



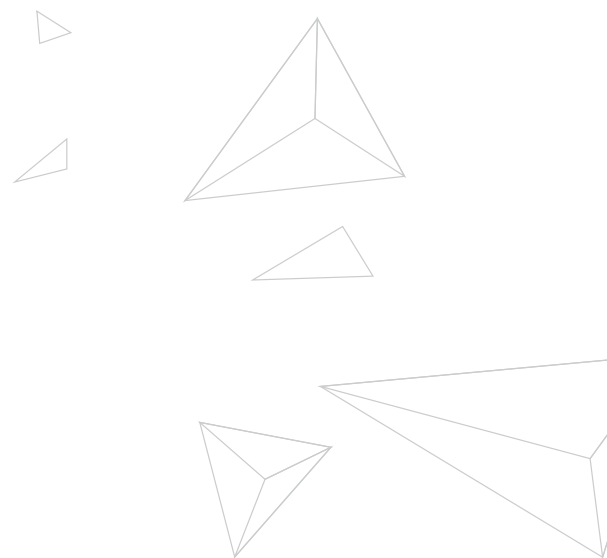
# AFRICA LEGAL INNOVATION REPORT 2021



## Executive Summary

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## Abbreviations

AU	African Union
ACHPR	African Court on Human and Peoples Rights
COMESA	Common Market for Eastern and Southern Africa
CCDEMS	COMESA Court Digital Evidence Management System
CCAS	Court Case Administration System
EACJ	East African Court of Justice
EALS	East Africa Law Society
ECOWAS	Economic Community of West African States
EDMS	Electronic Document Management System
G2C	Government to Citizen
HiiL	The Hague Institute for Innovation of Law
IECMS	Integrated Electronic Case Management System
NPPA	National Public Prosecution Authority
PALU	Pan African Lawyers Union
PRIDA	Policy and Regulation Initiative for Digital Africa
RCS	Rwanda Correctional Services

# Executive Summary

Over 1.1 billion people live in Sub-Saharan Africa.<sup>1</sup> Of this number, many struggle with accessing justice. Most people on the continent have challenges accessing legal help when in need and, when they do, are frustrated by delayed processes.<sup>2</sup>

This problem has been exacerbated by the COVID-19 pandemic that restricted access to justice through various measures including, court closures, restrictions on travel, and physical distancing measures. HiiL estimates that 53% of Sub-Saharan Africa courts closed due to the pandemic, with 35% remaining open while observing physical distancing measures.<sup>3</sup>

There has, however, been a significant rise in justice innovation over the past two years. Governments and service providers around the continent are rethinking access to justice with digital transformation at the forefront. 52% of justice institutions have turned to video conferencing with a preference for e-filing on the rise.

The rise in justice innovation, specifically digital justice, presents an interesting scenario on a continent where 46% of the population subscribed to mobile services<sup>4</sup>. Still, the fixed broadband subscription rate is 0.5 per 100 inhabitants for Africa, a figure below the global average of 15.2 subscriptions per 100 inhabitants.<sup>5</sup>

This report provides a snapshot of the legal profession's digital transformation in response to the COVID-19 pandemic in Sub-Saharan Africa. It highlights key trends in select jurisdictions, focusing on policy changes, innovations by justice institutions, legal service providers, and legal education. The report also looks into the main challenges affecting digital justice and areas for reform.

The introductory chapter features four regional courts that protect human rights and adherence to treaties governing regional integration.

It explores the effect of COVID-19 on these Courts and their digital transformation journey over the past two years.

Chapter two explores the digital transformation of courts at the regional level. The chapter includes progress towards achieving the goals of country-specific policies geared towards digital transformation at the national and sectoral levels, steps taken towards procurement and implementation of e-justice, user experience, and challenges.

The third chapter focuses on legal professionals' reactions to the digital transformation happening in Africa's justice sector. The report draws insights from the East Africa Law Society and legal professionals working in Sub-Saharan Africa.

Chapter four explores changes in the legal education landscape for select jurisdictions with a program consisting of training in specific fields of practice and administering examinations upon completion.

The final chapter delves into the state of legal technology in Africa, focusing on East Africa. Insights from the chapter are drawn from an interview with Mr. Eric Kariuki, Justice Accelerator Head, The Hague Institute for Innovation of Law (HiiL) Innovation Hub, East Africa. The HiiL Innovation Hub is a social enterprise devoted to user-friendly justice; justice that is easy to access, easy to understand, and effective.

The report concludes by highlighting the main challenges in Africa's justice transformation. These include poor digital infrastructure hindering meaningful connectivity, lack of digital skills, need to support local innovation, and a shift in mindset required from legal professionals.

1 <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ZG>

2 <https://worldjusticeproject.org/access-to-justice-data/#/map>

3 <https://dashboard.hiil.org/delivering-justice-in-the-covid-19-crisis/>

4 [https://www.gsma.com/mobileeconomy/wp-content/uploads/2021/09/GSMA\\_ME\\_SSA\\_2021\\_Infographic\\_Spreads.pdf](https://www.gsma.com/mobileeconomy/wp-content/uploads/2021/09/GSMA_ME_SSA_2021_Infographic_Spreads.pdf)

5 [https://www.itu.int/dms\\_pub/itu-d/opb/ind/D-IND-DIG\\_TRENDS\\_AFR.01-2021-PDF-E.pdf](https://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-DIG_TRENDS_AFR.01-2021-PDF-E.pdf)

# Methodology

The objective of the report is to provide a snapshot of the legal profession's digital transformation in response to the COVID-19 pandemic. The report considers all pillars of the legal profession, focusing on courts, legal service providers, legal education institutions, users, and legal innovators.

The report focuses on Sub-Saharan Africa, drawing experiences from West, East, and South Africa. The countries highlighted in the study are Kenya, Rwanda, Uganda, South Africa, Zimbabwe, Nigeria, and Ghana. The country selection was made based on the commitment towards digital transformation through an enabling policy. Countries with above the 17% average on the Sources of Help indicator from the Global Insights on Access to Justice Report 2019 were also considered. The Global Insights on Access to Justice 2019 is the first-ever effort to capture comparable data on legal needs and access to civil justice on a global scale, representing the voices of more than 100,000 people in 101 countries. The Sources of Help Indicator shows the percentage of participants who reported obtaining information, advice, or representation to help them better understand or resolve their problem. Using this indicator ensured that the study looks at Access to Justice from the initial point at which citizens interact with the legal system upon occurrence of injustice.

The report also features the experiences of four regional courts; The African Court on Human and Peoples Rights, East African Court of Justice (EACJ), The Court of Justice of the Economic Community of West African States (ECOWAS), and The Common Market for Eastern and Southern Africa (COMESA) Court of Justice. Despite the regional perspective, the findings do not form a representation of the entire Continent.

The methodology consisted of online desktop research, semi-structured interview design, and stakeholder identification and outreach. Online desktop research involved systematic identification, collection, analysis, and documentation of data available on online platforms. Semi-structured interviews aimed at finding trends, impact, and policy changes were distributed among key stakeholder groups, including Regional Courts, Judiciaries, Bar Associations, and Civil Society Organizations. Interviews were conducted via email with Mr. Yufnalis Okubo, Registrar at the East African Court of Justice, and Mr. Eric Kariuki, Justice Accelerator Head, HiiL East Africa, in November 2021.

## Chapter One: Regional Courts



Africa boasts four regional courts; The African Court on Human and Peoples Rights, East African Court of Justice (EACJ), The Court of Justice of the Economic Community of West African States (ECOWAS), and The Common Market for Eastern and Southern Africa (COMESA) Court of Justice. These institutions are the judicial arm of regional trade communities across the continent, protecting human rights and ensuring adherence to treaties governing regional integration.

This chapter explores the effect of COVID-19 on these Courts and their digital transformation journey over the past two years.

### 1. The African Court on Human and Peoples Rights

The African Court on Human and Peoples Rights is the judicial arm of the African Union, with 55 member states, established to protect the human and peoples' rights in Africa principally through the delivery of judgments. The Court has its permanent seat in Arusha, the United Republic of Tanzania. The Court complements the work of the African Commission on Human and Peoples Rights - a quasi-judicial body that monitors the implementation of the African Charter.<sup>6</sup>

#### The African Courts Digital Transformation

The ACHPRs digital transformation is supported by enabling policy. The AU Agenda 2063 is the anchoring policy for the Union's transformation into a global powerhouse. The Policy envisions 'an Africa of Good Governance, Democracy, Respect for Human Rights, Justice and the Rule of Law' emphasizing capable institutions and transformative leadership.<sup>7</sup> Policy and Regulation Initiative for Digital Africa (PRIDA) is a joint initiative of the African Union, European Union, and International Telecommunications Union. The policy advocates for regional collaboration towards improved digital infrastructure and internet governance. One of the PRIDAs tracks is the harmonization of measurable ICT Policy, legal and regulatory frameworks.

<sup>6</sup> <https://www.african-court.org/wpafc/basic-information/>

<sup>7</sup> <https://au.int/agenda2063/goals>

The African Union Digital Transformation Strategy for Africa (2020-2030) is inspired by the goals of the policy, setting out digital governance as a critical area for consideration. The policy document whose vision is ‘an integrated and inclusive Digital Society Economy in Africa that improves Africa’s citizens’ quality of life, and recognizes the need for strengthened private-public partnerships in government to citizen (G2C) relations for improved service delivery.<sup>8</sup>

The African Court suspended its 56th Ordinary Session on the 23rd of March 2020 due to the COVID-19 pandemic, ordering the non-essential staff to work from home and adopting a shift schedule for the essential team.

The Court resolved to hold sessions virtually in May 2020 following a meeting of judges. The first virtual session, the 57th Ordinary Session, was held from Monday 1st June 2020 to the 26th June 2020 and streamed live on YouTube.<sup>9</sup>

In September 2020, the ACHPR adopted new Rules of Court repealing long-standing rules adopted in June 2010. The new rules, a result of stakeholder consultation over the years, recognised the realities of the COVID-19 Pandemic and the steps needed towards the digital transformation on the continent.

Rule 24 provides for virtual sessions under exceptional circumstances or force majeure. Similarly, Rule 44.8 recognises the adoption of electronic mail as a mode of filing applications with the court and service. Cases such as Robert John Penesiss V. United Republic of Tanzania<sup>10</sup> and Anudo Ochieng Anudo v. The United Republic of Tanzania case serves as an important precedent on e-filing at the African Court. In both matters, the Court considered specific conditions of each Applicant and the circumstances surrounding the application filing in deciding whether to admit electronically filed applications or applications filed by way of post.<sup>11</sup>

Rule 44.8 is an indicator of the role of the new Rules in crystallizing existing uncodified practices of the Court.

Rule 75 further provides for the delivery of decisions virtually under exceptional circumstances.

The Court’s adoption of digital justice is supported by third-party tools such as email, Dropbox, Zoom, and YouTube. There is no evidence of legal tech products built specifically for virtual courts.

In the Courts Annual Report, the AU acknowledges several challenges in the three virtual sessions held in 2020.<sup>12</sup> These challenges include internet connectivity, the organisation of public hearings, the confidentiality of deliberation, and the limited participation of witnesses and experts. The challenges are recognized, and emphasis is placed on the need for improved infrastructure around courtroom technology.<sup>13</sup>

## 1. East African Court of Justice (EACJ)

The East African Court of Justice, referred to as the EACJ or the Court, is an arm of the East African Community (EAC) – a regional intergovernmental organisation of 6 Partner States: the Republics of Burundi, Kenya, Rwanda, South Sudan, the United Republic of Tanzania, and the Republic of Uganda.<sup>14</sup> The Court sits in Arusha, Tanzania, with the primary responsibility of ensuring adherence to the law, interpretation, and implementation of the Treaty for the Establishment of the East African Community.

8 [https://au.int/sites/default/files/newsevents/workingdocuments/37470-wd-annex\\_2\\_draft\\_digital\\_transformation\\_strategy\\_for\\_africa.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/37470-wd-annex_2_draft_digital_transformation_strategy_for_africa.pdf)

9 <https://www.african-court.org/wpafc/african-court-judges-hold-virtual-meeting/>

10 <https://africanlii.org/afu/judgment/african-court/2019/8>

11 [https://africanlii.org/afu/judgment/african-court/2019/8#\\_Toc25790065](https://africanlii.org/afu/judgment/african-court/2019/8#_Toc25790065)

12 <https://www.african-court.org/wpafc/wp-content/uploads/2021/03/Activity-report-of-the-Court-January-to-December-2020.pdf>

13 [http://www.african-court.org/en/images/Basic%20Documents/Rules\\_of\\_Court\\_-\\_25\\_September\\_2020.pdf](http://www.african-court.org/en/images/Basic%20Documents/Rules_of_Court_-_25_September_2020.pdf)

14 [https://www.eacj.org/?page\\_id=19](https://www.eacj.org/?page_id=19)



## The EACJs Digital Transformation

The EACJs Digital Transformation is supported by international and regional policies, including the AUs Agenda 2063 and the Communities Vision 2050 Regional Vision for Socio-Economic Transformation and Development. The Policy was first introduced in August 2015 and serves as a long-term vision towards achieving the region's full development potential.<sup>15</sup>

Section III outlines the policy's vital pillars, including ICT infrastructure and development, setting out the Community's commitment to reducing the digital divide and integrating ICT and innovation in delivering public services and sector-specific projects.

