peru/>

Abroad, the far-right agenda has combined a trade policy that privileges protecting the US tech industry, drawing both on state regulation favorable to the interests of the large platforms and on active deregulation as a condition for commercial and geopolitical understanding with the countries of the region.

Examining what is happening in these three countries therefore offers a useful cross-section: it makes it possible to identify the shifts of approach in the AI regulatory debate and offers elements for answering a broader question: at a time when the region is undergoing a process of political alignment with Washington that has already proven to have concrete effects on the regulatory protection of people's rights, what future lies ahead for AI regulation?

This paper does not purport to offer an exhaustive review of the AI laws and bills making their way through Brazil, Colombia and Peru. Its purpose is more modest and, we hope, more useful for public debate: based on an overall reading of the most recent bills — particularly those introduced or debated between 2024 and 2026 — of the ethics frameworks already adopted, of reports by international bodies and by civil society organizations specializing in digital rights, and of press coverage of the phenomenon, it seeks to draw out trends in the regulatory approaches that policymakers in these three countries currently favor. It is an exercise in reading trends, not a regulatory inventory.

To identify the most recent bills, the main sources used were the repository of AI regulation in Latin America and the Caribbean maintained by the Universidad de los Andes (Uniandes)⁴, and the Legislative Observatory of the Center for Studies on Freedom of Expression and Access to Information (CELE) at the Universidad de Palermo⁵, which systematize hundreds of regulatory instruments and legislative proposals from across the region on the basis of publicly available sources. On that basis, the paper offers a qualitative — not quantitative — reading of the most recent issues drawing regulatory attention and, above all, of those left out of it. It is, accordingly, an exploratory exercise that is not meant to replace a detailed legal review of each bill.

⁴ Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

⁵ Centro de Estudios para la Libertad de Expresión y el Acceso a la Información CELE, “Propuestas regulatorias en materia de Inteligencia Artificial en América Latina (Regional)”, Centro de Estudios para la Libertad de Expresión y el Acceso a la Información CELE (s. f.). Available at: <https://observatoriolegislativocele.com/tendencias-regionales-en-la-regulacion-de-inteligencia-artificial/>

WHERE DOES THE DEBATE OVER AI REGULATION STAND IN THE REGION?

I



I. Where does the debate over AI regulation stand in the region?



The regulatory conversation on AI in Latin America did not begin with bills. Between 2018 and 2021, the first institutional response of many governments in the region was to adopt AI ethics frameworks and national strategies: declaratory instruments that laid down general principles such as transparency, non-discrimination, and human oversight, without creating enforceable obligations or penalties⁶. Indeed, this approach still persists in some countries.

In Colombia, the first ethical guidelines for the use of AI in the public sector were issued in 2021⁷.

Brazil approved its Brazilian Artificial Intelligence Strategy (EBIA) that same year⁸. Peru was an exception, having only recently approved its Proposed National Artificial Intelligence Strategy 2026–2030⁹. The common denominator of this approach is the creation of a space for drawing up ethical guidelines without any explicit governance to enforce them — in other words, guidance documents designed to position these countries in the global AI race rather than to protect people from its risks.

Beginning in 2021, and with greater force from 2023 onward — coinciding with the final negotiation of the European AI Act — that declaratory approach was joined by a wave of bills seeking to establish binding rules. The European model, with its classification of AI systems by risk level (unacceptable, high, limited, minimal) and its obligations tiered by that

⁶ Laura Hernández, María Paz Canales, Michel de Souza, “Inteligencia artificial y participación en América Latina: Las estrategias nacionales de IA”, *Derechos Digitales* (Febrero, 2022). Available at: <https://www.derechosdigitales.org/wp-content/uploads/IA-Participacion-ES-2022.pdf>

⁷ Armando Guío, Elena Tamayo, Pablo Gómez, “Marco ético para la inteligencia artificial en Colombia”, *Consejería Presidencial para Asuntos Económicos y Transformación Digital* (Mayo, 2021). Available at: <https://minciencias.gov.co/sites/default/files/marco-etico-ia-colombia-2021.pdf>

⁸ Ministério da Ciência, Tecnologia e Inovações, Secretaria de Empreendedorismo e Inovação, “Estratégia Brasileira de Inteligência Artificial -EBIA-”, Ministério da Ciência, Tecnologia e Inovações, Secretaria de Empreendedorismo e Inovação (s.f.) Available at: <https://www.gov.br/mcti/pt-br/acompanhe-o-mcti/transformacaodigital/ebia.pdf>

⁹ Secretaría de Gobierno y Transformación Digital y la Subsecretaría de Política y Regulación Digital, “Aprueban la Estrategia Nacional de Inteligencia Artificial 2026-2030”, *Diario Oficial del Bicentenario El Peruano* (Abril 29, 2026). Available at: <https://busquedas.elperuano.pe/dispositivo/NL/2511535-1>

level, became the template for Latin American bills, including those of Colombia¹⁰, Peru¹¹ and Brazil¹². Adaptation to the local context came, above all, in defining what counts as a “high-risk” system and in adding homegrown features. Brazil, for example, included a proposed mandatory copyright compensation scheme for training models on Brazilian content, with no exact equivalent in the European text¹³.

The most representative case of this cycle is Brazil’s Bill 2338/2023 (PL 2338/2023)¹⁴, which initially promised to become the region’s most fully developed general AI framework in human rights terms: it established a risk-classification system, rights for people affected by AI systems (transparency, explanation, contestation), a governance regime under the National Data Protection Authority, and fines of up to 50 million reais.

