

2020

LIIs in Africa Impact Report

With the generous support of



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EXECUTIVE SUMMARY

Millions of lawyers, judges & students across Africa use online sources of law from LIIs every day in their work & studies

- 3 million users in 2020
- 2.7x growth since 2017
- 53% of users access LIIs daily

African legal & justice sector professionals would not be able to do their jobs without LIIs

- Majority say they couldn't do job to same standard without LII
- 60% don't have access to commercial alternatives

Next investments to make LIIs even more useful

- Increase % of content that is key-word searchable (OCR scanned)
- Source older landmark case law
- Measure & decrease upload times
- Connect with users to build community

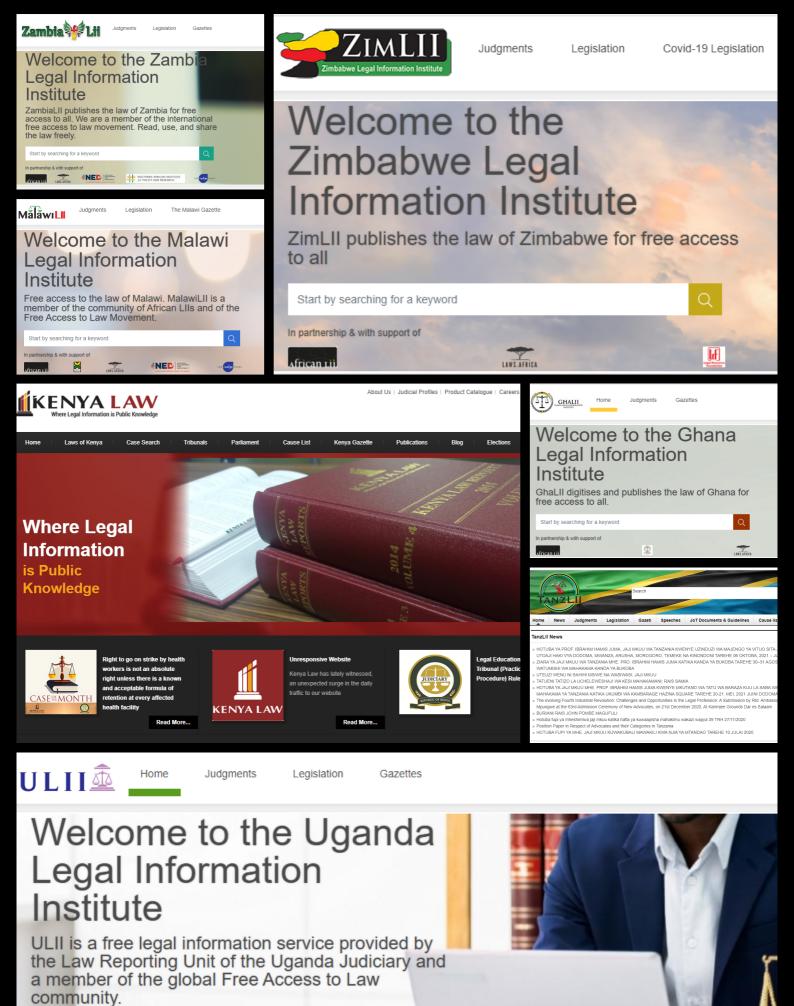
What are Legal Information Institutes

Legal Information Institutes are local initiatives for publishing up-to-date sources of public law: legislation, case law and gazettes.

These digital portals are called 'LIIs.'

In many instances, LIIs are the only digital source of law available in the country.

Some LIIs are formally part of the national government structure (eg Kenya Law) or judiciary (ULII, ZimLII); others are run by independent NGOs (eg MalawiLII) or academic institutions (eg ZambiaLII).

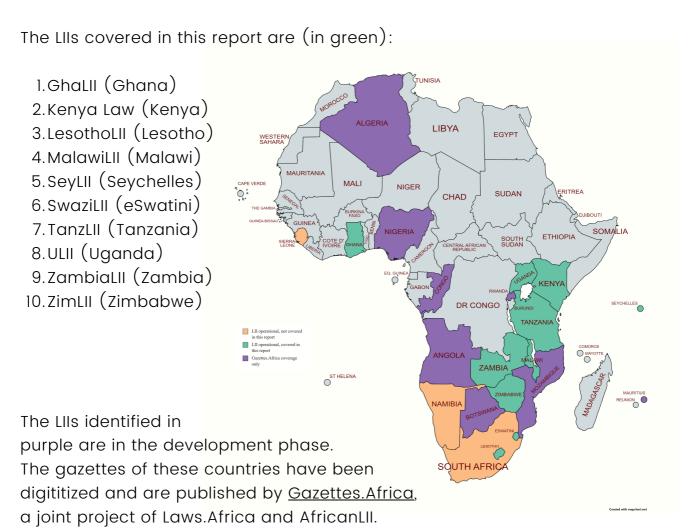


Start by searching for a keyword

In partnership & with support o

The LIIs in Africa in 2020

Most Legal Information Institutes in Africa were started by motivated local partners in cooperation with AfricanLII. These LIIs remain closely networked as a result of their continued technical and capacity-building relationship with AfricanLII and its partners.