The East African Court of Justice Strategic Plan (2018 - 2023) seeks to leverage ICT as an enabler by continuous capacity building of Judges and staff, modernisation and mainstreaming of systems, adoption of modern records management systems, and the building of an ICT department to spearhead projects. The Court has since established an ICT Unit, though not a fully-fledged department.<sup>16</sup>

The EACJs Rules of Procedure 2019 acknowledge the role of technology in the efficient delivery of justice. Rule 16.8, 132, and 133 provide for the use of technology in proceedings through:

- e-filing systems and e-service of documents;
- digital display devices;
- real-time transcript devices;
- video and/or audio conferencing;
- Electronic exchange of pleadings and statements among parties where there is mutual understanding; and any other technology approved by the Court.

After a test run, the Court rolled out online hearings, delivery of rulings, and judgments on 20th May 2020. The test run was conducted with practicing lawyers, state attorneys, and the Office of Counsel to the Community (CTC). The Appellate Division conducted the first virtual proceedings supported by the Guidelines for Video Conferencing Proceedings of the EACJ published in the same month.<sup>17</sup>

The brief guidelines speak to three key areas, court etiquette, technical considerations, and envisioned challenges.

Counsel are expected to observe court etiquette rules as they would in physical meetings down to attire.

Additional guidelines relate to prior sharing documents with court staff, rules on the procedure, sound setup, and witness attendance protocols.

The guidelines encourage counsel to familiarize themselves with the system before proceedings to avoid distractions such as unmuted mics, unsilenced notifications and delays in sharing documents.

Digital Infrastructure challenges are also recognised. Participants are encouraged to turn off their video if they experience issues with bandwidth and reduce internet usage across devices when in proceedings.

At its onset, the Court's digital transformation was supported by third-party tools such as email and Microsoft Teams. In October 2020, the Court launched its Case Management and Recording System piloted in Tanzania. The launch was a result of a long-term transformation project launched in 2013. Commissioned in April 2014, the system considers court processes provided for in the Rules of Procedure and Arbitration Rules and is capable of e-filing; open to the public, and other modules; accessible by the court's staff and

<sup>15</sup> <http://repository.eac.int/bitstream/handle/11671/567/EAC%20Vision%202050%20FINAL%20DRAFT%20OCT-%202015.pdf?sequence=1&isAllowed=y>

<sup>16</sup> Interview with Yufnalis Okubo, Registrar, East African Court of Justice (EACJ)

<sup>17</sup> <https://www.eacj.org/wp-content/uploads/2020/04/GUIDELINES-FOR-VIDEO-CONFERENCE-PROCEEDINGS-OF-EACJ-MAY-2020-.pdf>

Judges, hosting the following functions:<sup>18</sup>

- Case creation and participant indexing function
- Case event registration function
- Scheduling function
- Calendarling function
- Document generation and processing function
- Hearing function
- Disposition function
- Case closing function
- Accounting function
- Security and data integrity functions
- File, document, and property management function
- Management and statistical reports function
- Electronic filing system
- 

The CMRS is procured from American Company, JAVs. JAVs is a courtroom AV integration system providing high-quality audio-video recording, digital court recordings, and evidence Presentation Systems.<sup>19</sup> The Court conducted initial training sessions with the JAVs team and additional sessions internally.

The Court partnered with regional bar associations, including the Pan African Lawyers Union (PALU) and the East African Law Society (EALS), to improve the capacity of lawyers and judges' ability to leverage the system through various online trainings.

The Courts Video Conferencing Guidelines outline common challenges experienced in e-conferencing, most of which are technical. These include:

- Variable sound quality;
- Participants dropping off calls;
- Low ease of interaction; and
- Longer sessions as participants navigate the use of the software.

The Court has faced some resistance to change, especially from elderly Judges who insist on paper processes. However, there are efforts to sensitize users on the benefits and ease of working with tools such as laptops rather than using physical files. Despite the resistance, lawyers preferred the virtual sessions as they allowed them to conduct more proceedings than in the pre-COVID-19 era, where appearance had to be in person. The court improved judges' ability to engage by providing them with internet services and a backup in case one failed for one reason or another. The technical support team also ensures that should for any reason a lawyer dropped out, they are reconnected almost immediately, making proceedings seamless.<sup>20</sup>

Poor digital infrastructure in some jurisdictions has hindered participation in the digital transformation. Insufficient resources to support the ICT unit, especially on software is also a challenge.<sup>21</sup>

18 <https://www.youtube.com/watch?v=-gkE0r-T1J4>

19 <https://www.javs.com/about/>

20 Interview with Yufnalis Okubo, Registrar, East African Court of Justice (EACJ)

21 Interview with Yufnalis Okubo, Registrar, East African Court of Justice (EACJ)



## 1. The Court of Justice of the Economic Community of West African States (ECOWAS)

The Economic Community of West African States Community Court of Justice is an arm of the Economic Community of West African States (ECOWAS), a regional integration community of 15 member states. The Court's mandate is to ensure observance of law and the principles of equity in interpreting and applying the provisions of the Revised Treaty of the ECOWAS. The Court currently sits in Lagos, Nigeria.<sup>22</sup>

### The Court of Justice of the Economic Community of West African States (ECOWAS) Digital Transformation

ECOWAS put in place the ECOWAS Measures to Prevent and Contain the Spread of COVID-19 in March 2020. The Directive recommended that staff work from home and leverage Microsoft Teams for meetings.<sup>23</sup>

The Courts Practice Directive on Electronic Case Management and Virtual Court Sessions was issued in May 2020. The directive acknowledges the COVID-19 pandemic as a trigger for adopting an electronic case management system, e filing, and virtual court sessions.

The main objective of the policy is expeditious delivery of justice through sustainable technology.

The directive provides for electronic filing in Article 3 but does not set out what channels are preferred. However, Counsel must add their email address and WhatsApp compliant mobile telephone number to every document lodged.

Both Word and PDF versions of documents must be forwarded to the Registry.

The directive also recognises e-service.

Virtual Courts Sessions can be initiated by the court or on application by a party. The registry shares communication on scheduling processes via email, WhatsApp, or other electronic means, setting out the date, channel, and meeting credentials.

Similar to other jurisdictions, court etiquette rules apply to virtual proceedings.

The Rules provide that virtual hearings are recorded and transcripts supplied at the end of the session. Parties may also record the sessions with leave of the court.

The Court began its Virtual Sessions in June 2020.

In July 2021, the Court adopted an entirely virtual model with physical court sessions only available on application by a party to proceedings. The Court is estimated to have spent \$138,000 in its digital transformation, with plans to roll out an Electronic Case Management System in January 2022.<sup>24</sup>

## 1. The Common Market for Eastern and Southern Africa (COMESA) Court of Justice

The COMESA Court of Justice is the judicial arm of COMESA. The Court serves 21 member states with the primary function of upholding the rule of law to enforce the COMESA Treaty. Its current seat is in Khartoum, Sudan.<sup>25</sup>

22 <http://www.court.ecowas.org/mandate-and-jurisdiction-2/>

23 <https://www.ecowas.int/update-on-ecowas-measures-to-prevent-and-contain-the-spread-of-corona-virus-disease-2019-covid-19/>

24 <http://www.court.ecowas.org/2021/07/28/court-to-retain-the-use-of-virtual-technology-for-court-sessions-beyond-the-covid-19-pandemic/>

25 <https://comesacourt.org/>

## The COMESA Court of Justice Digital Transformation

The COMESA Medium Term Strategic Plan 2016-2020 sets the regional body on its digital transformation journey. Strategic Objective 5, which focuses on Economic Infrastructure development, highlights ICT as a critical key pillar for growth. The Policy aims to promote the mainstreaming of ICT services, develop appropriate infrastructure and improve staff, members, and citizens' ICT capacity towards maximized economic benefits of technology.

The Plan also seeks to develop and domesticate a COMESA Regional ICT Policy.

The Courts Processes are governed by the COMESA Court 2016 Rules of Procedure. Rule 21 provides for e-service.<sup>26</sup> No additional provisions are made on electronic case management and virtual courts under the regulations. Although the court does not have a digital transformation strategy, it has engaged in capacity-building initiatives, including the Judicial Transformation Through Digitization Program led by Strathmore Law School Kenya and Access Partnership.<sup>27</sup> The Program, held in 2018, gave judges and staff a glimpse into challenges experienced in the digital transformation and best practices adopted by UK courts.

The COMESA Court went virtual in February 2019 - the earliest of all the regional courts. The Court implemented its COMESA Court Digital Evidence Management System (CCDEMS) in partnership with CaseLines - a leading cloud-based court document and evidence management platform. The CaseLines software is a fully digital bundle that allows e-filing, collaboration tools for better pre-trial processes, and secure video conferencing.

The partnership was motivated by the need for quality and efficient justice delivery by cutting down on paper use, travel expenses, and speedy delivery of justice.<sup>28</sup>

The CaseLines platform has been rolled out in other jurisdictions, including the UK and UAE Courts.

The Court conducted four sessions in 2020, with some being postponed due to the COVID-19 pandemic. All sessions were held virtually on the CCDEMS.<sup>29</sup>

26 [https://comesacourt.org/wp-content/uploads/2018/10/RULES-of-the-Court\\_final.pdf](https://comesacourt.org/wp-content/uploads/2018/10/RULES-of-the-Court_final.pdf)

27 <https://comesacourt.org/comesa-court-on-a-digital-transformation-of-courts-programme-in-uk/>

28 <https://comesacourt.org/comesa-court-moves-to-digital-justice-system/>

29 <https://www.comesa.int/wp-content/uploads/2021/10/COMESA-Annual-Report-2020-English.pdf>

## Chapter Two: Courts



This chapter explores the digital transformation of courts at the regional level. The chapter includes progress towards achieving the goals under country-specific policies geared towards digital transformation at the national and sectoral levels, steps taken towards procurement and implementation of e-justice, user experience, and challenges.

### **KENYA**

Kenya is an East African Country bordered by Uganda, Tanzania, South Sudan, Ethiopia, and Somalia. The country has a population of 47.6 million, and its capital is Nairobi.

#### Judicial System

The Judiciary of Kenya is one of three state organs. It is established under Chapter 10, Article 159 of the Constitution of Kenya. The court system consists of 5 superior courts - the Supreme Court, The Court of Appeal, The High Court, Industrial Court, and the Environment and Land Court. The subordinate courts are the Magistrate Court and the Kadhis Court.

Kenya's Chief Justice, Martha Koome, was appointed in 2021.

#### Digital Transformation

Kenya's judicial transformation is inspired by the Vision 2030 - the long-term development blueprint for the country and is motivated by a collective aspiration for a better society by the year 2030.<sup>30</sup> The policy in its political pillar acknowledges the importance of the judicial transformation in advancing the rule of law, democracy and improved public service delivery, transparency and accountability, and public administration reform.<sup>31</sup>

30 <https://vision2030.go.ke/about-vision-2030/>

31 <https://vision2030.go.ke/political-pillar/#86>

The policy's objectives are supported by the Digital Economy Blueprint 2019. The Blueprint, the first of its kind on the continent, highlights digital government as a critical pillar for a favourable digital economy. The Blueprint objectives include improved service delivery, cost reduction, and increased productivity by leveraging digital tools.<sup>32</sup>

The Judiciary's Strategic Plan 2019 - 2023 recognises the need to use technology for improved service delivery, all towards the objectives outlined in the Vision 2030 Policy and Digital Economy Blueprint. The Policy is read together with the Judiciary ICT Masterplan 2018 - 2022, whose first pillar is E-Court Systems, setting out to make the vision of the Strategic Plan a reality.

The Masterplans' Key Result Area (KRA) 1 envisions a judiciary with improved access to justice through alternative dispute resolution and technology to accelerate court proceedings.

The Kenyan Judiciary had made progress towards an e-institution before the policy through a Daily Court Returns Template to capture daily activities, Legal Case Management System, Judiciary Automated Transcription System, and an Electronic Diary at the Nairobi High Court Divisions. However, these systems faced several challenges in their implementation, including lack of project management structures, inadequate training or expertise, lack of sufficient infrastructure, and enabling policies.<sup>33</sup>

The National Council on the Administration of Justice (NCA) announced plans to scale down court activities as a COVID-19 mitigation measure in March 2020. The measures included a two-week suspension of appeals, hearings and mentions, open court appearances, presentation of remandees and prisoners in open court, and execution proceedings.