The bill was passed by the Federal Senate in December 2024¹⁵, in what Brazilian civil society organizations described as a symbolic victory for the digital rights agenda, as its approval coincided with International Human Rights Day¹⁶.

¹⁰ According to the repository of AI regulation in Latin America and the Caribbean of the Universidad de los Andes, at least 29 AI bills were introduced between 2024 and 2025. At least 3 replicated, in whole or in part, the approach of Europe’s AI Act, mirroring its risk-based framework. Available at: Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

¹¹ According to the repository of AI regulation in Latin America and the Caribbean of the Universidad de los Andes, at least 35 AI bills were introduced between 2024 and 2025. At least 6 replicated, in whole or in part, the approach of Europe’s AI Act, mirroring its risk-based framework. Available at: Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

¹² According to the repository of AI regulation in Latin America and the Caribbean of the Universidad de los Andes, at least 105 AI bills were introduced between 2024 and 2025. At least 2 replicated, in whole or in part, the approach of Europe’s AI Act, mirroring its risk-based framework. Available at: Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

¹³ Federação Nacional dos Jornalistas, “Setor criativo reage a possível retirada de direitos autorais do PL da Inteligência Artificial”, Federação Nacional dos Jornalistas (Maio 14, 2026). Available at: <https://fenaj.org.br/setor-criativo-reage-a-possivel-retirada-de-direitos-autorais-do-pl-da-inteligencia-artificial/>

¹⁴ Rodrigo Pacheco, “Projeto de Lei n.º 2338 de 2023. Marco Legal da Inteligência Artificial”, Senado Federal (Maio 3, 20 23). Available at: <https://www25.senado.leg.br/web/atividade/materias/-/materia/157233>

¹⁵ Mayara Figueredo, “Aprobado el Marco Legal de Inteligencia Artificial en Brasil”, DPL News (Diciembre 11, 2024). Available at: <https://dplnews.com/aprobado-marco-legal-de-inteligencia-artificial-brasil/>

¹⁶ Data Privacy Brasil, “Data Privacy Brasil celebra aprovação do PL de IA no Senado Federal”, Data Privacy Brasil (Dezembro 11, 2024). Available at: <https://www.dataprivacybr.org/data-privacy-brasil-celebra-aprovacao-do-pl-de-ia-no-senado-federal/>

Since arriving in the Chamber of Deputies in 2025, however, the bill has faced fierce industry disputes and a claim of unconstitutionality for assigning powers to the National Data Protection Authority without the required exclusive initiative of the executive branch, which led the leaderships of the Chamber and the Senate to postpone its final vote until 2026¹⁷. PL 2338/2023 is, in that sense, the quintessential example of a lengthy legislative process, with multiple hearings and avenues for stakeholder participation, that has nonetheless failed to become law.

While the major comprehensive bills remain stalled, the regulation that does get passed is, by contrast, far more modest in scope: for the most part, targeted amendments to existing legal frameworks. The most recent reforms, for example, focus on amending criminal law to punish specific uses of AI, particularly the manipulation of audio, images, or video (deepfakes) for purposes such as impersonation.

Thus, in July 2025 Colombia passed Law 2502, which amended Article 296 of the Criminal Code to make impersonation committed by means of AI an aggravated offense, punishable by up to six years in prison¹⁸. In April of that year, Peru passed Law 32314, which made the use of AI — deepfakes included — an aggravating factor in crimes of child sexual abuse, defamation, and fraud¹⁹. And Brazil passed Law 15123, which establishes an aggravating factor for the crime of psychological violence against women when carried out through AI²⁰.

This apparent asymmetry — between major comprehensive bills that fail to advance and targeted criminal-law reforms that do — already reveals a first trend: when consensus to regulate AI can be built, it tends to take the form of criminal punishment for readily identifiable conduct such as impersonation, fraud, and gender-based violence, and not necessarily of a complex architecture of rights and obligations applicable to those who develop and deploy these systems.

¹⁷ Glenda Dantas, “Votação do marco da IA para 2026 em meio a impasses políticos e críticas ao texto” Desinformante (Dezembro 19, 2025). Available at: <https://desinformante.com.br/votacao-do-marco-da-ia-fica-para-2026-em-meio-a-impasses-politicos-e-criticas-ao-texto>

¹⁸ Congreso de la República de Colombia, “Ley 2502 por medio de la cual se modifica y establece un agravante al artículo 296 de la Ley 599 del 2000, Código Penal colombiano y se dictan otras disposiciones”, Diario Oficial n.º 53.198 (Julio 31, 2025). Available at: http://www.secretariasenado.gov.co/senado/basedoc/ley_2502_2025.html

¹⁹ Vanesa Maldonado, “Ley 32314: modifican el Código Penal y otro para sancionar el uso de la inteligencia artificial en la comisión de delitos”, LP Pasión por el Derecho (Abril 29, 2025). Available at: <https://lpderecho.pe/ley-32314-modifican-codigo-penal-sancionar-uso-inteligencia-artificial-delitos/>

²⁰ Congresso Nacional, “Lei N.º 15.123 de 24 de abril de 2025 que altera o art. 147-B do Decreto-Lei n.º 2.848, de 7 de dezembro de 1940 (Código Penal), para estabelecer causa de aumento de pena no crime de violência psicológica contra a mulher quando praticado com o uso de inteligência artificial ou de qualquer outro recurso tecnológico que altere imagem ou som da vítima”, Congresso Nacional (Abril 24, 2025), Available at: <https://www2.camara.leg.br/legin/fed/lei/2025/lei-15123-24-abril-2025-797342-publicacaooriginal-175179-pl.html/>

Geopolitics enters the scene: tariffs, minerals, and data centers

Since 2025, a variable that until recently was not a central part of the debate has been added to this picture of domestic regulation: US geopolitical pressure on the region's digital regulatory frameworks.