Different ways to be a LII

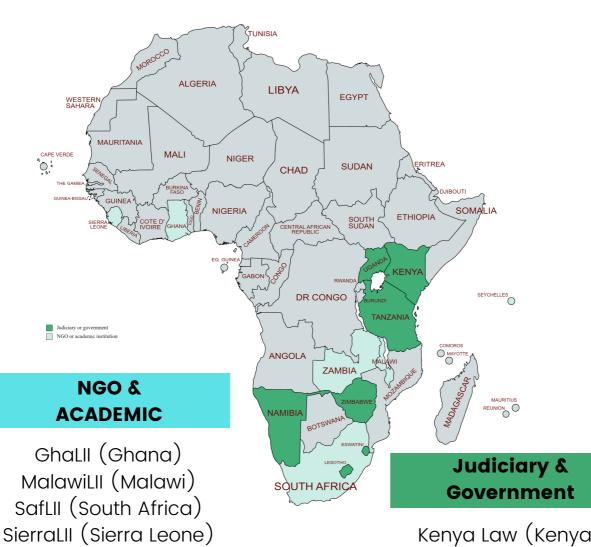
There are many different models for starting and scaling a LII in Africa. Some are independent NGOs, some operate as academic projects, and others are wholly owned by government: as an informal project of the judiciary or as a state corporation reporting to the executive.

AfricanLII project director Mariya Badeva-Bright has learned over the years that

"It's often most effective to start a LII with a scrappy, donor-funded non-profit structure driven by motivated individuals. However, long-term sustainability is dependent on government stepping in to take ownership of the operation's resourcing and workflows."

LIIs hosted by NGOs or academic institutions long-term tend to face cyclical challenges sourcing content from public bodies, fundraising, and duplicating internal government IT initiatives.

Different ways to be a LII



Kenya Law (Kenya)
LesothoLII (Lesotho)
NamibLII (Namibia)
SwaziLII (eSwatini)
TanzLII (Tanzania)
ULII (Uganda)
ZimLII (Zimbabwe)

ZambiaLII (Zambia)

Number of LII users

LIIs in Africa reached approximately

3 million

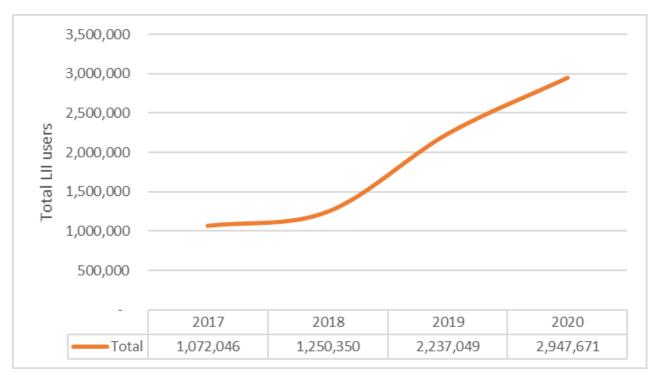
people in 2020.

LII usership in Africa grew by

2.7x

between 2017 and 2020.

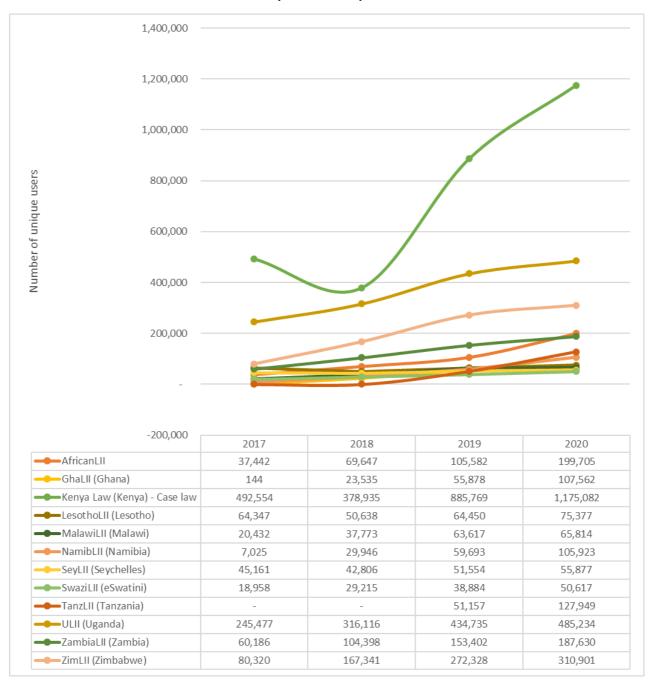
Combined LII users 2017-2020



LII users by country

The fastest growing LIIs by usership in 2020 were **TanzLII** (2.3x), **GhaLII** (1.9x) and the **AfricanLII** pan-African search portal (1.9x).