Magistrates were advised to review bail and bond terms of those in remand with police bearing the responsibility of dealing with unserious arrests as prescribed in supporting guidelines issued by the Inspector General of Police (IGP).<sup>34</sup>

Additional guidance on the e-filing for commercial courts was published in March 2020.

The Judiciary adopted its virtual court system in June 2020 following the gazettelement of the Civil Procedure (Amendment) Rules, 2020, and the Electronic Case Management Practice Directions, 2020. The Amendment to the Rules introduced new modes of service, including email and WhatsApp.

The Practice Directions introduced the Electronic Court Management System, which supports e-filing, e-service, e-case tracking, request for court orders, e-payments, and e-signatures.<sup>35</sup> The system comes complete with a USSD prompt enabled case tracking platform accessible to users without an internet connection and integrates with major stakeholders such as the ODPP, Prisons Department, and Probation Service.<sup>36</sup>

The automated platform is available for special and subordinate courts with the exemption of the Supreme Court, which still requires physical service and filing.

The Courts leverage Microsoft Teams to deliver its virtual sessions.

Kenyan Courts had made significant strides in adopting e-payments before the pandemic, with MPESA being preferred as an alternative to cash towards improved efficiency and transparency. The July guidelines introduced some changes to e-payments by providing automated fee assessments and electronic receipts.

32 <https://www.ict.go.ke/wp-content/uploads/2019/05/Kenya-Digital-Economy-2019.pdf>

33 <http://repository.kippra.or.ke/bitstream/handle/123456789/557/Judiciary%20ICT%20master%20plan.pdf?sequence=1&isAllowed=y>

34 <https://www.judiciary.go.ke/download/press-statement-administrative-and-contingency-management-plan-to-mitigate-covid-19-in-kenyas-justice-sector/>

35 <http://kenyalaw.org/kl/index.php?id=10211>

36 <https://www.judiciary.go.ke/download/effects-of-covid-19-pandemic-on-resolution-of-cases-in-courts-the-kenyan-judiciary/>

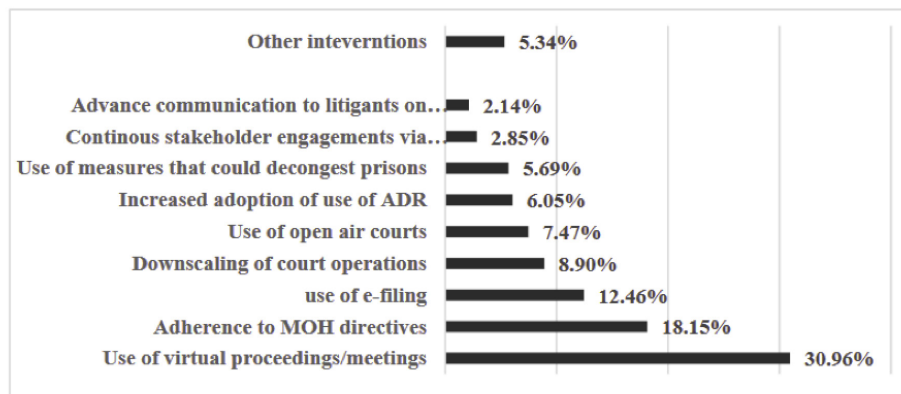


Figure 1: Measures by courts in response to COVID-19 pandemic

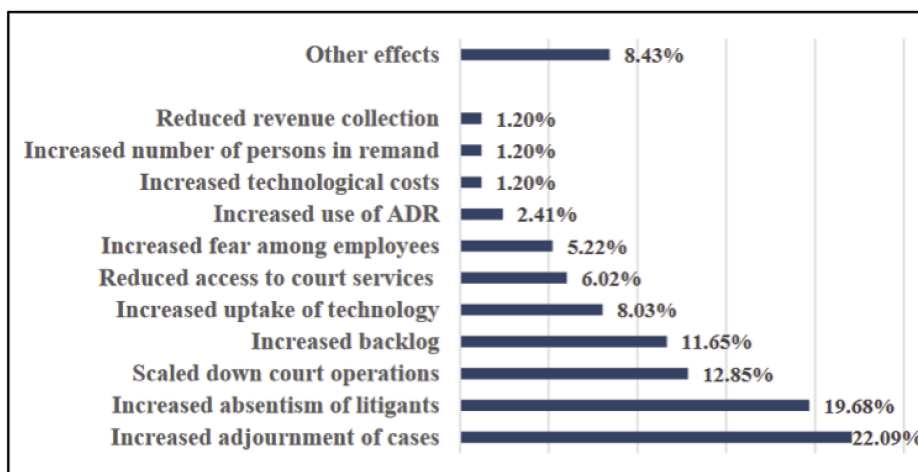


Figure 2: Court functions, operations and other areas affected by the pandemic

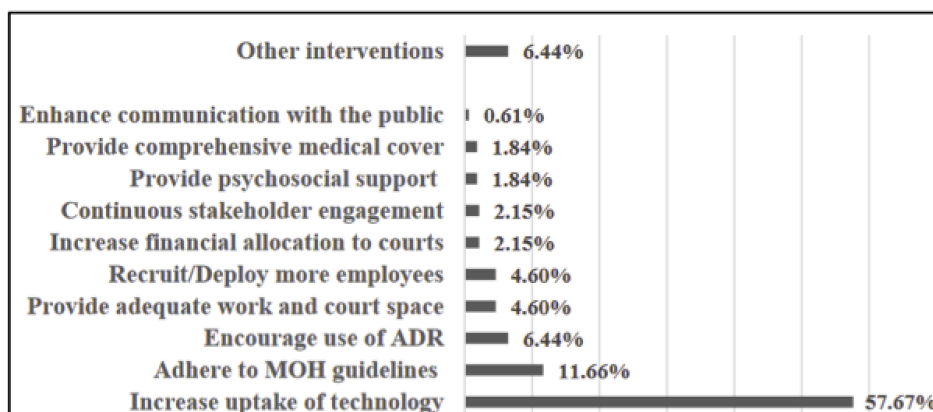


Figure 3: Suggestions on priority interventions to support court work during the pandemic

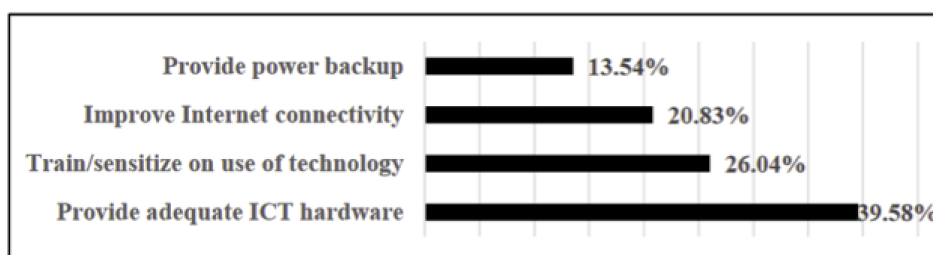


Figure 4: Breakdown of priority areas on uptake of technology in courts

## RWANDA

Rwanda is a landlocked country in East Africa bordered by Tanzania, Uganda, Burundi, and DRC. The country has a population of 12.6 million, and its capital is Kigali.

### Judicial System

The Judiciary of Rwanda is established under ART. 149 of The Constitution of the Republic of Rwanda of 2003 Revised in 2015. The Judiciary is composed of Ordinary and Specialised Courts and is entrusted with protecting rights and freedoms. Ordinary courts comprise The Supreme Court, Court of Appeal, High Court, Intermediate Courts, and Primary Courts, while Specialised Courts include commercial and military courts. The High Council governs the Judiciary, and the country's Chief Justice is Dr. Faustin Ntezilyayo.

### Digital Transformation

Rwanda's digital transformation is guided by its Vision 2050. The Vision's objective is to transform Rwanda into a middle-income country. The Pillars of the policy include good governance and infrastructural development, more specifically in Communication and ICT. The policy seeks to place Rwanda as a state characterized by the rule of law and dedicated to rights and unity by improving ICT infrastructure and e-governance.

The National Strategy for Transformation (NST-1) 2017 - 2024 speaks to this Vision through its Transformative Governance Pillar that lists Strengthening Justice Law and order as a priority area by leveraging technology to improve access to justice through the implementation of an Electronic Case Management System.<sup>37</sup>

The provisions of these policies are affirmed by the Judiciary's Strategic Plan 2018 - 2024 that places improved service delivery through ICT as a priority area.

Article 20 of Law No. 22/2018 relating to civil, commercial, labor, and administrative procedure allows for e-filing in Rwandan Courts.

Rwanda launched its e-filing system in 2011. The initiative was generated and developed by the IT staff of the Judiciary.<sup>38</sup> The Integrated Electronic Case Management System (IECMS) was launched in 2015, formally coming into use in January 2016 across 14 Courts in Kigali. The IECMS is an electronic case management system developed by an American company, Synergy International Systems, in partnership with the Ministry of Justice. The system is one of the earliest on the continent and received the Innovative Management Award in 2016 African Association for Public Administration and Management for the best demonstration of innovation for public management in Africa.<sup>39</sup>

The platform, which integrates 5 justice institutions; Judiciary, Ministry of Justice, National Public Prosecution Authority (NPPA), Criminal Investigation Department (Police), and the Rwanda Correctional Services (RCS), serves as an e-filing and case management system. The IECMS allows for e-payments. Users are required to upload proof of payment when filing court documents to complete the filing process.<sup>40</sup>

The Judiciary published COVID -19 mitigation measures in May 2020. The measures included the closure of courts, hearing of urgent criminal matters only, adherence to COVID-19 standards for select staff and practitioners, restriction of court access to essential personnel, and use of e-platforms for justice delivery.<sup>41</sup>

Parties were expected to carry out proceedings via online platforms Sobanzainkiko - an online platform where users can report irregularities in court processes, IECMS and a toll-free line for assistance.

E-conferencing was rolled out in April 2020, with the court leveraging Skype to pronounce judgments in criminal matters.<sup>42</sup>

37 [https://ecd.gov.rw/fileadmin/user\\_upload/Policies/NST1\\_7YGP\\_Final.pdf](https://ecd.gov.rw/fileadmin/user_upload/Policies/NST1_7YGP_Final.pdf)

38 [https://www.judiciary.gov.rw/fileadmin/IECMS\\_Info/What\\_s\\_the\\_IECMS.pdf](https://www.judiciary.gov.rw/fileadmin/IECMS_Info/What_s_the_IECMS.pdf)

39 [https://www.judiciary.gov.rw/fileadmin/IECMS\\_Info/About\\_IECMS\\_-\\_Final.pdf](https://www.judiciary.gov.rw/fileadmin/IECMS_Info/About_IECMS_-_Final.pdf)

40 <https://www.youtube.com/watch?v=rXhG9eL9Ss4>

41 <https://twitter.com/RwandaJudiciary/status/1256671056649166849?s=20>

42 <https://twitter.com/RwandaJudiciary/status/1252265872082767879?s=20>



## UGANDA

Uganda is an East African country bordered by Kenya, South Sudan, Rwanda, Tanzania, and the DRC. The country has a population of over 42 million, and its capital is Kampala.

### Judicial System

The Judiciary of Uganda is the third arm of government established under Article 126 of the Constitution of the Republic of Uganda. The judiciary is entrusted with promoting the rule of law and interpreting the Constitution and Laws of Uganda. The court structure consists of The Supreme Court, Court of Appeal or Constitutional Court, High Court, Chief Magistrates Courts, Grade I Magistrate's Courts, Grade II Magistrate's Courts, The Local Council Courts, Family and Children Courts, and Land.

The country's Chief Justice is HW Sarah Langa Siu.<sup>43</sup>

### Digital Transformation

Uganda's Digital Transformation is driven by the Uganda Digital Vision 2040 Policy. The Policy emphasizes the need to align ICT initiatives to significant objectives of different sectors, including the judiciary. Uganda's National 4IR Strategy also seeks to leverage technology to build an innovative and connected society.<sup>44</sup> The policy highlights governance as one of its pillars to leverage technology to improve access to The Ugandan Judiciary launched its Strategic Plan in 2019. The organ's ICT vision guides the ICT Strategy 2019 -2020, 'e-justice for all.' The Policy places ICT as a tool for sustainable justice. It recognises the need to harmonise laws including the Evidence Act, Criminal Procedure Code, Civil Procedure Code, and other rules to facilitate e-justice.<sup>45</sup>

The National E-Government Policy Framework of 2011 details principles of e-governance, namely, citizen-centric, accessibility and choice, trust, confidence and security, better governance, collaboration and integration, and accountability.