Brazil's case is the best documented. In July 2025, Donald Trump's administration threatened a 50% tariff hike on Brazilian goods, along with the opening of a trade investigation against the country²¹. That investigation culminated in a recent report that, among other things, uses a steep tariff hike to punish the country commercially for having developed its own digital payments infrastructure — PIX, run by the Central Bank — which allegedly competes with US companies on discriminatory terms²².

A journalistic investigation showed that Trump's initial announcement was directly linked to intense lobbying by major US technology companies — among them Google, Meta, Microsoft, Amazon, and Apple — channeled through lobbying organizations that reportedly branded PL 2338/2023 a threat for imposing “excessive” transparency obligations on both high- and low-risk AI products, and in particular for its mandatory copyright compensation scheme for training models on Brazilian content²³. Their lobbying, in fact, weakened the content of PL 2338/2023 to the point of rendering it useless for the effective protection of people²⁴.

²¹ Natalia Viana, “Relatório revela que ato de Trump de investigar Brasil atente a Big Techs”, Agência Pública (Julho 10, 2025). Available at: <https://apublica.org/2025/07/ameaca-de-trump-de-investigar-brasil-atende-a-pressao-de-big-techs/>

²² Laís Martins, “Bienvenidos a la era del nuevo intervencionismo tecnológico”, El Surti (Julio 14, 2026). Available at: <https://elsurti.com/newsletter/bienvenidos-a-la-era-del-nuevo-intervencionismo-tecnologico>; Samuel Azevedo, “Seção 301: Brasil é laboratório da ferramenta que EUA querem usar para tarifaço 2.0; entenda”, Fato News (Julho 16, 2026). Available at: <https://fatonews.com.br/2026/07/16/secao-301-brasil-e-laboratorio-da-ferramenta-que-eua-querem-usar-para-tarifaco-2-0-entenda/>

²³ Natalia Viana, “Informe revela que la amenaza de Trump a Brasil responde a intereses de las ‘big tech’”, DemocraciaAbierta (Julio 15, 2025). Available at: <https://www.opendemocracy.net/es/brasil-trump-gigantes-tecnologicas-google-meta-x-aranceles-investigacion-comercio-ccia/>

²⁴ Luiz Fernando Menezes, “Deputados da Comissão da IA atuaram em prol de ‘big techs’ após visitas de lobistas”, Aos Fatos (Janeiro 29, 2026). Available at: <https://www.aosfatos.org/noticias/deputados-da-comissao-da-ia-atuaram-em-prol-de-big-techs-apos-visitas-de-lobistas/>

Reporters Without Borders documented, along the same lines, how these tariffs were used as an instrument to undermine access to reliable information and to pressure the Brazilian judiciary²⁵. The episode's underlying message is eloquent: the trade pressure was not just about protecting specific commercial interests, but about deterring local authorities from moving forward with regulating Big Tech on issues such as AI.

Adding to that pressure on the very possibility of regulating Big Tech is a growing — and less publicly visible — interest in securing access to the region's natural resources through the accelerated rollout of data centers. In South America alone there are now more than 400 registered data centers²⁶, concentrated above all in Brazil, Chile, Mexico, Argentina, and Colombia²⁷.

The expansion of this infrastructure, indispensable for training and running AI models, has a physical counterpart that rarely surfaces in the regulatory debate: the intensive consumption of water and energy, along with other resources and minerals such as lithium and cobalt.

In Brazil, states such as Ceará, Rio Grande do Sul, and São Paulo now compete to attract these investments without the impact on water receiving anything like the attention paid to the promised economic benefits^{29,30}.

²⁵ Reporters Without Borders, "US tariffs against Brazil: Trump undermines access to reliable information by weaponising free speech", Reporters Without Borders (August 04, 2025). Available at: <https://rsf.org/en/us-tariffs-against-brazil-trump-undermines-access-reliable-information-weaponising-free-speech>

²⁶ Data Center Map, "South America Data Centers (438 Facilities)", Data Center Map (s.f). Available at: <https://www.datacentermap.com/south-america/>

²⁷ Data Center Boom, "Los conflictos socio-ambientales de los data centers", Data Center Boom (s.f.). Available at: <https://datacenterboom.net/los-conflictos-socio-ambientales-de-los-data-centers/>; Centro Latinoamericano de Investigación Periodística CLIP, "Video: La huella que están dejando los data centers en América Latina", Centro Latinoamericano de Investigación Periodística CLIP (Septiembre 23, 2025). Available at: <https://www.elclip.org/video-la-huella-que-estan-dejando-los-data-centers-en-america-latina/>

²⁸ Pengfei Li, Jianyi Yang, Mohammad A. Islam, et.al, "Making AI less 'thirsty', Uncovering and addressing the secret water footprint of AI models", Communications of the ACM, 68, N.º 7 (2025): 54-61. Available at: <https://dl.acm.org/doi/10.1145/3724499>