LII users by country 2017-2020

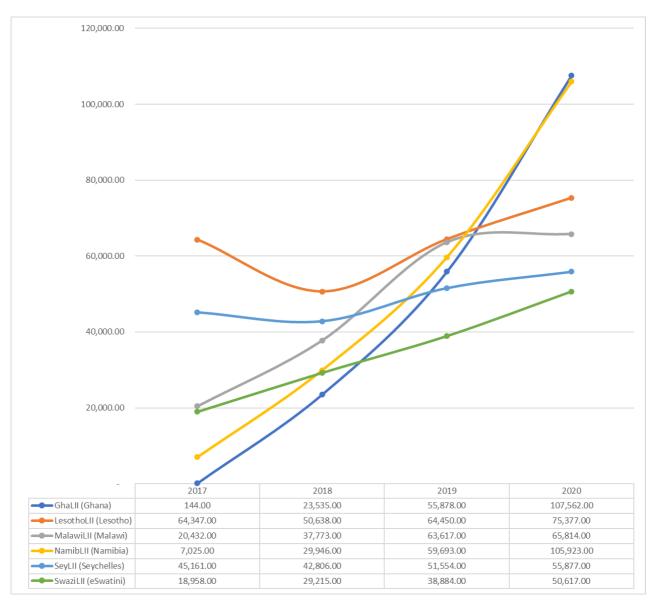


Smaller LIIs (<120,000 users) User numbers detail

All of the smaller LIIs experienced growth in 2020. GhaLII and NamibaLII have followed similarly explosive growth since launch in 2017.

SeyLII's raw user figures are also impressive. With a population of 98,000 people, usership figures of 56,000 means they reached over half of the island's population in 2020.

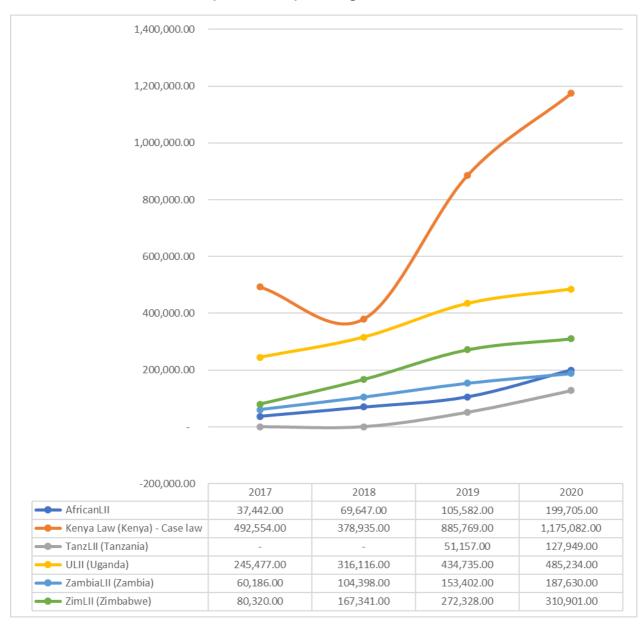
LII users by country (small LIIs) 2017-2020



Larger LIIs (>180,000 users) User numbers detail

All of the smaller LIIs experienced growth in 2020. **Kenya Law** has experienced a particularly rapid and high-volume rate of growth since 2018. A major success story is **TanzLII**, which has become one of the largest LIIs by usership in only its second year of operation.

LII users by country (larger LIIs) 2017-2020



USER INSIGHTS

How LIIs support the legal & justice sectors to deliver access to law across Africa

In the inaugural LIIs in Africa user survey, conducted in July-July 2021,

1770 users

gave us detailed insight into how and why the use a LII. For many, the website they visit multiple times per day is their primary trusted source of judicial decisions, legislation and gazettes. This information is critical to delivering legal services, studying towards a legal qualification and reporting on legal affairs.

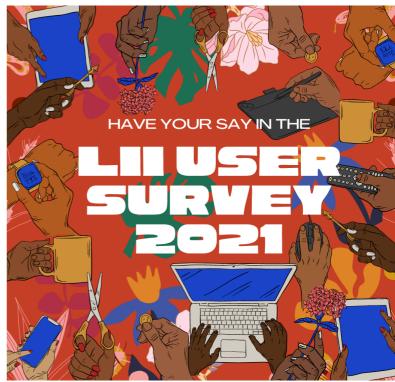
In this report, we share what our users told us about:

- 1. Who uses the LII
- 2. What kinds of activities & services they use the LII to deliver
- 3. How important the LII is to their work
- 4. What are users' perceptions of the LII?
- 5. What would users like to see improved?









DOES KENYA LAW MAKE YOUR WORK OR STUDIES CHEAPER, EASIER OR QUICKER?