The Ugandan Judiciary has developed several software applications in support of its vision. The Court Case Administration system (CCAS) covers 41% of courts, the Court Recording and Transcription System deployed in Appellate Courts, Video Conferencing Systems, Management Information Systems, and an Electronic Boards Management System.

The Judicature (Visual - Audio Link) Rules, 2016 is one of the laws guiding technology adoption in Uganda's judicial process. The Rules provide for e-evidence and e-conferencing. They are designed in favour of witnesses to ensure their protection and speedy, cost-effective recovery of cases. Parties are required to apply to the court for approval of audiovisual submission of evidence. Applications must be made in writing through a form prescribed in the first schedule of the Rules.<sup>46</sup>

The Judiciary put in place COVID-19 mitigation measures in March 2020. The measures included a 32-day suspension of all court hearings, appearances, and execution proceedings except where the attachment occurred.<sup>47</sup>

Issuance of certificates of urgency and plea-taking for serious cases and bail applications would continue with restricted access to courts for parties. E-conferencing tools would be adopted, and judgments and rulings issued via email.

43 <https://www.statehouse.go.ug/government/judiciary>

44 <https://ict.go.ug/wp-content/uploads/2020/10/Executive-Summary-Ugandas-National-4IR-Strategy.pdf>

45 <http://www.judiciary.go.ug/files/downloads/Judiciary%20ICT%20Strategy%20FY2015-2016%20-%20FY2019-2020.pdf>

46 <http://www.judiciary.go.ug/files/downloads/judicature-visual-audio-link-rules-si-no-26-of-2016a.pdf>

47 <http://www.judiciary.go.ug/files/downloads/Chief%20Justice%20Circular%20on%20COVID-19.pdf>

The circular has since been revised with the latest amendment in June 2021. The revision introduces email addresses for all courts shared with the Uganda Law Society to facilitate the online filing of pleadings, notices, and submissions.<sup>48</sup>

Guidelines for online hearings in the Judiciary of Uganda were published in 2020. The guidelines provide for the use of online tools for the delivery of judgments, rulings, and hearings of applications.

All sessions are recorded with an audiovisual transcript made available on the application. Parties receive access links through email, WhatsApp, or any other communication channel.

The guidelines also attract sanctions for noncompliance, including a reprimand, bar from use, and a penalty under the Computer Misuses Act, 2011, or any other law.<sup>49</sup>

## NIGERIA

The Federal Republic of Nigeria is a West African State bordered by Niger, Chad, Cameroon, and Benin. Nigeria is a federal republic comprising 36 states and the Federal Capital Territory. The Capital is Abuja. Nigeria is Africa's most populous country, with over 221 million people.

### Judicial System

The Nigerian Judicial Council (NJC) is a Federal Executive Body established under SEC. 153 of the 1999 Constitution of the Federal Republic of Nigeria. Federal Courts exercise federal power, the courts adjudicate disputes per the law and comprise the following, Supreme Court, Court of Appeal, Constitutional Court, Federal High Court, High Court of the Federal Capital Territory, and other Courts of the Federal Capital Territory that operate under Customary Law and Sharia Law. State Courts include the High Court and other Courts of a State that operate under Customary Courts and Sharia Law.

The Chief Justice is Dr. Justice I.T Muhammed CFR.

### Digital Transformation

Nigeria's National ICT Policy was developed in 2012. The policy advocates for coordinated ICT development across all sectors, including justice administration. The country has embarked on several initiatives since, including founding the e-Government Development and Regulation of the NITDA. The department functions to facilitate, coordinate, and oversee the deployment of IT systems at all levels of government in Nigeria.<sup>50</sup>

The Judiciary ICT Policy 2012 sets the organs digital justice objectives. The Policy encourages judicial organisations to implement efficient and robust court technologies, including case management software, e-filing, Electronic Document Management System (EDMS), and video conferencing.<sup>51</sup>

48 <http://www.judiciary.go.ug/files/downloads/CJ%20Revised%20Circular%20on%20COVID-19%20as%20at%20June%2021%202021.pdf>

49 <http://www.judiciary.go.ug/files/downloads/Guidelines%20for%20Online%20Hearings%202020.pdf>

50 <https://nitda.gov.ng/wp-content/uploads/2020/11/National-ICT-Policy11.pdf>

51 [https://nji.gov.ng/images/PDF/JITPO\\_Policy\\_Document.pdf](https://nji.gov.ng/images/PDF/JITPO_Policy_Document.pdf)

The National Judiciary Council Policy encourages courts to leverage technology in Section 4.3 by using an electronic or hybrid case tracking register. 4.6 of the policy also provides for the adoption of proper infrastructure and ICT equipment.

Nigeria recorded its first case of COVID-19 in March 2020, making it the first in Sub-Saharan Africa. The Judiciary rolled out preventive measures for Justices, Judges, and Court Staff on the 23rd of March 2020.<sup>52</sup>

The Council suspended all court sittings for two weeks except urgent matters or those bound by time. The two weeks were extended in April 2020.

The Council issued Guidelines for Court Sittings and Related Matters in The COVID-19 Period in May 2020. This led to the commencement of the utilization of the Nigerian Case Management System (NCMS) by State Judiciaries following a rollout in the Supreme Court and Court of Appeal.<sup>53</sup>

The NJC also developed a legal-mail solution for e-filing, with Bar Associations being encouraged to adopt the solution.

The guidelines encourage the use of e-filing with parties required to provide alternatives where e-filing is not available. Parties must exchange the filed process via email together with proof of payment of filing fees. Electronic payments are also encouraged. Evidence of payment must be shared with officials through email, SMS, WhatsApp, or as prescribed.

The Guidelines also provide e-service with advocates required to indicate their email addresses and telephone number with WhatsApp capabilities in all filed processes.

Virtual Court sittings are also provided for hearings, delivery of judgments, or rulings. The Guidelines do not restrict States to one collaborative platform. State Judiciaries can leverage tools such as Microsoft Teams, Zoom or Google Meet provided the preferred option is cost-efficient.

The Constitutionality of Virtual Courts was challenged in SC/CV/260/2020. The Attorney-General (AG) of Lagos state asked the court to determine if cases heard over digital platforms are constitutional, given that SEC. 36(1), (2), and (3) read together entitle a person to a fair hearing with proceedings being carried out in public within a reasonable time by a court or tribunal established by law.<sup>54</sup> The Ekiti state government instituted a similar suit.<sup>55</sup>

The Respondent brought to the Court's attention steps being taken to amend the Constitution and accommodate virtual sittings.

The Court acknowledges the strides in amending the Constitution to accommodate virtual hearings, throwing out the suit, terming it as 'immature and speculative.'

52 <https://lawnigeria.com/2020/04/njc-preventive-measures-on-the-spread-of-corona-virus-covid-19-and-the-protection-of-justices-judges-and-staff-of-courts/>

53 <https://thenigerialawyer.com/covid-19-njc-releases-guidelines-for-virtual-court-sitting-payment-of-filing-fee-hearing-notice-others-in-full/>

54 [https://publicofficialsfinancialdisclosureworldbank.org/sites/fdl/files/assets/law-library-files/Nigeria\\_Constitution\\_1999\\_en.pdf](https://publicofficialsfinancialdisclosureworldbank.org/sites/fdl/files/assets/law-library-files/Nigeria_Constitution_1999_en.pdf)

55 <https://www.lindaikojisblog.com/2020/6/ekiti-state-sues-agf-lagos-ogun-over-constitutionality-of-virtual-court-hearings.html>

## GHANA

Ghana is a West African state bordered by the Ivory Coast, Burkina Faso, and Togo. The country has a population of 31 million, and its capital is Accra.

### Judicial Structure

The Ghanaian Judiciary is the branch of government given authority to interpret, apply and enforce the law. The Court structure consists of the Supreme Court, Court of Appeal, The High Court, and Regional Tribunals.<sup>56</sup> The country's Chief Justice is Kwasi Anin-Yeboah.

### Digital Transformation

Ghana's digital transformation is inspired by its ICT for Accelerated Development (ICT4AD) Policy. The Policy focuses on improving the socio-economic standing of Ghanaians by modernizing the economy and society. One of the policy objectives is updating the public service and implementing Ghana's e-government and governance strategy.<sup>57</sup>

The Ministry of ICT has also rolled out the e-Transform Ghana Project targeted at leveraging ICT to improve efficiency in service delivery at minimized costs.<sup>58</sup>

Ghana's digital justice journey started in 2012, under the World Bank-supported e-Ghana project, now e-Transform project, in two phases; the preparatory and implementation stages.<sup>59</sup> The initial phase involved feasibility studies and preparing a conceptual design for the e-justice framework.

The e-case register was launched in 2018, Ghana's e-Justice system followed in March 2019. The project, part of the e-Government Strategy, seeks to ensure that the law keeps up with technology to improve justice delivery.

A training exercise was conducted for judges in Belgrade, Serbia, with a refresher in Ghana between January and March 2019. There were 1000 lawyers enrolled in the system as of June 2020.

The platform allows for a paperless system through e-filing, e-service, fee assessment, and online payments. A pilot of the program was implemented at the Law Court Complex in Accra across 44 High Courts. The program is sponsored by the World Bank and implemented by the Ministry of Communication and South African firm Messrs.<sup>60</sup>

EOH, an American Company, provides the solution. E-Payments are made via debit or credit cards, mobile money, bank transfer, or court pay points managed by Ecobank.

Pleadings and submissions must be accompanied by a party's mobile number, email address, and physical address.

Chief Justice Kwasi Amin-Yeboah restricted access to courts on March 16<sup>th</sup>, 2020. Only litigants, lawyers, and witnesses set to testify in the scheduled case would have access to courtrooms.<sup>61</sup> Judges and Magistrates were instructed to suspend cases involving the movement of remand prisoners.<sup>62</sup>

56 <https://ghana.peacefmonline.com/ghana/government/judiciary/>

57 <https://moc.gov.gh/sites/default/files/downloads/Ghana-ICTAD%20Policy-Master-final-2.pdf>

58 <https://www.moc.gov.gh/e-transform-project>

59 <https://judicial.gov.gh/js/judicialdigest/vol11/JudicialDigestVol11.pdf>

60 <https://www.judicial.gov.gh/index.php/e-services/ejustice/f-a-q>

61 <https://www.modernghana.com/news/989571/coronavirus-cj-restricts-access-to-courts.html>

62 <https://www.graphic.com.gh/news/general-news/how-the-judiciary-is-preventing-spread-of-coronavirus-in-ghana.html>

## ZIMBABWE

Zimbabwe is a Southern African Country bordered by South Africa, Zambia, Botswana, and Mozambique. Its capital is Harare.

### Judicial System

Zimbabwe's Judiciary is an independent arm of government established under Chapter 8 of the Constitution of Zimbabwe 2013.<sup>63</sup> The Court System consists of the Constitutional Court, the Supreme Court, the High Court, the Labour Court, Establishment of labor courts, the Administrative Court, Establishment of administrative courts, the magistrates courts, the customary law courts, and other courts established by or under an Act of Parliament. The country's Chief Justice is Luke Malaba.

### Digital Transformation

The Republic of Zimbabwe Vision 2030 is the guiding policy for the country's digital transformation. The Policy highlights ICT as a critical pillar, setting out to improve e-governance for better service delivery through intelligent applications and innovation.<sup>64</sup>

The Judicial Service Commission (JSC) ICT Department Policy speaks to internal communication and record management processes.

The President launched the Judicial Services Commission 2021-2025 Strategic Plan in December 2020.<sup>65</sup>

Practice Direction 1 of 2020 on Court Operations During the 21 Day COVID-19 National Lockdown was issued in March 2020. The Directive applies to the filing of pleadings and processes before 30 March 2020 to April 19<sup>th</sup>, 2020. The Judiciary suspended the filing of new processes and time limits for the duration of the nationwide lockdown.<sup>66</sup>

The Directive has been amended several times since, depending on the severity of the lockdown restrictions.

During relaxed periods, court attendees must:

- be subjected to temperature checks;
- be required to sanitise their hands at entry into court premises;
- wear face masks in the manner prescribed by law;
- avoid person to person contact; and
- maintain social distancing as prescribed by law.<sup>67</sup>

In Level IV Lockdowns, filing of new cases was suspended for up to 5 days with initial remand, urgent applications and process, and bail applications being allowed.

Civil matters were also set down.