²⁹ Leornado Coelho "¿IA para quién?: los centros de datos en Brasil preocupan por el consumo de agua y energía", Inter Press Service (Marzo 9, 2026). Available at: <https://ipsnoticias.net/2026/03/ia-para-quien-los-centros-de-datos-en-brasil-preocupan-por-el-consumo-de-agua-y-energia/>

³⁰ Lucía Camacho, "Emergencia climática y centros de datos: el nuevo extractivismo de las Big Tech", Derechos Digitales (Agosto 1, 2025). Available at: <https://www.derechosdigitales.org/recursos/emergencia-climatica-y-centros-de-datos-el-nuevo-extractivismo-de-las-big-tech/>

That appetite for attracting investment has, in more than a few cases, been accompanied by a loosening of preexisting regulatory safeguards. In Chile, the government agreed in December 2025 to simplify the environmental licensing process for data centers, in practice exempting companies from conducting environmental impact studies or holding public hearings³¹. In Argentina there are no specific rules on data centers, either at the national level or in the provinces vying to host them: the only applicable regime — the Incentive Regime for Large Investments (RIGI) — offers tax, customs, and financial benefits, but does not address such basic questions as environmental protection, water use, or energy consumption³².

A joint media investigation led by the Latin American Center for Investigative Journalism (CLIP), drawing on cases across the region, documented how these projects promise massive investment and jobs, when the evidence shows that, once construction is over, only a handful of workers are needed to run them — while the communities living near these centers face scarcity and precarity: less available water, power outages, and constant noise³³. The Office of the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights (REDESCA) of the Inter-American Commission on Human Rights has documented similar social and environmental tensions in Argentina, Chile, El Salvador, Guyana, and Uruguay, linked to the expansion of high-demand digital infrastructure³⁴.

What these episodes show is that the regulatory debate on AI in the region cannot be read solely through the prism of classic digital rights — privacy, non-discrimination, due process — but is also, increasingly, a debate about the extraction of natural resources and about who bears its environmental and social costs.

³¹ Ruido y Chequeado, “Mega data centers de IA: cómo se regulan en América Latina y Europa y qué puede pasar en Argentina”, Chequeado (Abril 26, 2026). Available at: <https://chequeado.com/el-explicador/mega-data-centers-de-ia-como-se-regulan-en-america-latina-y-europa-y-que-puede-pasar-en-argentina/>

³² Ruido y Chequeado, “Mega data centers de IA: cómo se regulan en América Latina y Europa y qué puede pasar en Argentina”, Chequeado (Abril 26, 2026). Available at: <https://chequeado.com/el-explicador/mega-data-centers-de-ia-como-se-regulan-en-america-latina-y-europa-y-que-puede-pasar-en-argentina/>

³³ Pablo Medina, Francisca Skoknic, Alberto Pradilla, et.al., “¿Agua y electricidad para los centros de datos o para los latinoamericanos?” Centro Latinoamericano de Periodismo de Investigación CLIP (Septiembre 12, 2025). Available at: <https://www.elclip.org/agua-y-electricidad-para-los-centros-de-datos-o-para-los-latinoamericanos/>

³⁴ Relatoría Especial de Derechos Económicos, Sociales, Culturales y Ambientales, “Comunicado de Prensa 030/2026. La REDESCA advierte sobre impactos de la infraestructura digital en los derechos humanos y urge debida diligencia empresarial”, Relatoría Especial de Derechos Económicos, Sociales, Culturales y Ambientales Comunicado de prensa (Febrero 26, 2026). Available at: <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2026/030.asp>

WHAT HAVE EFFORTS TO REGULATE AI FOCUSED ON?



II. What have efforts to regulate AI focused on?



Before reviewing each country's regulatory approach, a methodological note is in order: the information that follows is based on a review of the most recent bills and laws (2024–2026) reported by the Universidad de los Andes AI regulation repository, which aggregates proposals by country, type of instrument, and date³⁵. This is not an exhaustive inventory — the repository itself cautions that its information comes from public sources of uneven coverage across countries — but rather a reading of the themes that dominate the recent legislative agenda in each of the three countries.

Colombia

The record of this legislative cycle is poor in concrete results: of the ten AI bills that came up for discussion toward the close of the 2024–2025 session, nine were shelved after the relevant deadlines expired, and only one — the bill that became Law 2502 of 2025 on AI-enabled impersonation — was passed³⁶. In other words, out of a broad universe of initiatives seeking to regulate AI comprehensively, the only one that survived the legislative process was, once again, a targeted criminal-law reform.

The legislative agenda in this cycle was marked by the executive branch's repeated attempts to push through a general regulatory framework. In January 2025, the Ministry of Science, Technology, and Innovation introduced Bill 043/2025, “establishing the Legal Framework for the Promotion, Development, and Responsible Use of Artificial Intelligence in Colombia,” which takes up the risk-tier classification model and which the government itself presented as a bid for the country's technological “sovereignty”³⁷. With no recent debate, and with a new Congress about to be seated, the bill was recently shelved.