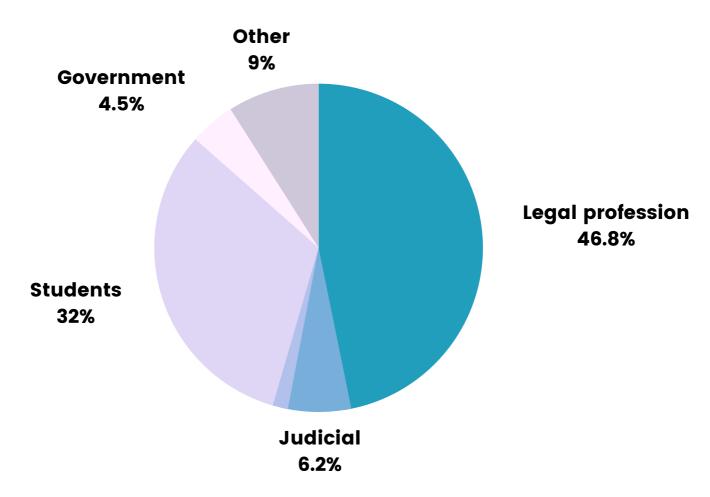


SHARING YOUR STORY WILL HELP KEEP KENYA LAW ACCESSIBLE, ACCURATE & TIMELY



Profession: overview

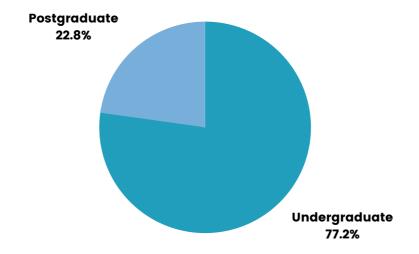
Across the African LIIs, almost half of users work in the legal profession; primarily as advocates and attorneys. Another substantial user group is university students, of whom the vast majority are studying for an undergraduate qualification.



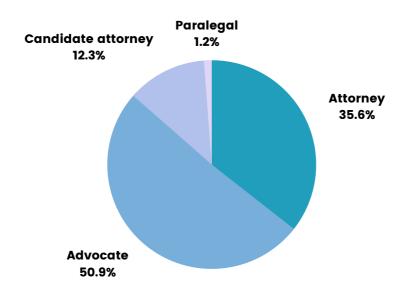
From AfricanLII and their partners' work with judges, magistrates and judicial research staff, it is believed that the number of judicial users of the LII are under-represented in this year's user survey. Additional effort is needed in future years to more comprehensively survey this important user group.

Profession: detail

Of the **566 university students** surveyed, more than three-quarters are studying towards an undergraduate qualification.

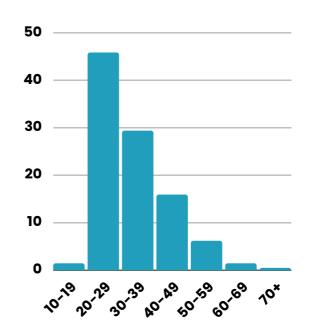


Of the 828 legal professionals surveyed, 85% describe themselves as qualified practicing lawyers; in some countries this is known as an 'attorney', in others the term 'advocate' is used. In some countries, both titles are employed to describe distinct specialisations. The equivalent terms 'barrister' and 'solicitor' are not used in any African LII country.



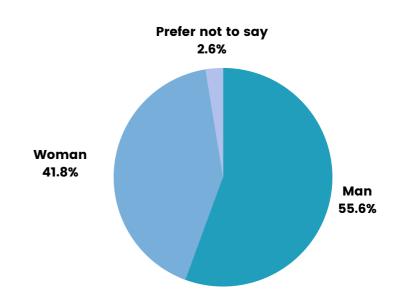
Age

The largest single user group the LIIs is young people ages 20-29 (aligning with a large user-base of undergraduate students). A significant proportion of users are in their 30s and 40s.



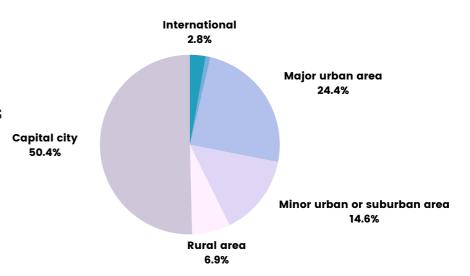
Gender

Women users from government, universities and the legal profession are somewhat underrepresented.
Women make up a more even proportion of judicial, library services and journalism professionals.



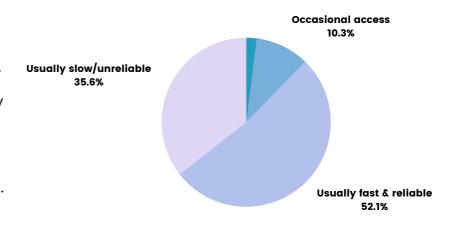
Location

97% of users live in
Africa. A combined 75%
of users live in a major
urban area in Africa. This
is significantly higher
than the average 41.2%
of people living in SubSaharan African cities in
2020.



Internet access

87% users have usual access to the internet from their work or study location. Of these, many have consistent issues with the speed and/or reliability of that access.



What activities are LIIs used for?

Of the 1770 users surveyed, 55% used a LII in the last 6 months to make 'court submissions'. This technical term describes the preparation of a document or oral presentation on behalf of a litigant summarising the relevant facts of the dispute, the current state of the law on the topic, and a proposed analysis. Related terms include pleading, brief, and legal argument.

How do you use material sourced from the LII in your work?



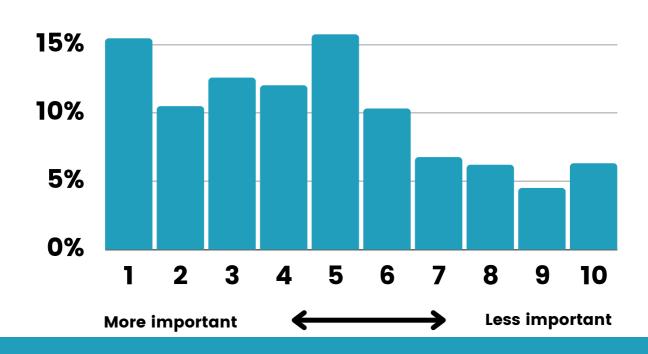
Access to an up-to-date and reliable database of court judgments is indispensable to making effective submissions in African common law or Roman-Dutch jurisdictions because legal disputes are resolved with reference to how similar disputes have been resolved in the past: the 'doctrine of stare decisis' or 'precedent'.