Zimbabwe introduced its Integrated Electronic Case Management System (IECMS) in June 2021. The Judicial Service Commission initiates the project in partnership with global firm Synergy International Systems, Inc. Both teams conducted the first rollout phase. This included a technical assessment of 3 courts and a demonstration of the system in development. The system consists of e-filing, online payments, and e-signatures.<sup>68</sup>

63 [https://www.constituteproject.org/constitution/Zimbabwe\\_2013.pdf](https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf)

64 <http://www.zim.gov.zw/index.php/en/government-documents/category/1-vision-2030?download=1:vision-2030>

65 <https://www.zimbabwesituation.com/news/just-in-president-launches-2021-2025-judicial-services-commission/>

66 [http://www.jsc.org.zw/jscbackend/upload/Publications/PRACTICE%20DIRECTION%201%20OF%202020%20\(%20COURT%20OPERATIONS%20DURING%20NATIONAL%20LOCKDOWN%20PERIOD\).pdf](http://www.jsc.org.zw/jscbackend/upload/Publications/PRACTICE%20DIRECTION%201%20OF%202020%20(%20COURT%20OPERATIONS%20DURING%20NATIONAL%20LOCKDOWN%20PERIOD).pdf)

67 [http://www.jsc.org.zw/jscbackend/upload/Publications/PRACTICE%20DIRECTION%205%20OF%202021\(1\).pdf](http://www.jsc.org.zw/jscbackend/upload/Publications/PRACTICE%20DIRECTION%205%20OF%202021(1).pdf)

68 <http://www.jsc.org.zw/newsletters/flipbook20/index.html>

Chief Justice Luke Malaba first announced the move to virtual courts in January 2021. In October 2021, there were reports of the Ministry of ICT, JSC, and Courier Services working towards setting up virtual courts by the end of 2021.<sup>69</sup>

The JSC entered an MoU with partners including UNDP and UNICEF in establishment and implementation. A pilot done towards the end of 2020 was successful with one courtroom at the Harare Magistrates Court fitted with equipment that connects to the Harare Remand Prison.<sup>70</sup>

## SOUTH AFRICA

South Africa is the southernmost country in Africa. Namibia, Botswana, and Zimbabwe border it. The country has a population of 60 million with three capital cities; executive Pretoria, judicial Bloemfontein, and legislative Cape Town.

### Judicial System

South Africa's Judiciary is an arm of government provided for under Chapter 8 of its Constitution. The Constitution provides for the following courts, Constitutional Court, Supreme Court of Appeal, high courts, including any high court of Appeal that may be established by an Act of Parliament to hear appeals from high courts, magistrates' courts, and any other court established or recognized in terms of an Act of Parliament.<sup>71</sup> The Acting Chief Justice is Ray Zondo.

### Digital Transformation

South Africa's Vision 2030 sets out the country's digital transformation strategy. The policy outlines strengthening the rule of law by improving the efficiency of the judiciary as a priority area.<sup>72</sup> This is supported by the Office of The Chief Justice Strategic Plan 2020/2021 - 2024/2025.

The Policy recognises the impact of COVID-19 on the justice sector and the need to leverage technology to improve efficiency and transparency in judicial processes.<sup>73</sup>

South Africa's Chief Justice issued a Directive on court access during the COVID-19 pandemic in March 2020. The directive restricts court access to persons with a material interest in a case, such as practitioners, litigants, accused persons, witnesses, those who may be needed to provide support such as those accompanying children, victims of domestic violence and/or sexual abuse, elderly and people with disabilities, family members, representatives of special interest or support groups and members of the media will be permitted to enter the court precinct.<sup>74</sup> The directive included social distancing measures and additional safety measures in courts, including social distancing, handheld temperature devices, and sanitizer. Staff, litigants, and judges would also be required to self-isolate if they displayed symptoms of the virus.

69 <https://www.zimbabwesituation.com/news/zimbabwe-set-to-establish-virtual-courts-amid-covid-19-pandemic/>

70 <https://www.zimbabwesituation.com/news/zimbabwe-set-to-establish-virtual-courts-amid-covid-19-pandemic/>

71 <https://www.gov.za/about-government/judicial-system>

72 [https://www.gov.za/sites/default/files/gcis\\_document/201409/devplan2.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/devplan2.pdf)

73 <https://www.judiciary.org.za/index.php/documents/strategic-plan>

74 <https://www.judiciary.org.za/index.php/news/press-statements/2020?start=20>



An additional Directive was issued on 27th March 2020, covering 27th March 2020 to 16th April 2020. The Directive ensured that courts remained open during the lockdown period but operated at limited capacity. The DIRECTIVES ISSUED BY CHIEF JUSTICE MOGOENG MOGOENG IN TERM OF SECTION 8 (3)(B) OF THE SUPERIOR COURTS ACT 10 OF 2013 FOR THE MANAGEMENT OF COURTS DURING THE LOCKDOWN PERIOD was issued on the 17th of April 2020.

The Directive provides that only urgent matters may be heard in open court, with Judicial Officers having the discretion to hear cases through video conferencing or other electronic means appropriate in the circumstances, after consultation with the parties concerned.<sup>75</sup>

COURT ONLINE is an end-to-end digital case management and evidence management system for the High Court of South Africa. It provides for the electronic filing of cases and evidence management.

The system leverages the LegalTech tool, CaseLines, for electronic evidence management. CaseLines is a cloud-based platform that offers digitization of evidence in court proceedings. The system is currently free to use for litigants.<sup>76</sup>

The judiciary has also provided for Virtual Court hearings via Microsoft Teams.<sup>77</sup>

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75 <https://www.judiciary.org.za/index.php/court-online/covid-19>

76 [https://www.judiciary.org.za/images/Court\\_Online/Tri-Fold\\_Brochure.pdf](https://www.judiciary.org.za/images/Court_Online/Tri-Fold_Brochure.pdf)

77 [https://www.judiciary.org.za/images/Court\\_Online/E-Filing\\_Quick\\_Reference\\_Guide\\_-\\_Updated.pdf](https://www.judiciary.org.za/images/Court_Online/E-Filing_Quick_Reference_Guide_-_Updated.pdf)

## Chapter Three: Legal Professionals



The changes occasioned by the digital transformation of courts have been a critical driver in the acceleration of technology for legal professionals. The past two years have seen legal professionals increasingly innovate new models of practice away from the norm. Remote working and increased use of technology in day-to-day processes have been on the rise.

In a 2020 Survey conducted by AfriWise, 74% of respondents agreed that COVID-19 would accelerate technology adoption by law firms.

The transformation has been supported by several factors, such as regional and local policies that enable digital transformation and innovation, the improved digital infrastructure that supports meaningful connectivity, and a relatively positive attitude towards the inevitable changes from legal professionals.

The digital transformation for legal professionals has, however, not been easy. The process has faced its fair share of challenges. Infrastructural challenges, high cost of procurement, and limited digital skills are some of the obstacles hindering uptake.

This chapter focuses on legal professionals' reactions to the digital transformation happening in Africa's justice sector. The report draws insights from the East Africa Law Society, looking at the Society's contribution towards the changes and the experience of members practicing in the digital age.

### Interventions by Regional Bar Associations

The East Africa Law Society is the regional bar association for East Africa. Founded in 1995, the Association has over 17,000 lawyers. It comprises all the national bars in the East African Community – the Law Society of Kenya, Tanganyika Law Society, Uganda Law Society, Zanzibar Law Society, Rwanda Bar Association, Burundi Bar Association, and the South Sudan Bar Association.<sup>78</sup>

The Society provides lawyers with unlimited access to a regional and international network of contacts, unique learning opportunities, and participation in discussions about regional and international legal practice development.

78 <https://ealawsociety.org/home/>

Digital transformation has long been on the agenda of Society. In 2019, the Association launched the Digital Forensics for Lawyers capacity building initiative. The Society has since hosted three sessions of the training, together with the Law Society of Kenya, Lawyers Hub, East Africa Data Handlers, and Google. EALS took several steps to improve lawyers' capacity to engage in the digital transformation at the onset of the COVID-19 pandemic.<sup>79</sup> The Society adopted tools including, Zoom, Microsoft Teams, Skype, GoTo Webinar, and WhatsApp for membership engagement, including professional development.

Live streams of proceedings are hosted on YouTube, improving member reach with more regular member interactions.<sup>80</sup>

In May 2020, the Society partnered with the East African Court of Justice, Raoul Wallenberg Institute, and the Pan African Lawyers Union (PALU) for a Learning Series on Practising Before the East African Court of Justice during the COVID-19 Pandemic.<sup>81</sup> The training walked counsel through the rules of the courts, a preview of the EACJ conferencing platform, and a review of the Court's video conferencing guidelines.

In August 2020, the East Africa Law Society, the EALS Institute, and the Attorney General Alliance Africa partnered for a capacity-building series targeting lawyers in the East African Community, focusing on lawyering techniques in the era of virtual courtrooms.<sup>82</sup>

A supplementary training was carried out in October 2020 on the EACJs e-filing system following its launch.<sup>83</sup> In the same month, the Society partnered with the African Court and the African Commission on Human and Peoples' Rights for the capacity-building initiative on the courts revised Rules of Procedures that accommodate electronic processes.<sup>84</sup>

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79 <https://twitter.com/lawyershubkenya/status/1154280206586327040>

80 <https://ealawsociety.org/wp-content/uploads/2020/11/EALS-25th-Annual-Report.pdf>

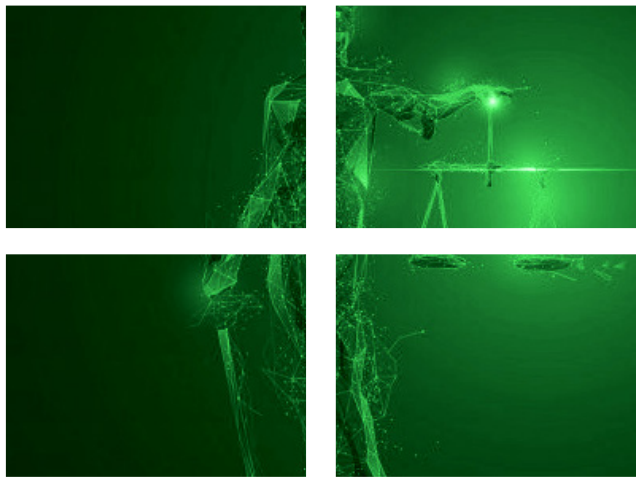
81 <https://www.youtube.com/watch?v=Jp3nQWLohIU&t=5153s>

82 <https://www.youtube.com/watch?v=kLb7JDitllk>

83 <https://www.youtube.com/watch?v=-gkE0r-TIJ4&t=1525s>

84 <https://www.youtube.com/watch?v=zTRZp7VoCUU&t=5671s>

## Chapter Four: Legal Education



Legal education is at the core of the legal profession. The bar training program, administered across multiple jurisdictions in Africa, is a system that prepares students to join the legal profession by admission to the bar after successful completion of their university-level education. The training programs equip students with additional skills in trial advocacy, legal research and writing, practice management, and core areas such as civil and criminal litigation.

The COVID-19 pandemic forced most legal education providers to rethink the administration of these training programs. The pandemic greatly impacted the traditional structure of most legal education, with most institutions worldwide having to adopt virtual processes. The transition online has not been easy. Institutions grapple with implementation at a time riddled with uncertainty. Unforeseen postponements and conflicting directives have become the new norm, an occurrence that is proving to be costly not only for students but institutions as well.<sup>85</sup>

The challenges are just a fraction of legal education in the age of COVID-19.

This section of the report explores the changes in the legal education landscape for select jurisdictions with a program that consists of training in specific fields of practice and administering examinations upon completion.

85 <https://www.cnn.com/2020/08/19/liter-hell-the-pandemic-has-made-the-bar-exam-more-excruciating.html>

## KENYA

The Kenya School of Law is the body mandated with the provision of professional legal training for those seeking admission to the Kenyan Bar through its Advocates Training Programme. The School also provides training for paralegals supporting legal professionals at the practicing Bar, the corporate world, and government institutions.<sup>86</sup>

The School is established under the Kenya School of Law Act, No. 26 of 2012. The Legal Education Act, No. 27 of 2012 shows the Council of Legal Education, tasked with administering examinations upon completion of the course.

The Kenya School of Law scaled down its operations in March 2020 upon news of the first case of COVID-19 in Kenya. The School closed its gates to over 1500 students<sup>87</sup> with restricted access to amenities such as the library and suspended its pupillage program indefinitely, citing health risks associated with the virus.<sup>88</sup> The pandemic resulted in a significant loss in investment in the School's automation initiatives, such as the suspension of the fingerprint biometric attendance system used to record student and staff attendance.<sup>89</sup>

The school launched its E-Learning Pilot in June 2020 to test the viability of the program.<sup>90</sup> The voluntary Pilot was held on Google Meet, and the course material was provided through an online platform built on Moodle. The e-learning program was formally launched in August of 2020.<sup>91</sup> The School opted for the Microsoft Teams platform and Moodle.