³⁵ Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

³⁶ Leydi Nieto, “Proyectos de ley sobre IA en la legislatura 2024–2025: un balance pobre y una oportunidad de oro”, *Ámbito Jurídico* (Julio 18, 2025). Available at: <https://www.ambitojuridico.com/noticias/actualidad/proyectos-de-ley-sobre-ia-en-la-legislatura-2024-2025-un-balance-pobre-y-una>

³⁷ Ministerio de Ciencia, Tecnología e Innovación de Colombia, “MinCiencias lidera el Proyecto de Ley que busca regular el desarrollo ético, seguro y responsable de la Inteligencia Artificial en Colombia”, Ministerio de Ciencia, Tecnología e Innovación de Colombia (Mayo 7, 2025). https://minciencias.gov.co/sala_de_prensa/minciencias-lidera-el-proyecto-ley-que-busca-regular-el-desarrollo-etico-seguro-y

At least four initiatives focused on protecting children were introduced in this cycle. PL 306/2025C focuses on preventing AI-facilitated child sexual abuse and online harassment. PL 384/2025C imposes obligations on digital platforms to prevent child sexual abuse and the non-consensual distribution of intimate or sexual images. PL 179/2024C focuses on protecting women and girls online and regulates the use of AI where it becomes an instrument of violence against these groups. And there is the regulation of AI in education, seeking to “balance its restriction” in order to support pedagogical approaches in preschool, primary, and secondary education (PL 253/2024C).

Brazil

In Brazil, the recent legislative agenda on AI centers, above all, on two newer issues that coexist with the stalled PL 2338/2023. The first is intellectual property: several bills identified in the Uniandes repository seek to amend the Copyright Law (Lei 9610/1998) to make clear that authorship of a work belongs exclusively to a natural person — regardless of the degree of autonomy of the AI system used to create it — or to outright prohibit the use of AI to create photographs, voices, or images of natural persons without their consent³⁸.

The second is electoral integrity: at least four bills seek to amend the Criminal Code and the Elections Law (Lei 9504/1997) to make the digital manipulation of images, video, or audio by means of AI a criminal offense, with aggravating factors when the conduct affects women or candidacies during electoral periods — a direct response to the surge in “cheapfakes” and deepfakes documented in the 2024 municipal election cycle and anticipated in the 2026 presidential elections³⁹.

Alongside these fronts there remains at least one attempt to create a general AI law separate from PL 2338/2023 — a bill “Creating the Artificial Intelligence Law” (“Cria a Lei da Inteligência Artificial”), introduced in January 2025, which declares its objective to be creating “legal certainty for investment in research and technological development,” a formulation that puts promoting innovation above the rights-based approach that characterized the early versions of PL 2338/2023. This coexistence of initiatives — some centered on rights, others on legal certainty for investment — neatly captures the tension running through Brazil’s legislative debate on AI today.

³⁸ Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

³⁹ Tribunal Superior Eleitoral, “TSE proíbe uso de inteligência artificial para criar e propagar conteúdos falsos nas eleições”, Tribunal Superior Eleitoral (Febrero 28, 2024). Available at: <https://www.tse.jus.br/comunicacao/noticias/2024/Fevereiro/tse-proibe-uso-de-inteligencia-artificial-para-criar-e-propagar-conteudos-falsos-nas-eleicoes>

Peru

Peru's recent legislative cycle revolves, in large part, around Law 31814 and its implementing regulations, approved in September 2025 and in force since January 2026⁴⁰. The recent legislative agenda centers on three fronts.

The first is amending the general framework itself: in November 2025, a bill was introduced to amend Law 31814 — evidence that, with its implementing regulations only just adopted, the law is already in need of adjustments⁴¹. The second is electoral integrity: a March 2026 bill seeks to amend Article 192 of the Organic Law on Elections to prohibit, during the 90 days before an election, the creation and dissemination of audiovisual content manipulated with AI⁴². The third is the use of AI in managing social programs: one bill seeks to promote its use in identifying, monitoring, and cleaning the beneficiary rolls of the social programs run by the Ministry of Development and Social Inclusion — a logic of administrative efficiency that is not matched, in the text identified, by equivalent due process safeguards for those who might be wrongly excluded by the system⁴³.

Although the adoption of Law 31814 placed Peru among the region's pioneers in AI regulation — it is one of the few general AI laws in force in Latin America — it also remains one of the most abstract, focused as it is on promoting AI and lacking specific, enforceable obligations and mechanisms to protect people⁴⁴, with implementation phased in — under the new regulations — over one to four years depending on the sector⁴⁵.

⁴⁰ Presidencia del Consejo de Ministros del Perú “Conoce el Reglamento de la Ley de inteligencia artificial en el Perú”, Presidencia del Consejo de Ministros (Enero 23, 2026). Available at: <https://www.gob.pe/110224-conoce-el-reglamento-de-la-ley-de-inteligencia-artificial-en-el-peru>

⁴¹ Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

⁴² Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

⁴³ Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>

⁴⁴ Hiperderecho; Access Now, “Comentarios al proyecto de Reglamento de la Ley 31814, Ley que promueve el uso de la IA en favor del desarrollo económico y social del país”, Hiperderecho (Mayo 31, 2024). Available at: <https://hiperderecho.org/wp-content/uploads/2024/06/Comentarios-para-propuesta-de-reglamento-Peru.-AccessNow-Hiperderecho.pdf>

⁴⁵ Diario Oficial del Bicentenario El Peruano, “Decreto Supremo que aprueba el Reglamento de la Ley 31814, Ley que promueve el uso de la inteligencia artificial en favor del desarrollo económico y social del país”, Presidencia de la República (Septiembre 9, 2025). Available at: <https://busquedas.elperuano.pe/dispositivo/NL/2436426-1>

Gaps and continuities in regulatory efforts

Read together, these three legislative cycles (2024–2026) reveal common patterns. The first is the centrality of the criminal-law response: most of the rules that do get passed respond to the deepfake phenomenon, almost always through an aggravating factor or the creation of a new offense of AI-enabled forgery. The second is the persistence — despite years of debate — of sweeping general bills that fail to clear the legislative process (Colombia, Brazil) or that, when they do, end up implemented in very broad terms and on a gradual timeline (Peru). The third, and more worrying, is what does not appear — or appears only incidentally — on the recent legislative agenda.