How important is the LII to the users' work?

Indispensible for legal work

We asked users to rate from 1-10 'If the LII were no longer available, would you be able to do your job to the same standard?'

1 meaning 'I would not be able to do my job'
10 meaning 'I could easily do my job to the same standard'.
20%



A majority of users said they would have significant challenges doing their job without the LII.

How important is the LII to the users' work?

Legal information is otherwise unaffordable for individuals

60%

of LII users do not have access to commercially published sources of legal information online.

Of these:

48%

34%

say that this is because commercial services are too expensive.

say that that the LII is sufficient, so they don't need commercial services.

but keep in mind...



75%

of users who do have access to commercial publications online, access it via an institutional subscription from their employer or university library.

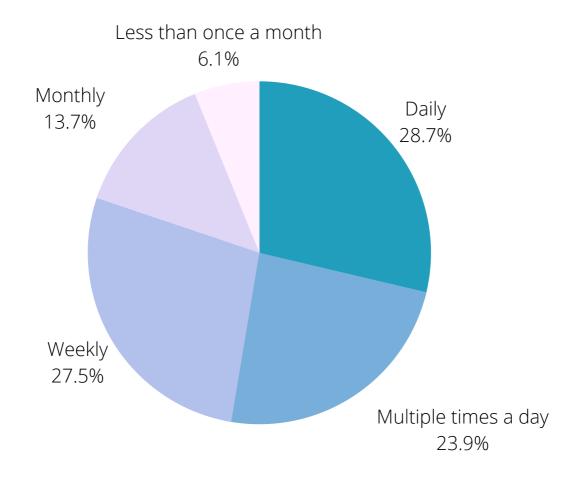
The user does not pay directly.

For most users, the LII is their only online source of public legal information.

Commercial alternatives, where they exist, are too expensive for individuals.

How important is the LII to the users' work?

How often do users access the LII?

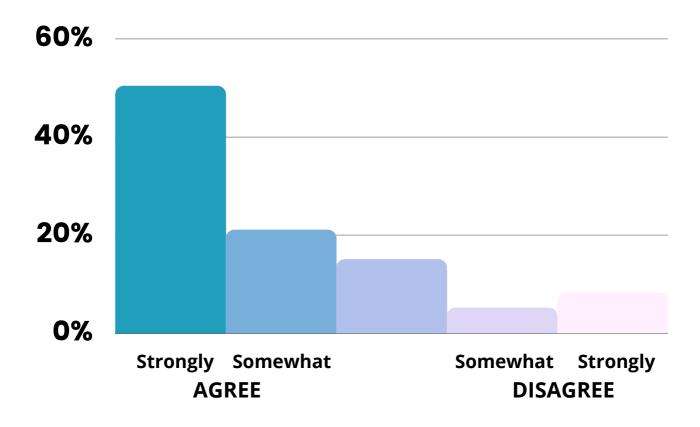


Although all LII content is available for free download, 53% of users still visit the LII daily; checking for updates and repeatedly accessing reference content.

What are users' perceptions of the LIIs?

Trustworthy source of information

We asked users to indicate their level of agreement with the following statement: "The LII is trustworthy"

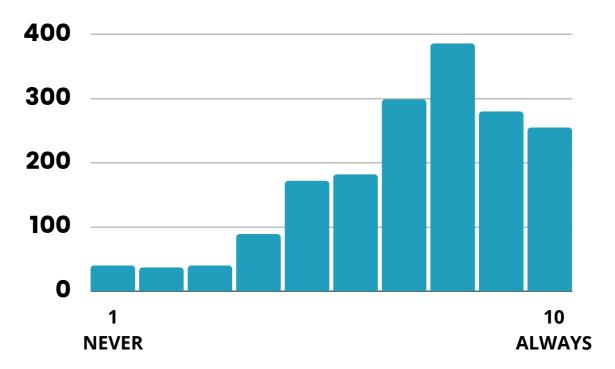


72% of users agree that the LII is a trustworthy source of information.

What are users' perceptions of the LIIs?

Reliable source of information

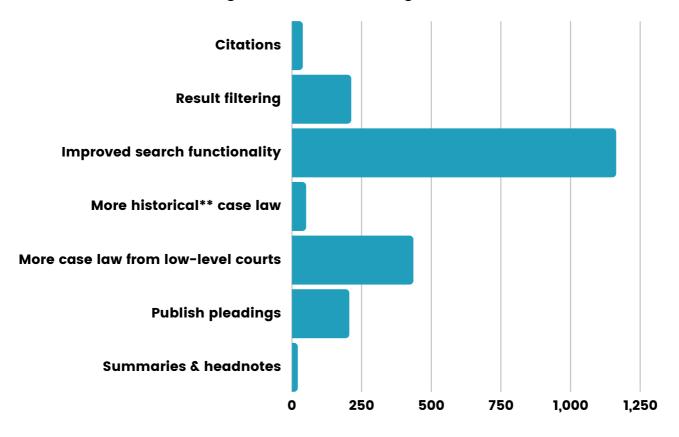
We asked users to rate from 1 (never) to 10 (always) how often they find what they're looking for on the LII.