THE KENYA SCHOOL OF LAW VIRTUAL CLASSES (STUDENTS) REGULATIONS, 2020, were shared with students in the same month. The Rules outline e-learning processes, etiquette, and recommendations on equipment. Some of the outlined Rules, such as Regulation 11 on live avatars, are not strictly adhered to due to bandwidth challenges. Recognizing the access challenges for students in marginalised areas, the School partnered with telecommunications service provider Safaricom for a monthly data plan tailored specifically for students in the program. The school introduced a hybrid learning environment closer to the examination date allowing students to interact one-on-one with the training staff.<sup>92</sup>

The e-learning program is now in its second cohort.

Reports from the school indicate success in the past two years of implementation, recognizing some challenges in implementation. Poor network connections, noisy environments, and lack of virtual etiquette are such challenges. Improved digital skills to ensure students are equipped to engage in the changing legal environment is also a priority area.<sup>93</sup>

Additional challenges in the implementation of the Schools Strategic Plan also sprung up. Activities affected were conducting onsite learning, prison visits through the Legal Aid Clinics, and participation in moot court competitions.

The School administered in-person oral examinations in November of 20m20 and 2021, with the Council opting for physical exams.

86 <https://www.ksl.ac.ke/paralegal-studies/>

87 <https://www.ksl.ac.ke/wp-content/uploads/2020/02/CLASS-AND-FIRM-ALLOCATION-2020-2021-ACADEMIC-YEAR-AS-OF-31-JAN-ARY-2020.pdf>

88 <https://twitter.com/SchoolofLawKE/status/1247811780346249218?s=20>

89 <https://www.ksl.ac.ke/wp-content/uploads/2021/05/Justice-Newsletter.pdf>

90 <https://twitter.com/SchoolofLawKE/status/1268130914099486723?s=20>

91 <https://twitter.com/SchoolofLawKE/status/1281191468804321286?s=20>

92 <https://twitter.com/SchoolofLawKE/status/1369536258796630016?s=20>

93 <https://www.ksl.ac.ke/wp-content/uploads/2021/05/Justice-Newsletter.pdf>

Initially scheduled for April 2021, the Council was forced to postpone the exam due to a lack of approval from the Ministry of Health to administer the ATP examination.<sup>94</sup> This came following a surge in COVID-19 infections and subsequent implementation of a COVID-19 Directive by the National Government restricting movement in and out of select counties, including Nairobi, where the examinations would be held.

The Council recorded a pass rate of 78.8%, a relatively high percentage given the history of failure.<sup>95</sup>

## RWANDA

The Institute of Legal Practice and Development is established under Law No. 65/2013 OF 27/08/2013 Establishing ILPD. It exists to provide legal professional education to persons holding at least a Bachelor's Degree in Law, provide training to those working in the field of justice and related areas, promote research and disseminate law, collaborate with other institutions of learning and research in Rwanda and abroad, and support any other initiative that may contribute to the promotion of law and justice.<sup>96</sup>

The Institute scaled down its operations in March 2020 as a result of the pandemic. The initial scale down involved closure of campuses for two weeks as the Institute devised the next steps.<sup>97</sup> A blended learning model was adopted in partnership with the Ministry of Education and the Higher Education Council.<sup>98</sup> The online sessions factored in travel restrictions limiting the participation of international guest lecturers and facilitators. Physical sessions resumed in June 2020.<sup>99</sup>

The Institute is currently looking into improving its capacity to offer blended learning, paying attention to digital infrastructure and curriculum design gaps.<sup>100</sup>

## UGANDA

The Law Development Centre is established under the Law Development Centre Act 1970. It is mandated with organising and conducting courses of instruction to acquire legal knowledge, professional skill, and experience by persons intending to practice as attorneys.<sup>101</sup> The Centre conducts training and administration of the bar exams as part of its Post Graduate Diploma in Legal Practice.

The Centre suspended its activities on the 20th of March 2020, when the country recorded its first case of COVID-19. The initial notice suspended activities for a month, subject to extension if advised. The closure affected the oral examinations, with students scheduled to appear before a panel after the 20th having to wait for revised examination dates.<sup>102</sup>

94 <https://cle.or.ke/wp-content/uploads/2021/04/POSTPONEMENT-OF-THE-APRIL-2021-ATP-EXAMINATION.pdf>

95 <https://www.standardmedia.co.ke/education/article/2001268272/shock-as-law-graduates-fail-crucial-bar-exams-again>

96 <https://ilpd.ac.rw/index.php?id=16>

97 <https://twitter.com/LegalPracticeRW/status/1239450180883288064?s=20>

98 <https://www.youtube.com/watch?v=faYCRIW6EMQ>

99 <https://twitter.com/LegalPracticeRW/status/1250327013094637569?s=20>

100 <https://www.youtube.com/watch?v=faYCRIW6EMQ>

101 <https://old.ulii.org/ug/legislation/consolidated-act/132>

102 <https://web.facebook.com/561714133871924/photos/a.2992906384086008/2992896227420357/?type=3&theater>



The RULES GOVERNING THE BAR COURSE, 2020 (UNDER SECTION 8(1) OF THE LAW DEVELOPMENT CENTRE ACT, CAP 132) provided physical, distance, and e-learning or a combination of both in its Rule 3.<sup>103</sup>

Further, the First Schedule of the Rules sets out the Guidelines for the Open, Distance, and E-Learning. The Rules require students to use their official LDC email account and the name with which they are registered for the Bar Course to access the LDC official platforms for online academic sessions. Zoom and Moodle are the designated e-learning platforms.<sup>104</sup>

The Guidelines speak to security and confidentiality during classes requiring students and lecturers to maintain security and privacy, with no other mention of data governance.<sup>105</sup>

The adoption of online learning was faced with backlash from some Members of Parliament that described the process as unfair, noting that the Ministry for Education and Sports had suspended online studying for other institutions.<sup>106</sup>

The Centre administered its examinations in person in November 2020, recording a 9% pass rate, with 70% eligible for retaking failed courses.

Digitizing some of the Centres processes posed a challenge to the LDC with students receiving delayed exam results as the Centre shifted to sharing results via email due to the closure of its offices.<sup>107</sup> Students also found some of the more practical aspects of the course, such as accounting, challenging to follow online.<sup>108</sup>

## NIGERIA

The Nigerian Law School was established in Lagos under the Legal Education Act 1962, now Legal Education (Consolidation Etc) Act Cap. L10, Laws of the Federation, 2004.

The Nigerian Law School suspended academic activities in March 2020 for an initial period of four weeks.<sup>109</sup> The School later adopted an e-learning model. Lectures were delivered via video conferencing, with notes shared to students via email. Students innovated quickly, using instant messaging platforms such as Telegram to distribute online quizzes aimed at objective-based learning through multiple-choice questions (MCQs) and subject-based quizzes.

The online learning experience, Quizathon, had over 3,200 active users as of September 2020.<sup>110</sup>

In-person, classes resumed in November 2020 for students from the Abuja campus. The School required students to adhere to COVID-19 Guidelines, including mandatory use of masks on campus. The second cohort of Bar students resumed in February 2021 across all campuses.<sup>111</sup>

The Bar exams results released in July 2021 indicate that 2,172 (37.64%) students made Second Class (Lower Division) while 1,725 (29.90%) scales with pass 35 (0.61%) Students had conditional passes while 1,326 (22.98%) failed. 60 (1.04%) students were absent.<sup>112</sup>

The hybrid model of learning seemed to be preferred by most students. In a virtual meeting held in August 2020, the Students Representatives Council expressed concerns over the viability of online learning. Some students had limited access to appropriate devices and trouble navigating the course when conducted online.<sup>113</sup>

103 <http://ldc.ac.ug/sites/files/Rules%20Governing%20the%20Bar%20Course%202020.pdf>

104 <https://elearning.ldc.ac.ug/moodle/>

105 <http://ldc.ac.ug/sites/files/Rules%20Governing%20the%20Bar%20Course%202020.pdf>

106 <https://twitter.com/pwatchug/status/1273227109499101184>

107 <https://www.youtube.com/watch?v=xTQW3BBfp7Q>

108 <https://www.youtube.com/watch?v=YkCn-XfbVnw>

109 <https://thenigerialawyer.com/covid-19-nigerian-law-school-suspends-academic-activities-students-to-vacate-hostels-latest-march-25th/>

110 <https://thenigerialawyer.com/law-school-education-in-nigeria-under-covid-19/>

111 <https://thenigerialawyer.com/nigerian-law-school-announces-date-for-resumption-of-academic-activities/>

112 <https://thenigerialawyer.com/nigerian-law-school-releases-2021-bar-finals-results/>

113 <https://thenigerialawyer.com/nigerian-law-school-proposes-november-2020-for-bar-part-ii-exams-as-src-expresses-concerns-proposes-recommendations/>

## GHANA

The Ghana School of Law is established under The Legal Profession Act, 1960 (Act 32), by the Ghana Legal Council.<sup>114</sup> The School provides training for law graduates in the Barrister at Law program, while the Council administers exams for conferment to the Bar.

Ghana imposed a ban on public gatherings in March 2020 following the country's first case of COVID-19. The month-long ban extended to all universities, affecting the School's activities.<sup>115</sup>

The School announced arrangements to commence its third term in April, disseminating the course through Zoom, email, and WhatsApp Messenger, advising all students to get acquainted with the Zoom platform.<sup>116</sup>

In collaboration with the Council, the School administered the end-of-year examinations in August of 2020. The exams were held in person, with candidates expected to adhere to COVID-19 protocols, including temperature checks and wearing masks.<sup>117</sup>

The 2021/2022 Academic Year commenced in October 2021 with students returning to in-person classes under strict adherence to COVID-19 Protocols.<sup>118</sup>

## ZIMBABWE

The Council for Legal Education is established under Part VI of the Legal Practitioners Act

(Chapter 27:07).<sup>119</sup> The Council for Legal Education is responsible for setting Bar Conversion Examinations. Unlike other jurisdictions in the report, Zimbabwe does not conduct a training program for candidate advocates before administering an exam.

The Council administered its first set of in-person conversion exams in December 2020. Further exam dates were published on its website in June 2021.<sup>120</sup> The Council postponed the exams due to lockdown restrictions in July 2021, setting a date from August.

Research indicates frustration on the part of students as a result of poor communication from the Council on exam dates and revisions.<sup>121</sup>

## SOUTH AFRICA

The Legal Practice Council is a national, statutory body established in section 4 of the Legal Practice Act, No 28 of 2014. The Council and Provincial Councils regulate the affairs of and exercise jurisdiction over all legal practitioners (attorneys and advocates) and candidate legal practitioners. Practical Vocational Training Contract (PVTC) and a competency-based examination determined by the Legal Practice Council must be successfully completed before admission as an attorney or advocate.<sup>122</sup>

Candidates must also attend a short course approved by the Legal Practice Council (LPC).

114 <https://www.glc.gov.gh/wp-content/uploads/2015/09/LEGAL-PROFESSION-ACT-1960-ACT-32.pdf>

115 <https://www.bbc.com/pidgin/tori-51904164>

116 <https://gslaw.edu.gh/notice-ghana-school-of-law-arrangements-for-third-term/>

117 <https://gslaw.edu.gh/notice-to-august-2020-end-of-year-examinations-candidates/>

118 <https://gslaw.edu.gh/important-notice-gsl/>

119 [https://zimlil.org/akn/zw/act/1981/15/eng%402016-12-31#part\\_VI](https://zimlil.org/akn/zw/act/1981/15/eng%402016-12-31#part_VI)

120 [https://cle.org.zw/notice\\_board.html](https://cle.org.zw/notice_board.html)

121 <https://twitter.com/FemmeFatale23xx/status/1267885583986294786?s=20>

122 <https://www.lssa.org.za/about-us/about-the-attorneys-profession/becoming-a-legal-practitioner/>

The course is recognised under regulation 6 in terms of s 109(1)(a) of the Legal Practice Act 28 of 2014 (LPA). The Law Society of South Africa (LSSA) currently administers the compulsory course for candidate legal practitioners in preparation for admission examinations through its legal education department, Legal Education and Development (L.E.A.D).<sup>123</sup> Both 2021 and 2020 course guides suggest that in-person attendance remains across campuses with an exemption for distance learning.<sup>124</sup>

The Council administered oral examinations in June 2020, choosing to leverage both virtual and in-person processes. COVID-19 screening was made mandatory for all those taking in-person exams at the Council's offices.<sup>125</sup> In January 2021, the Council was forced to close one of its regional offices, a common occurrence during the pandemic, after an employee tested COVID-19 positive. This did not affect online oral exams, with the session proceeding as intended.<sup>126</sup>

The Council administered in-person written exams in November 2020 with strict adherence to COVID-19 protocols.<sup>127</sup>

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123 <https://www.lssalead.org.za/wp-content/uploads/courses/CompulsoryCourses/2021/CompulsoryPVT4Candidates2021.pdf>

124 [https://www.lssalead.org.za/wp-content/uploads/courses/candidate-legal-practitioners/2020/CompulsoryPVTforCandidateLegalPractitioners2020\\_BrochureRegistration.pdf](https://www.lssalead.org.za/wp-content/uploads/courses/candidate-legal-practitioners/2020/CompulsoryPVTforCandidateLegalPractitioners2020_BrochureRegistration.pdf)

125 <https://twitter.com/CouncilPractice/status/1269274397623357441?s=20>

126 <https://twitter.com/CouncilPractice/status/1347066769140277249?s=20>

127 <https://lpc.org.za/covid-19-regulations-pertaining-to-upcoming-exams/>

## Chapter Five: Legal Technology and Access to Justice



Sub-Saharan Africa's mobile economy is significant. According to GSMA, 46% of the population subscribed to mobile services as of 2020, which is only expected to rise, partly supported by telcos' role in COVID-19 response.<sup>128</sup> The growth of the Continent's mobile economy has had a domino effect on its digital transformation, emphasizing technology entrepreneurship. Known for innovating to survive, most startups on the continent are taking advantage of the rise in mobile penetration to develop solutions that address everyday challenges Africans face.