One gap concerns the impact of generative AI on information integrity. Although the electoral reforms mentioned above address deepfakes in campaigns, the legislative debate rarely takes on, in any comprehensive way, the broader phenomenon of disinformation assisted by generative AI outside electoral periods, or the algorithmic transparency obligations that should fall on the platforms that amplify such content. Bodies such as International IDEA have documented that Latin America faces a string of decisive presidential elections in 2025 and 2026 without research or regulation on AI and disinformation having managed to keep pace with the technology⁴⁶.

Another concerns online gender-based violence amplified by AI, a phenomenon that the criminal reforms reviewed here approach almost exclusively through specific offenses — non-consensual image distribution, impersonation — without any of the bills identified taking a comprehensive approach that recognizes its structural dimension. A recent United Nations report, prepared with the European Commission, UN Women, and UNESCO on the basis of surveys in 119 countries, found that nearly one in four women human rights defenders, journalists, and activists surveyed has suffered AI-facilitated online violence — including the non-consensual sharing of intimate images and deepfakes — and that although 117 countries report some initiative to address digital violence, progress remains fragmented and regulation lags behind the challenges this technology brings⁴⁷.

⁴⁶ Sebastián Becker, Mariana Carvalho, Alberto Fernández, et.al., “Inteligencia Artificial e Integridad de la Información: Experiencias Latinoamericanas”, IDEA International, Fundacao Getulio Vargas (2025). Available at: <https://www.idea.int/publications/catalogue/html/inteligencia-artificial-e-integridad-de-la-informacion-experiencias>

⁴⁷ Ana Carmo, “La inteligencia artificial y el anonimato alimentan el aumento de la violencia digital contra las mujeres”, ONU Mujeres (Noviembre 20, 2025). Available at: <https://news.un.org/es/story/2025/11/1540787>

The exclusively criminal approach, centered on the ex post punishment of individual conduct, leaves unresolved the corporate obligations — around design, moderation, and due diligence — that should fall on those who develop and deploy these systems.

And finally, the most glaring gap in regulatory terms is the environmental impact of AI through the rollout of data centers. Two recent pronouncements by international human rights bodies have put this issue at the center of the debate. The UN Special Rapporteur on the human rights to safe drinking water and sanitation presented to the Human Rights Council a report on the “water-energy nexus,” documenting how growing energy demand — including that associated with large-scale digital infrastructure — intensifies the pressure on access to water, and arguing that states should condition the expansion of such infrastructure on genuine transparency about its water and energy footprint⁴⁸.

Along the same lines, the IACHR’s REDESCA warned in a 2026 statement about the growing impacts that large digital infrastructure projects — large-scale data centers in particular — are having on human rights in the Americas, and called on states to adopt regulatory frameworks that guarantee environmental sustainability and corporate due diligence before continuing to court these investments⁴⁹. Both pronouncements amount to a call to consider moratoriums — or at least strict conditions — on the installation of new AI infrastructure until there is real transparency about its environmental impact.

A critical question then arises: if Latin America already hosts 434 data centers in its South American subregion alone⁵⁰, and if UN and IACHR bodies have issued explicit warnings about their effects on access to water and energy, why has this issue not yet earned a central place in the recent AI bills in Brazil, Colombia and Peru?

⁴⁸ Pedro Arrojo, “Water and energy nexus: report of the Special Rapporteur on the human rights to safe drinking water and sanitation (A/HRC/60/30)”, Consejo de Derechos Humanos 60° período de sesiones (Julio 30, 2025). Available at: <https://www.ohchr.org/es/documents/thematic-reports/ahrc6030-water-and-energy-nexus-report-special-rapporteur-human-rights>

⁴⁹ Relatoría Especial sobre los Derechos Económicos, Sociales, Culturales y Ambientales, “Comunicado de prensa 030/2026. La REDESCA advierte sobre impactos de la infraestructura digital en los derechos humanos y urge debida diligencia empresarial”, Relatoría Especial sobre los Derechos Económicos, Sociales, Culturales y Ambientales (Febrero 26, 2026). Available at: <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2026/030.asp>

⁵⁰ Data Center Map, “South America Data Centers (438 Facilities)”, Data Center Map (s.f). Available at: <https://www.datacentermap.com/south-america/>

In the general bills, the issue is absent. None of them currently contains regulatory proposals that directly address environmental licensing, or data centers' water and energy consumption, as a variable of AI regulation in its own right⁵¹. The most likely explanation is that AI regulation continues to be conceived, above all, through a logic of “informational” risks — bias, privacy, algorithmic transparency — inherited from the European AI Act itself, which was not designed for economies in which the installation of AI's physical infrastructure competes directly with local populations for water and energy. The result is that the regulatory debate on AI in the region is advancing, at best, in an unbalanced way: attentive to the risks of the algorithm, but indifferent to the risks of the infrastructure that sustains it.