Most users usually find what they're looking for on the LII.

What improvements do users suggest?

Users overwhelmingly suggest improvement of **search functionality** as a next step for the LIIs. This is a multi-faceted issue which calls for a combination of technical, content-sourcing and user-training solutions.

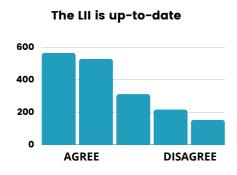


** see explanation on following page

Although they usually find what they're looking for, users say that the LII search experience could be improved.

What improvements do users suggest?

Quicker uploads for case law



While most survey respondents strongly or somewhat agreed that their LII is 'upto-date', the theme of upload times for new case law came through clearly in the write-in comments. This should be explored more explicitly in the next survey.

Expanded collection: lower & specialist courts

Many survey respondents also requested expansion of the LII's collection to specialist and inferior (lower) courts. Write-in comments suggest that Labour Courts and Magistrates Courts should be an area of focus.

Expanded collection: landmark decisions

** A large number of write-in comments suggested that important or 'landmark' cases are missing from LII collections: this was intended to be covered by the ambiguously-phrased 'historical' option. The option should be more clearly articulated in future surveys to better reflect user sentiment.

CASE STUDIES

How LIIs support the legal & justice sectors to deliver access to law across Africa

- 1. Non-profit legal aid clinics use information from the LIIs to advocate for vulnerable people & empower entrepreneurs.
- 2. International CSOs use LIIs to monitor local issues, obtain concrete examples of state activity, and advocate for policy change.
- 3. **Journalists** use LIIs to report accurately and timeously on corruption, business affairs & Covid-19.
- 4.Law students use LIIs to access the law for themselves in situations where legal content, and thus the legal profession, is otherwise restricted to the wealthy & well-connected.
- 5. Judges, magistrates & their staff use LIIs to deliver quick & fair legal decisions.
- 6. Attorneys & advocates use LIIs to research the latest developments to give well-informed advice & make compelling court submissions. Young lawyers in particular bring their digital research skills from university, introducing LIIs to their supervisors and clients.

These users also share their feedback and vision for how the LIIs might grow into the future.

Comments are sourced from the user survey and interviews conducted in 2021. All names and photos are gratefully used with permission.

Non-profit legal aid clinics

Barefoot Law (Kampala, Uganda) and Strathmore Law Clinic (Nairobi, Kenya) use information from the LIIs to advocate for vulnerable people, provide actionable advice for everyday situations, and empower entrepreneurs to grow and thrive.

Barefoot Law Kampala, Uganda

<u>Barefoot Law</u> provides accessible, practical legal guidance to 800,000+ individuals and small businesses in Uganda, particularly people in rural areas who face significant barriers to access to justice. Using scenarios drawn from the real-world concerns received through their <u>social media</u> and outreach platforms, the team devises rigorously researched content using **ULII**, which is presented in local languages. Inquiries sparked by the dissemination of this content on radio, by SMS and on social media has resulted in 22,000+ legal cases being resolved with Barefoot Law's intervention.



"Around 80% of the research we do is on ULII because it is the quickest source. We use ULII to do the research to create posts for social media, SMS, radio, training manuals; all our platforms. It's not only useful for looking up something we don't know, but for updating content with changes in the law and ensuring what we lawyers learned at university is still the case."

PHOEBE MURUNGI
DIRECTOR OF LEGAL SERVICES, BAREFOOT LAW

Non-profit legal aid clinics

Strathmore Law Clinic Nairobi, Kenya



<u>Strathmore Law Clinic</u> relies on access to case law, legislation and blogs found on **Kenya Law** to provide free legal support for entrepreneurs, prepare plain-language legal manuals and advocate for research-driven human rights and criminal justice law reform in Kenya.

As a wholly student-led, student-run organisation, the clinicians are translating the online research skills learned in their studies to deliver in-demand services, which are supervised by qualified advocates.



"KenyaLaw is my staple for finding reliable, trustworthy, updated content... it is an integral part of my life as a law student and entrepreneurial law clinician. The alternative would be going through physical copies of the Kenya Law Reports, and you don't have a CTRL+F [in-page keyword search] for that!"

TASNEEM PIRBHAI

CLINICIAN, STRATHMORE ENTREPRENEURIAL LAW CLINIC

International CSOs

Before the LII made the law freely available online, international CSO research into the content of legislation or the outcome of criminal prosecutions relied on local newspaper reporting or expensive field visits to obtain hard copy documents. Now, comparative analysis is as easy as consulting an AfricanLII thematic collection or a keyword search.

Global Initiative Against Transnational Organized Crime Geneva, Switzerland



The <u>Global Initiative Against Transnational</u>
<u>Organized Crime</u> is an international CSO which, among other things, produces research aimed at increasing the evidence base and understanding of organized crime.