Financial Technology- FinTech has for long been a priority for most African founders.<sup>129</sup> This comes as no surprise as solving financial inclusion allows for better participation in the following sectors of the economy.

Africa's legal innovation landscape cannot, however, be ignored. Baobab Insights estimates that as of 2020, there existed 43 legal technology startups operating within the continent. The research indicated that the majority of company headquarters were focused across four geographies; South Africa (26%), Kenya (19%), Nigeria (16%), and Uganda (11%).<sup>130</sup> Innovations such as AfricaLii<sup>131</sup>, a collaborative group of organizations and individuals in Africa, dedicated to free access to law in Africa, Barefoot Law, that uses technology and innovation in addition to traditional methods to bring knowledge of the law and human rights to communities and small businesses, and LegalTech Kenya that build and provide creative and innovative solutions for legal practice<sup>132</sup>, are reimagining access to justice. In a sector too broad for a single solution, legal tech innovators solve challenges around access to information, government services, alternative legal services, and improving access to justice.

128 [https://www.gsma.com/mobileeconomy/wp-content/uploads/2021/09/GSMA\\_ME\\_SSA\\_2021\\_Infographic\\_Spreads.pdf](https://www.gsma.com/mobileeconomy/wp-content/uploads/2021/09/GSMA_ME_SSA_2021_Infographic_Spreads.pdf)

129 <https://qz.com/africa/1751701/everything-you-need-to-know-about-african-fintech/>

130 <https://insights.thebaobabnetwork.com/43-legaltech-companies-africa-market-map/>

131 <https://africanlii.org/about>

132 <https://www.legaltechkenya.com/about.html>

This chapter explores the state of legal technology in Africa, with a focus on East Africa. Insights from the chapter are drawn from an interview with Mr. Eric Kariuki, Justice Accelerator Head, The Hague Institute for Innovation of Law (HiiL) Innovation Hub, East Africa. The HiiL Innovation Hub is a social enterprise devoted to user-friendly justice; justice that is easy to access, easy to understand, and effective.<sup>133</sup>

The COVID-19 Pandemic has had a significant impact on the justice innovation sector in Africa. There has been a recorded rise in legal innovations around technology over the past two years. The HiiL Innovation Hub supported 14 legal tech innovations in 2021 alone through its incubation and acceleration programs. Some of which started in 2020. A large upscale has been due to the remote working occasioned by numerous regulatory restrictions and COVID-19 mandates, which promoted the majority of the court and legal processes to go online, resulting in several innovations to meet this demand.

While the adoption of tech has been limited to web conferencing and case management tools, there is still a lot of potential for the sector to grow. However, there is still an incredible challenge in meeting the legal needs of those in remote, rural, or marginalised areas. Digital infrastructure and digital literacy remain significant barriers. The formal legal sector is also still very slow to transform.

Despite the rapid rise in legal tech products, most innovations still oscillate between connecting users with advocates and other legal practitioners, providing legal services to clients in a more user-friendly, efficient manner, and whitelisting legal documents. However, there is significant growth in intermediary services that facilitate claims and access to government services, although still very nascent and catered for a predominately middle-class segment that is tech-savvy and economically secure. Remote and marginalized communities forming the bottom of the pyramid and with the most significant needs are often left out.

Innovators have relied mainly on donor funds to get their projects off the ground. There has been minimum traction on the investment side, specifically for legal tech. However, small shifts are happening globally in jurisdictions like the US post the Black Lives Matter movement, which aims to address several inherent structural social inequities. HiiL also set up its first Innovating Justice Fund this year to bolster the number of investments going to the sector. Local investment is still meager for all the different sectors. Still, Angel Investor networks such as Viktoria Ventures and East Africa Venture Capital Association (EAVCA) are pushing to rope in more pension funds. Empowering innovators to be more agile, globally-minded, and commercially savvy should be at the core of the legal innovation conversation to ensure entrepreneurs look at the bigger picture.

Team structure and formation remain a critical weakness for the majority of legal tech startups. Most founders have developed a good mix of legal domain expertise and technology. However, their Achilles heel is always on the business end. Most often don't seem to find and attract business people, which in the long run affects the commercial side of the business and makes them less attractive to investors. The need for more experienced software developers and engineers building the product is a gap that most teams must consider. Often founders go for university students or graduates who don't have real-world experience in deploying tech solutions.

### **Several challenges have sprung up for legal innovators in the region:**

1. Lack of Innovative hybrid models that deliver justice to the last mile. The majority of legal tech innovations are very similar, lawyer-centered, and lack commercially viable business models. HiiL has been working with these innovators to improve their customer discovery process, redesign their business models to center the user/customers, and make them commercially viable. Apart from training, a lot of the work has encouraged them to bring onboard diverse talent from other sectors and industries to open up their thinking.

133 <https://www.hiil.org/who-we-are/>

2. Inability to attract or retain good talent, especially from a non-legal background. Most legal tech start-ups are set up like law firms, with many important decision-makers being lawyers. This has to change. There is some commendable growth, especially in bringing onboard non-equity tech partners, but they still need to make a proper Employee Value Proposition (EVP).
3. Market understanding. Many founders have difficulty speaking to the customers and truly understanding their market, competitor landscape, and value proposition. HiiL encourages more testing and validation of business models. Older advocates who have been in the business longer seem to be more open to trying this approach and experiment.
4. Funding. This remains a perennial Issue for most start-ups but is pronounced in the legal tech sector. Apart from donor funds from development partners, embassies, and other NGO-led organizations, there is little to no investment pool for these start-ups. This, however, is due to the commercial viability of these types of start-ups. Investors are looking for Return on Investment (ROI), so the ventures need to ensure they can make a compelling case through their traction.
5. Legal sector conservatism. The whole legal sector needs a radical transformation that is open to adopting new models to make justice more accessible and affordable. Several startups enrolled in HiiL programs face unprecedented resistance from law societies to report to revenue authorities and other underhand tactics. However, despite these challenges, these start-ups are beginning to take root due to the demand for justice.

Delivering justice to the last mile seems to be the most pressing issue for legal technology innovation in Africa. This is where most people live, where the most egregious situations of injustice are found and where the formal legal system is still struggling to meet the needs of 5.1 billion people globally.

#### **HiiL predicts three main trends for legal innovation in Africa over the next year:**

1. More growth of legal tech start-ups. Some will be completely new, while others will be law firms and other legal organisations adopting technology to make their services more accessible.
2. Data privacy and protection will continue to be a significant issue as more user education takes root and more organisations are held accountable. There have been great strides towards this, especially about governments in Africa being asked to secure and safeguard the digital rights of their citizens. Unlike in Europe and USA, however, there hasn't been a lot of action for the private sector. This should shift in the next year.
3. More investor nods. With more media and PR coverage and general communication around the legal tech space, it is expected that investors will become aware of the potential growth of the sector. Conservatively, investments will take a few years to materialise, but more investors will get to know more about legal tech innovation.



## Chapter Six: Conclusion and Recommendations



Africa's justice transformation is a certainty. The agility is commendable, with many contributors on the continent prioritizing digital justice through virtual processes. As most e-governance processes move online, all justice players are making significant strides towards equipping their counterparts with the knowledge, skills, and tools to adapt and engage quickly. Its fair set of challenges has, however, faced the transformation.

Digital Infrastructure is crucial in the move towards digital justice. ITU estimated a fixed broadband subscription rate of 0.5 per 100 inhabitants for Africa in 2020, a figure below the global average of 15.2 subscriptions per 100 inhabitants.<sup>134</sup> Several actors in the justice space reported this as a significant challenge for most users. Some lack the appropriate device to engage in the digital transformation, or most have trouble with connectivity and access to virtual processes. Improving access to broadband for rural and underserved communities will contribute tremendously to improving access to justice in the digital age. Governments must strive towards meaningful connectivity, ensuring everyday use on an appropriate device with enough data and a fast connection.<sup>135</sup>

Digital Skills: Significant contributions have been made towards capacity building for justice actors across the board. Courts, bar associations, law firms, and governments have worked to sensitise users on platform use and emerging technologies. There still, however, exists a skills gap that hinders participation on a larger scale. Further attention is needed to close the gap, emphasizing digital skills programs that restate the importance of data governance and the right to privacy at the legal education level for legal professionals in courts, supporting institutions, and court users.

Supporting Innovation: The findings from the report indicate a preference for procuring systems from outside the region. As innovators respond to the access to justice gaps in society today, an enabling policy environment must exist to support locally built products. Incentives around intellectual property registration, investment, and research and development are critical in supporting what is a nuanced field in the tech entrepreneurship ecosystem.

Mindset shift. Efficiency is advocated for in all judicial processes. Legal service providers are often encouraged to play their part in administering the expeditious dispensing of justice. Legal professionals must recognise and accept technology's role in supporting access to justice by enabling quick and efficient processes to benefit the consumer. A change in mindset by legal professionals is crucial for supporting legal innovation.

<sup>134</sup> [https://www.itu.int/dms\\_pub/itu-d/opb/ind/D-IND-DIG\\_TRENDS\\_AFR.01-2021-PDF-E.pdf](https://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-DIG_TRENDS_AFR.01-2021-PDF-E.pdf)

<sup>135</sup> <https://a4ai.org/meaningful-connectivity/>

# References

World Justice Project: Access to Justice Data

<https://worldjusticeproject.org/access-to-justice-data/#/map>

African Union Agenda 2063

<https://au.int/agenda2063/goals>

African Union Digital Transformation Strategy for Africa

[https://au.int/sites/default/files/newsevents/workingdocuments/37470-wd-annex\\_2\\_draft\\_digital\\_transformation\\_strategy\\_for\\_africa.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/37470-wd-annex_2_draft_digital_transformation_strategy_for_africa.pdf)

African Court Judges Hold Virtual Meeting

<https://www.african-court.org/wpafc/african-court-judges-hold-virtual-meeting/>

Penessis v Tanzania (Application No. 013/2015) [2019] AfCHPR 8; (28 November 2019)

[https://africanlii.org/afu/judgment/african-court/2019/8#\\_Toc25790065](https://africanlii.org/afu/judgment/african-court/2019/8#_Toc25790065)

Activity Report of the African Court – January to December 2020

<https://www.african-court.org/wpafc/wp-content/uploads/2021/03/Activity-report-of-the-Court-January-to-December-2020.pdf>

Rules of the African Court

[http://www.african-court.org/en/images/Basic%20Documents/Rules\\_of\\_Court\\_-\\_25\\_September\\_2020.pdf](http://www.african-court.org/en/images/Basic%20Documents/Rules_of_Court_-_25_September_2020.pdf)

East African Community Vision 2050

<http://repository.eac.int/bitstream/handle/11671/567/EAC%20Vision%202050%20FINAL%20DRAFT%20OCT-%202015.pdf?sequence=1&isAllowed=y>

Guidelines for Video Conference Proceedings of the EACJ, May 2020

<https://www.eacj.org/wp-content/uploads/2020/04/GUIDELINES-FOR-VIDEO-CONFERENCE-PROCEEDINGS-OF-EACJ-MAY-2020-.pdf>

Understanding The East African Court of Justice Electronic Filing System <https://www.youtube.com/watch?v=-gkEOr-T1J4>

ECOWAS Measures to Prevent and Contain the Spread of Corona Virus

<https://www.ecowas.int/update-on-ecowas-measures-to-prevent-and-contain-the-spread-of-corona-virus-disease-2019-covid-19/>

COMESA Rules of Court

[https://comesacourt.org/wp-content/uploads/2018/10/RULES-of-the-Court\\_final.pdf](https://comesacourt.org/wp-content/uploads/2018/10/RULES-of-the-Court_final.pdf)