⁵¹ Juan David Gutiérrez y Sara Hurtado, “Regulación sobre inteligencia artificial en América Latina y el Caribe (Versión V.3.0)”, Universidad de los Andes (2026). Available at: <https://algoritmos.uniandes.edu.co/regulacion-sobre-ia-en-america-latina/>



HOW TO THINK ABOUT THE FUTURE OF AI REGULATION

III. How to think about the future of AI regulation



The future of AI regulation in Latin America cannot be understood without attending to the geopolitical reconfiguration underway. In 2026, Donald Trump's administration launched the so-called "Pax Silica"⁵², a technological and geopolitical alliance whose name combines the Latin idea of a lasting peace with silicon, the essential component of the semiconductors that power AI.

The pact was conceived to secure control over this technology's entire value chain, from the extraction of critical minerals to semiconductor manufacturing, including the digital and energy infrastructure needed to sustain data centers^{53,54}. Its declared purpose is to contain China's advance in this industry in cooperation with other US-aligned countries, such as Japan, South Korea, the United Kingdom, Israel and, more recently, Argentina, Chile, Costa Rica, El Salvador, and Panama as the region's representatives. To join, these Latin American countries have aligned themselves with the broader geopolitical interests of the United States⁵⁵.

The incorporation of Latin American countries into this alliance is no minor detail for the regulatory debate: these are countries that supply data, minerals, and territory for infrastructure — but not AI technology itself — perpetuating a relationship of structural inequality between those who provide the industry's inputs and those who control and capture its value.

An analysis published by teleSUR has called this dynamic "the Pax Silica trap," insofar as it commits the region's countries to an external geopolitical agenda in exchange for promises of investment, without

⁵² U.S. Department of State "Pax Silica", U.S Department of State (s.f.). Available at: <https://www.state.gov/pax-silica>

⁵³ Román Lejtman, "Pax Silica: Argentina ingresó a una alianza estratégica con EEUU, que financiará inversiones clave para contener la ofensiva global de China", Infobae (Junio 29, 2026). Available at: <https://www.infobae.com/economia/2026/06/29/pax-silica-argentina-ingreso-a-una-alianza-estrategica-con-eeuu-que-financiara-inversiones-clave-para-contener-la-ofensiva-global-de-china/>

⁵⁴ Alvarez del Vayo, "Estados Unidos cambia las normas: qué es Pax Silica, la nueva y potente apuesta geopolítica de Donald Trump", El Español (Mayo 14, 2026). Available at: https://www.elespanol.com/omicrono/software/20260514/unidos-cambia-normas-pax-silica-nueva-potente-apuesta-geopolitica-donald-trump/1003744245566_0.html

⁵⁵ Román Lejtman, "Pax Silica: Argentina ingresó a una alianza estratégica con EEUU, que financiará inversiones clave para contener la ofensiva global de China", Infobae (Junio 29, 2026). Available at: <https://www.infobae.com/economia/2026/06/29/pax-silica-argentina-ingreso-a-una-alianza-estrategica-con-eeuu-que-financiara-inversiones-clave-para-contener-la-ofensiva-global-de-china/>

equivalent guarantees for the protection of their own resources and of their people's rights⁵⁶. The Brazilian case, examined in the first section of this paper, has already shown how US trade policy can operate as an instrument of deterrence against local AI regulation: the tariffs imposed in 2025 responded not only to sectoral commercial interests but to explicit lobbying by Big Tech to stop PL 2338/2023^{57,58}.

Against that backdrop, it is worth asking how willing the governments of Colombia and Peru, under their new right-wing leaderships — De la Espriella in Colombia⁵⁹ and Fujimori in Peru⁶⁰ — will be to sustain regulatory agendas that could be read as running counter to the interests of Washington or its major tech companies, at a time when both countries will, in all likelihood, seek closer trade and security ties with the United States. The risk is not only that the adoption of new rules slows down, but that the very agenda of what counts as “AI regulation” gets redefined: from a conversation about rights and risks to one about competitiveness, investment attraction, and geopolitical alignment.

The legal landscape: where is AI regulation going?

Alongside the geopolitical challenge comes a distinctly legal one. The European model that inspired many of the region's bills is itself undergoing a process of flexibilization, or simplification.

The “Digital Omnibus on AI,” proposed by the European Commission in November 2025 and formally adopted by the Council on June 29, 2026, postpones compliance with the obligations for high-risk AI systems from

⁵⁶ Verónica Sforzin, “La trampa de «La Pax Silica» de Donald Trump y el declive norteamericano”, *teleSUR* (Abril 16, 2026). Available at: <https://www.telesurtv.net/opinion/la-trampa-de-la-pax-silica-de-donald-trump-y-el-declive-norteamericano/>

⁵⁷ Natalia Viana, “Informe revela que la amenaza de Trump a Brasil responde a intereses de las ‘big tech’”, *DemocraciaAbierta* (Julio 15, 2025). Available at: <https://www.opendemocracy.net/es/brasil-trump-gigantes-tecnologicas-google-meta-x-aranceles-investigacion-comercio-ccia/>

⁵⁸ Natalia Viana, “Relatório revela que ato de Trump de investigar Brasil atente a Big Techs”, *Agência Pública* (Julho 10, 2025). Available at: <https://apublica.org/2025/07/ameaca-de-trump-de-investigar-brasil-atende-a-pressao-de-big-techs/>