GIATOC researchers are increasingly citing LIIs as authoritative sources of African legislation and criminal case law in their publications. For example:

- SeyLII was cited in <u>this article</u> about decriminaliaation of cannabis production in East and southern Africa.
- TanzLII was cited in <u>this article</u> about major ivory trafficking cases in Tanzania, which was picked up by the <u>Mail & Guardian</u>.
- SafLII was cited in <u>this article</u> about the assassination of a 'violent entrepreneur' who 'symbolized South Africa's evolving gang culture'.

Media professionals use LIIs to report on corruption, business affairs & Covid-19. Reliable access to an unbiased source of case law, legislation and gazettes supports journalists to identify gaps between what governments and judiciaries say, and what they actually do.

Brian Muuo Head of Digital Strategy, Kenyans.co.ke Kenya Law User

"We report on court cases every day, one requirement of our editorial policy is that we must see actual court documents for any court case we want to report. We have a correspondent at one of the major courts but for 80% of the court cases we report on, our writers have been trained on how to use the advanced search feature to get relevant documents from Kenya Law. Another thing we do is make sure every Friday at Ilam we have downloaded the gazette to gain fast and first hand information on govt appoundements.



Sam Alfan Managing Director Nairobi Times Kenya Law User

"I can state categorically am a beneficiary of Kenya Law report. I do visit their website very many times especially during the weekend to check new uploaded rulings and judgements."

"Having covered court for many years, I can't manage to be in every court to follow every court matters. Covid-19 made it worse since I can't manage to be following all matters. So I have to depend on Kenya law to get rulings and judgements of the cases am following."

"The best thing with Kenya Law, it gives you access to all decisions made countrywide."

10 October 2020 Nairobi
Times ran a story about the outcome of a suit for illegal termination of employment against the National Bank of Kenya, which Nairobi Times learned about from the judgment published by Kenya Law.



23 October 2021 Nairobi
Times ran a story about an unlawful search conducted by the Ethics and Anti-Corruption Commission at the residence of a local governor, which Nairobi Times learned about from the judgment published by Kenya Law.

Steve Mbogo Investigative journalist based in East Africa Kenya Law User



This is an essential resource in my work ...
I use it often. It has been extremely useful when undertaking open source investigations and reputational analysis of various subjects.

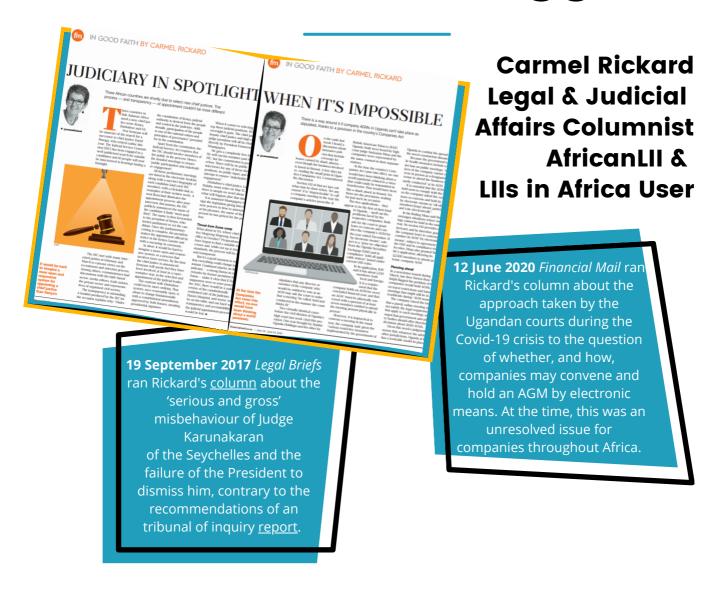


Sometimes, what is **not** published on the LII is itself a story deserving investigation. This journalist's comments about LesothoLII reflect the need for investment and advocacy for LIIs to thrive. See Carmel Rickard's comments overleaf, and the LesothoLII country report for additional context.



There are so many [cases] that are not reported. When they are finally reported it is so late that they are not news but history (actually). It is important to have judgements immediately posted to avoid journalists misquoting judges (especially because some judges discourage tape-recording court processes).

77



In her widely-read columns in the South African <u>Financial Mail</u> and <u>Juta Legal Brief</u>, Carmel Rickard draws on the LIIs in Africa to identify trends in business practices, the legal profession and judicial politics. For Rickard, the story is "just as often about what is not being published by the courts, as what is". The absence of judgments from Lesotho, for example, "demonstrates abysmal resources available to judiciary".

She sees the LIIs as critical resources enabling her role as "canary in the coalmine". On the Seychelles, "without the LIIs, the story [about sexism and other misconduct of Judge Karunakaran], the previous decisions that excoriated him and the Commission of Inquiry that klapped him too, would all have been completely missed in the world."

Law students

Law students use LIIs to access the law for themselves in situations where legal content, and thus the legal profession, may otherwise be restricted to the wealthy & well-connected.

"I strongly and deeply appreciate the efforts that the LII team puts in to make it possible for people like me to access legal information easily and freely. I owe you guys my entire career. THANK YOU INDEED. As a student, am unable to pay subscriptions therefore free resources like LII save the day for me."





GEOFREY SADICKAGE 26, BASED IN DODOMA, TANZANIA
4TH YEAR LAW, UNIVERSITY OF DODOMA

"I want to thank you for the great efforts that help thousands of African students.