COMESA Court on Digital Transformation of Court Programme in the UK

<https://comesacourt.org/comesa-court-on-a-digital-transformation-of-courts-programme-in-uk/>

COMESA Moves to Digital Justice System

<https://comesacourt.org/comesa-court-moves-to-digital-justice-system/>

COMESA Annual Report 2020

<https://www.comesa.int/wp-content/uploads/2021/10/COMESA-Annual-Report-2020-English.pdf>

Kenya Vision 2030

<https://vision2030.go.ke/about-vision-2030/>

Kenya Digital Economy Blueprint

<https://www.ict.go.ke/wp-content/uploads/2019/05/Kenya-Digital-Economy-2019.pdf>

Kenya Judiciary ICT Masterplan

<http://repository.kippira.or.ke/bitstream/handle/123456789/557/Judiciary%20ICT%20master%20plan.pdf?sequence=1&isAllowed=y>

Press Statement: Administrative and Contingency Management Plan to mitigate Covid-19 in Kenya's Justice Sector  
<https://www.judiciary.go.ke/download/press-statement-administrative-and-contingency-management-plan-to-mitigate-covid-19-in-kenyas-justice-sector/>

Electronic Case Management Practice Directions, 2020  
<http://kenyalaw.org/kl/index.php?id=10211>

Effects of COVID – 19 Pandemic on Resolution of Cases in Courts: The Kenyan Judiciary  
<https://www.judiciary.go.ke/download/effects-of-covid-19-pandemic-on-resolution-of-cases-in-courts-the-kenyan-judiciary/>

Republic of Rwanda, 7 Years Government Programme: National Strategy for Transformation (NST 1) 2017 – 2024  
[https://ecd.gov.rw/fileadmin/user\\_upload/Policies/NST1\\_7YGP\\_Final.pdf](https://ecd.gov.rw/fileadmin/user_upload/Policies/NST1_7YGP_Final.pdf)

Judiciary of Rwanda: Electronic Filing System (EFS) in Judiciary Innovative Management toward paperless court services  
[https://www.judiciary.gov.rw/fileadmin/IECMS\\_Info/What\\_s\\_the\\_IECMS.pdf](https://www.judiciary.gov.rw/fileadmin/IECMS_Info/What_s_the_IECMS.pdf)

Judiciary of Rwanda: Integrated Electronic Case Management System (IECMS)  
[https://www.judiciary.gov.rw/fileadmin/IECMS\\_Info/About\\_IECMS\\_-Final.pdf](https://www.judiciary.gov.rw/fileadmin/IECMS_Info/About_IECMS_-Final.pdf)

Uganda National 4IR Strategy  
<https://ict.go.ug/wp-content/uploads/2020/10/Executive-Summary-Ugandas-National-4IR-Strategy.pdf>

Judiciary of Uganda ICT Strategy 2015 - 2016  
<http://www.judiciary.go.ug/files/downloads/Judiciary%20ICT%20Strategy%20FY2015-2016%20-%20FY2019-2020.pdf>

Judicature (Visual-Audio Link) Rules, 2016  
<http://www.judiciary.go.ug/files/downloads/judicature-visual-audio-link-rules-si-no-26-of-2016a.pdf>

Judiciary of Uganda: Chief Justice Circular on COVID-19  
<http://www.judiciary.go.ug/files/downloads/Chief%20Justice%20Circular%20on%20COVID-19.pdf>  
[Judiciary of Uganda: Revised](#)

Judiciary of Uganda: Chief Justice Circular on COVID-19  
<http://www.judiciary.go.ug/files/downloads/CJ%20Revised%20Circular%20on%20COVID-19%20as%20at%20June%2021%202021.pdf>

Judiciary of Uganda Guidelines for Online Hearings 2020  
<http://www.judiciary.go.ug/files/downloads/Guidelines%20for%20Online%20Hearings%202020.pdf>

Nigeria National ICT Policy  
<https://nitda.gov.ng/wp-content/uploads/2020/11/National-ICT-Policy11.pdf>

Judicial Information Technology Policy of the Nigerian Judiciary  
[https://nji.gov.ng/images/PDF/JITPO\\_Policy\\_Document.pdf](https://nji.gov.ng/images/PDF/JITPO_Policy_Document.pdf)

Nigeria Judicial Council Preventive Measures on the Spread of Coronavirus COVID-19 and the Protection of Justices and Judges and Staff of Courts  
<https://lawnigeria.com/2020/04/njc-preventive-measures-on-the-spread-of-corona-virus-covid-19-and-the-protection-of-justices-judges-and-staff-of-courts/>

NJC Releases Guidelines for Virtual Court Sitting Payment of Filing Fee, Hearing Notices  
<https://thenigerialawyer.com/covid-19-njc-releases-guidelines-for-virtual-court-sitting-payment-of-filing-fee-hearing-notices-others-in-full/>

Constitution of the Federal Republic of Nigeria 1999  
[https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Nigeria\\_Constitution\\_1999\\_en.pdf](https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Nigeria_Constitution_1999_en.pdf)

Ekiti state sues AGF, Lagos, Ogun over constitutionality of virtual court hearings  
<https://www.lindaikejisblog.com/2020/6/ekiti-state-sues-agf-lagos-ogun-over-constitutionality-of-virtual-court-hearings.html>

Nigerian Supreme Court Rules Virtual Court Proceedings Not Unconstitutional  
<https://www.thecable.ng/supreme-court-rules-virtual-court-proceedings-not-unconstitutional>

THE GHANA ICT FOR ACCELERATED DEVELOPMENT (ICT4AD) POLICY

<https://moc.gov.gh/sites/default/files/downloads/Ghana-ICTAD%20Policy-Master-final-2.pdf>

Ghana Judiciary: The Judicial Digest, June 2020

<https://judicial.gov.gh/js/judicialdigest/vol11/JudicialDigestVol11.pdf>

The Republic of Ghana: E-Justice Project: Frequently Asked Questions (FAQ)

<https://www.judicial.gov.gh/index.php/e-services/ejustice/f-a-q>

Modern Ghana: Coronavirus: CJ Restricts Access to Courts

<https://www.modernghana.com/news/989571/coronavirus-cj-restricts-access-to-courts.html>

How the judiciary is preventing spread of Coronavirus in Ghana

<https://www.graphic.com.gh/news/general-news/how-the-judiciary-is-preventing-spread-of-coronavirus-in-ghana.html>

Zimbabwe's Constitution of 2013

[https://www.constituteproject.org/constitution/Zimbabwe\\_2013.pdf](https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf)

Vision 2030: Republic of Zimbabwe

<https://www.zim.gov.zw/index.php/en/government-documents/category/1-vision-2030?download=1:vision-2030>

Zimbabwean President Launches 2021 – 2025 Judicial Services Commission

<https://www.zimbabwesituation.com/news/just-in-president-launches-2021-2025-judicial-services-commission/>

Practice Direction 1 of 2020 (Court Operation During National Lockdown Period)

[http://www.jsc.org.zw/jscbackend/upload/Publications/PRACTICE%20DIRECTION%201%20OF%202020%20\(%20COURT%20OPERATIONS%20DURING%20NATIONAL%20LOCKDOWN%20PERIOD\).pdf](http://www.jsc.org.zw/jscbackend/upload/Publications/PRACTICE%20DIRECTION%201%20OF%202020%20(%20COURT%20OPERATIONS%20DURING%20NATIONAL%20LOCKDOWN%20PERIOD).pdf)

Practice Direction 5 of 2021

[http://www.jsc.org.zw/jscbackend/upload/Publications/PRACTICE%20DIRECTION%205%20OF%202021\(1\).pdf](http://www.jsc.org.zw/jscbackend/upload/Publications/PRACTICE%20DIRECTION%205%20OF%202021(1).pdf)

Judiciary of Zimbabwe: Newsletter

<http://www.jsc.org.zw/newsletters/flipbook20/index.html>

Zimbabwe Set to Establish Virtual Courts Amid COVID-19 Pandemic

<https://www.zimbabwesituation.com/news/zimbabwe-set-to-establish-virtual-courts-amid-covid-19-pandemic/>

South Africa National Development Plan: Vision for 2030

[https://www.gov.za/sites/default/files/gcis\\_document/201409/devplan2.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/devplan2.pdf)

South African Judiciary Strategic Plan Vision 2020 - 2021

<https://www.judiciary.org.za/index.php/documents/strategic-plan>

COVID-19 And Court Proceedings: Court Online

<https://www.judiciary.org.za/index.php/court-online/covid-19>

The Office of the Chief Justice (OCJ Court Online CaseLines)

[https://www.judiciary.org.za/images/Court\\_Online/Tri-Fold\\_Brochure.pdf](https://www.judiciary.org.za/images/Court_Online/Tri-Fold_Brochure.pdf)

COURT ONLINE: EVIDENCE MANAGEMENT (CASELINES) UPDATED QUICK REFERENCE GUIDE (15.04.2020)

[https://www.judiciary.org.za/images/Court\\_Online/E-Filing\\_Quick\\_Reference\\_Guide\\_-\\_Updated.pdf](https://www.judiciary.org.za/images/Court_Online/E-Filing_Quick_Reference_Guide_-_Updated.pdf)

East Africa Law Society ANNUAL REPORT FOR FINANCIAL YEAR 2019 - 2020

<https://ealawsociety.org/wp-content/uploads/2020/11/EALS-25th-Annual-Report.pdf>

Kenya School of Law Class and Firm Allocation 2020 – 2021

<https://www.ksl.ac.ke/wp-content/uploads/2020/02/CLASS-AND-FIRM-ALLOCATION-2020-2021-ACADEMIC-YEAR-AS-OF-31-JANUARY-2020.pdf>

Kenya School of Law: Postponement of the April 2021 ATP Examination

<https://cle.or.ke/wp-content/uploads/2021/04/POSTPONEMENT-OF-THE-APRIL-2021-ATP-EXAMINATION.pdf>

Shock as Law Graduates Fail Crucial Bar Exam

<https://www.standardmedia.co.ke/education/article/2001268272/shock-as-law-graduates-fail-crucial-bar-exams-again>

Law Development Centre Act 1970

<https://old.ulii.org/ug/legislation/consolidated-act/132>

RULES GOVERNING THE BAR COURSE, 2020  
(UNDER SECTION 8(1) OF THE LAW DEVELOPMENT CENTRE ACT, CAP 132)  
<http://ldc.ac.ug/sites/files/Rules%20Governing%20the%20Bar%20Course%202020.pdf>

Nigerian Law School Suspends Academic Activities, Students to Vacate Hostels Latest March 25  
<https://thenigerialawyer.com/covid-19-nigerian-law-school-suspends-academic-activities-students-to-vacate-hostels-latest-march-25th/>

Law School Education in Nigeria Under COVID-19  
<https://thenigerialawyer.com/law-school-education-in-nigeria-under-covid-19/>

Nigerian Law School Announces Date for Resumption of Academic Activities  
<https://thenigerialawyer.com/nigerian-law-school-announces-date-for-resumption-of-academic-activities/>

Nigerian Law School Releases 2021 Bar Final Results  
<https://thenigerialawyer.com/nigerian-law-school-releases-2021-bar-finals-results/>

Nigerian Law School Proposes November 2020 for Bar part II Exams As SRC Expresses Concerns Proposes Recommendations  
<https://thenigerialawyer.com/nigerian-law-school-proposes-november-2020-for-bar-part-ii-exams-as-src-expresses-concerns-proposes-recommendations/>

Legal Profession Act, 1960  
<https://www.glc.gov.gh/wp-content/uploads/2015/09/LEGAL-PROFESSION-ACT-1960-ACT-32.pdf>

Coronavirus - Virus: Ghana schools closed, religious, sports activities chop ban to fight Covid-19 disease  
<https://www.bbc.com/pidgin/tori-51904164>

NOTICE – GHANA SCHOOL OF LAW ARRANGEMENTS FOR THIRD TERM  
<https://gslaw.edu.gh/notice-ghana-school-of-law-arrangements-for-third-term/>

Notice To August 2020 End of Year Examinations Candidates  
<https://gslaw.edu.gh/notice-to-august-2020-end-of-year-examinations-candidates/>

ORIENTATION NOTICE TO APPLICANTS WHO WERE SUCCESSFUL IN THE 2021 ENTRANCE EXAMINATION FOR ADMISSION TO THE GHANA SCHOOL OF LAW FOR THE 2021/2022 ACADEMIC YEAR  
<https://gslaw.edu.gh/important-notices-gsl/>

Digital trends in Africa 2021 Information and communication technology trends and developments in the Africa region 2017-2020  
[https://www.itu.int/dms\\_pub/itu-d/opb/ind/D-IND-DIG\\_TRENDS\\_AFR.01-2021-PDF-E.pdf](https://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-DIG_TRENDS_AFR.01-2021-PDF-E.pdf)



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