⁵⁹ Geraldine Bajonero, “Resultados elecciones presidenciales ColombiaColombia 2026: con el 99.99% de mesas, avanza escrutinio de los jueves; De la Espriella, presidente electo”, *El Tiempo* (Junio 21, 2026). Available at: <https://www.eltiempo.com/politica/elecciones-colombia-2026/resultados-segunda-vuelta-presidencial-2026-siga-el-minuto-a-minuto-del-preconteo-de-la-registraduria-nacional-3565893>

⁶⁰ Christian Lengua, “Resultados ONPE en vivo al 100%: se cierra el escrutinio dando la victoria definitiva a Keiko Fujimori” *Infobae* (Junio 29, 2026). Available at: <https://www.infobae.com/peru/2026/06/23/resultados-onpe-en-vivo-a-poco-del-100-keiko-fujimori-y-roberto-sanchez-en-historica-disputa-electoral-en-peru/>

August 2, 2026, to December 2, 2027 — and until August 2028 for systems embedded in products already covered by other sectoral rules⁶¹. The change reflects a shift from a model centered on exhaustive documentary compliance to one based on regulatory proportionality and continuous risk management, driven, according to its own proponents, by the practical difficulties of implementation and by delays in drafting the technical standards needed to operationalize the AI Act.

If the European regulatory benchmark itself chooses to relax its most demanding obligations, one may well ask what can be expected of countries whose regulatory processes advance far more unevenly and with considerably weaker institutional architectures than the European Union's. The most likely answer is that the easing of the European framework will end up undermining the argument of those in Brazil, Colombia or Peru who defended the need for a demanding risk-based framework inspired by the AI Act: if Europe itself steps back, the political space for sustaining strict obligations in the region narrows.

This difficulty is compounded by a deeper institutional challenge: the growing willingness of big tech companies to directly challenge the sovereign exercise of judicial authority by states in the region. The episode of the tariffs on Brazil over the legislative consideration of PL 2338/2023, examined above, is not an isolated event. It is the most visible manifestation of a dynamic in which the regulatory decisions of a national congress — or of other local authorities — can trigger trade retaliation orchestrated by private actors with enormous influence over US foreign policy.

In that scenario, the institutional architecture of countries with young regulatory institutions — data protection agencies with limited budgets, sectoral authorities with no prior experience in AI — faces a challenge that exceeds their technical capacity: the task is not just to write a good law, but to sustain it against pressure from actors operating at a scale that no country in the region can counterbalance on its own.

⁶¹ Gibson Dunn “EU AI Act Omnibus Agreement -Postponed High-Risk Deadlines and Other Key Changes”, Gibson Dunn (May 27, 2026). <https://www.gibsondunn.com/eu-ai-act-omnibus-agreement-postponed-high-risk-deadlines-and-other-key-changes/>



REFLECTIONS



Reflections

This paper began with a question: where is AI regulation headed in Latin America? It examines that question through three countries — Brazil, Colombia and Peru — that each illustrate, in their own way, the paths that debate has taken. The answer that emerges from the three sections of this paper is more a warning than a settled conclusion. The first section showed that, in barely half a decade, the region moved from declaratory ethics frameworks to a wave of bills inspired by the European AI Act, without the most ambitious proposals — PL 2338/2023 in Brazil being the paradigmatic case — managing to become law.

What has passed instead is more modest, reactive regulation: targeted criminal reforms against the malicious use of deepfakes. Only Peru, as noted above, passed a general AI law, whose future application has yet to yield results. That domestic regulatory fragmentation was compounded by growing geopolitical pressure — including US tariffs, Big Tech lobbying, and the industry's interest in the natural resources that sustain AI infrastructure — which has already shown its capacity to sway the course of national legislative processes.

The second section, centered on the comparative experience of Brazil, Colombia and Peru, confirmed that pattern through a review of the trends in some of the most recent bills. In all three countries, the initiatives that do advance tend to be targeted — protecting children online, protecting intellectual property, protection through criminal law — while the general frameworks remain stalled (Colombia), watered down along the way (Brazil), or passed in terms so abstract that their effective implementation remains, to a large extent, an open question (Peru).

That same section identified gaps that the recent legislative agenda has failed — or declined — to address: information integrity beyond electoral periods; online gender-based violence amplified by AI beyond individual criminal punishment; and, above all, the environmental impact of the physical infrastructure that makes AI possible — a gap that stands in contrast to the explicit warnings that both the United Nations and the IACHR's REDESCA have issued on this last point.

The third section placed these findings on a broader horizon: that of a region undergoing, in 2026, both a geopolitical realignment toward Washington — expressed in the “Pax Silica” and in the shift to right-wing governments in Colombia and Peru — and a weakening of the very regulatory benchmark that had inspired many of its bills (the European AI Act), with its most demanding obligations now postponed and relaxed. Both processes push in the same direction: toward AI regulation less centered on people’s rights and more oriented toward competitiveness, investment attraction, and alignment with the interests of those who control this technology.

None of this warrants the conclusion that AI regulation in Latin America is doomed to fail, or that the advances documented in Brazil, Colombia and Peru are without value. It does warrant a warning — with the caution required of an exercise in identifying trends rather than making forecasts — that the political and legal room for sustaining AI regulation centered on human rights, including the environmental rights of the communities where its infrastructure is installed, is narrowing precisely as the evidence of this technology’s risks, far from diminishing, accumulates and intensifies.



Derechos
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