Most of us are not well financially capable for subscription-based legal databases and thus by keeping LII a free library then it is and will always be a helpful hand. Thank you again on behalf of Tanzanian university students."

Law students

"Whatever happens I don't wish for this site to shut down. It has helped me a lot because access to other sources like
Lexis is expensive and we don't earn enough to spare. I use ZimLII all the time, like now doing assignments. I'm three years down, two to go [on my degree] and ZimLII has been a reliable friend. My school unsubscribed [from Juta] 2019."

ANONYMOUS

BASED IN GWERU, ZIMBABWE LAW STUDENT, MIDLANDS STATE UNIVERSITY

Judicial officers & their staff

Judges, magistrates & their staff use LIIs to research and write judicial decisions in all areas of the law. Case law, legislation and gazette references sourced from the LII were particularly important during Covid-19 lockdowns. LII publication also that judicial decisions are quickly disseminated and enter circulation among the legal profession.

THE JUDICIARY

MBALE HIGH COURT CIRCUIT
AND
CHIEF MAGISTRATE'S COURT

P.O. BOX 41, MBALE

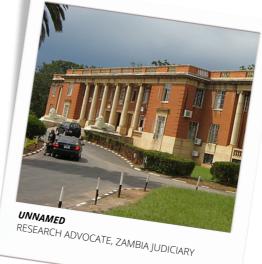
UNNAMED
JUDGE'S RESEARCH OFFICER
MBALE HIGH COURT, UGANDA

PHOTO CREDIT CEHURD UGANDA 2021 VIA TWITTER

"I am exceedingly grateful ... I have used [ULII] as student from my LLB to LDC, used it as an associate and now as a Judge's research officer currently stationed at Mbale High Court.

Computerized research like this simplifies work and increases one's productivity as compared to using physical libraries. It directs one spot on which cases and text books to read. To the donors that make this possible, we can't thank you enough."

"This is a very wonderful tool. I am researcher and am able to get authorities with a click of a button."



Judicial officers & their staff

"

"I mostly use Ugandan gazettes
... while researching on the
history of Uganda. It is important
for people to know that gazettes
are still being used as a mode of
communication given that it is
official publication that is used to
inform the public of the updates
on the new and revised laws
published weekly."



"SeyLII is a life saver and a go-to tool.
Subscription
databases are not available in the Court Library."

JUDICIAL RESEARCHER
SEYCHFILES

Advocates & attorneys

Attorneys & advocates use LIIs to research the latest developments to give well-informed advice & make compelling court submissions. Young lawyers in particular bring their digital research skills from university, introducing LIIs to their supervisors and clients.

"Great initiative. Makes legal research simpler and more accessible.
Only downside is it requires internet connectivity which can be a challenge sometimes."

ADVOCATE

GHANA

"You are helping a lot of people especially in Tanzania where we had less legal materials online and there were no trustworthy platforms.

TanzLII is a game changer."

ADVOCATE

TANZANIA

"Textbooks and printed law reports are expensive to buy. Thank you for availing information at the click of a button."

> ATTORNEY HARARE, ZIMBABWE

ADVOCATE

UGANDA

"I really appreciate this innovation as it has immensely improved my ability to prepare well reasoned and well researched material."

NEXT STEPS

Improving the user experience



01. Source soft-copy case law from judiciaries directly

Soft-copy content (as opposed to scanned PDFs) is immediately machine-readable, making it more easily searchable and filterable by keywords. This will improve search for users.



02. Source and publish landmark judgments

LIIs could reach out to users to crowd-source the ~100 most important pieces of case law (landmark judgments) missing from the platform. These are the most important cases to publish, summarise and index.



03. Measure & improve upload speed

Keeping detailed records on the time taken between judgment delivery, receipt and publication. This can be used to improve processes and build trust with users.



04. Connect with users to build community

Many users shared thoughtful and exciting ideas for the future of their LII as part of this research. Hundreds of young lawyers expressed their investment in and loyalty to their LII. This should be harnessed to build a community of content contributors, public policy advocates and beta testers for new services.

ACKNOWLEDGMENTS

Report author: Amy Laura Sinclair

Technical advisors: Mariya Badeva-Bright & Greg Kempe Research assistants: Tasneem Pirbhai & Sibulele Mdleleni First published: December 2021. Re-released May 2022.

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This report would have been much less insightful without the thoughtful reflections of our case study participants. We are also very grateful to the 1770 users who participated in the user survey.

Thank you to MySociety and SAIPAR for laying the groundwork for this research and providing technical advice.

None of what we do would be possible without the generous support of the Indigo Trust. This report is much richer for their technical support and feedback on multiple drafts.

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AFRICANLII.ORG

FACEBOOK.COM/AFRICANLII

TWITTER.COM/AFRICANLII

ANNEXES

Detailed user data, governance information and LII-specific recommendations can be found in the following annexe reports:

Ghall (Ghana)
Kenya Law (Kenya)
Lesotholl (Lesotho)
Malawill (Malawi)
Seyll (Seychelles)
Swazill (eSwatini)
Tanzll (Tanzania)
Ull (Uganda)
Zambiall (Zambia)
Zimll (Zimbabwe)













