

# Promotion of the Rule of Law and Justice in Africa

(ProLa)

## CONSULTANCY AND TECHNICAL STUDIES

(CN 812G2882)

STUDY ON THE IMPACT OF DIGITAL ACCESS  
TO LEGAL TEXTS AND COURT DECISIONS

**Study C | May 2025**

**GHANA, CÔTE D'IVOIRE, SÉNÉGAL AND KENYA**



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# Abstract

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This study investigates the impact of digital access to legal texts and court rulings in three West African countries—Ghana, Côte d’Ivoire, and Senegal—drawing on Kenya as a comparative reference for best practices in judicial digitalisation. It assesses how digital technologies affect judicial performance and citizens’ access to justice in diverse national contexts.

The analysis combines documentary research with qualitative data from interviews conducted with key actors across the three focus countries, including judges, lawyers, court staff, civil society representatives and researchers. It examines both the operational performance of legal systems (e.g. efficiency, transparency, accessibility) and the perceptions of those involved in or affected by justice delivery.

The study reveals that while Kenya stands out with a well-functioning, officially mandated legal information platform (Kenya Law), the situation in Ghana, Senegal and Côte d’Ivoire remains more fragmented. In all three West African countries, digitalisation has shown promise—improving access to court decisions, reducing delays, and enhancing transparency—but is hindered by infrastructure gaps, high internet costs, regional disparities, and the lack of legal recognition for certain platforms (e.g. GhaLII in Ghana).

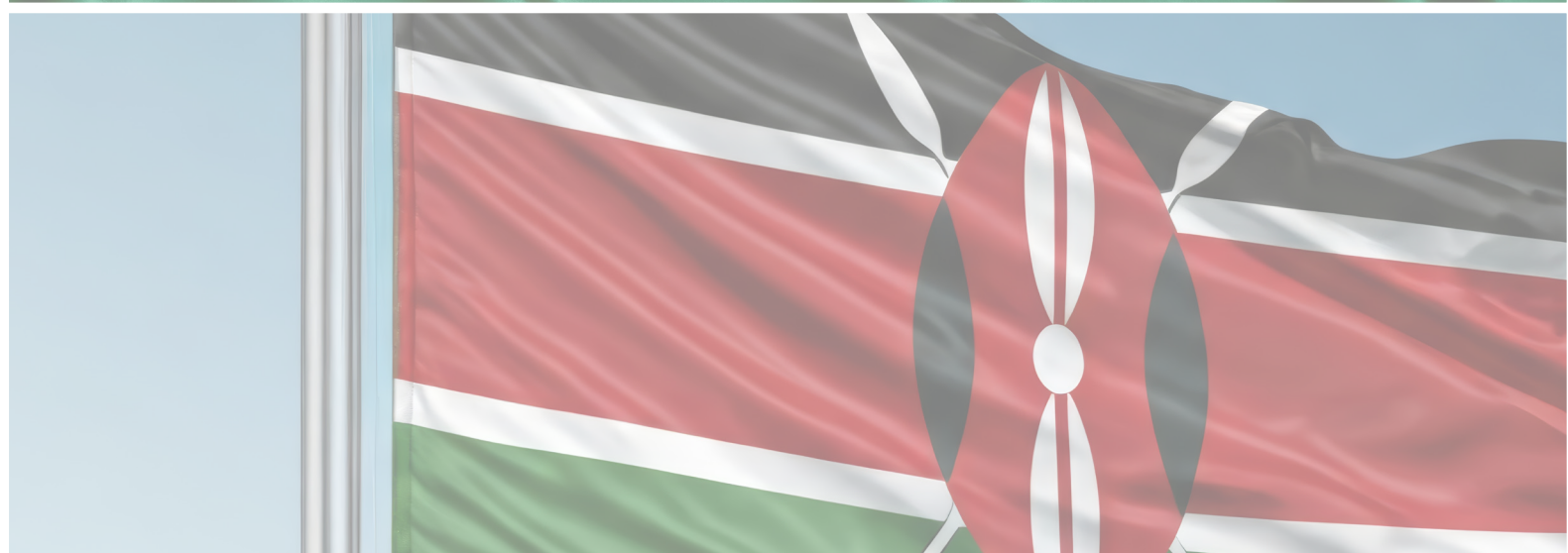
Ghana demonstrates notable progress through institutional reforms and court automation initiatives, while Côte d’Ivoire and Senegal continue to face major structural and coordination challenges. Across countries, digital services remain concentrated in urban centres, limiting equitable access for rural and marginalised populations.

The study concludes with recommendations to strengthen infrastructure, enhance platform governance, support legal and institutional frameworks, and promote inclusive access. These measures are essential for realising the full potential of digitalisation in delivering fair, transparent, and accessible justice systems.

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## Acronyms and abbreviations

|                    |  |
|--------------------|--|
| <b>ADR</b>         | Alternative Dispute Resolution                             |
| <b>CNDJ</b>        | Centre National de Documentation Juridique (Côte d’Ivoire) |
| <b>GDP</b>         | Gross Domestic Product                                     |
| <b>GDPR</b>        | General Data Protection Regulation                         |
| <b>ECMS</b>        | Electronic Case Management System                          |
| <b>e-Justice</b>   | Electronic Justice   |
| <b>GhaLII</b>      | Ghana Legal Information Institute                          |
| <b>EPN</b>         | Etablissement Public National                              |
| <b>FBB</b>         | Fast Broadband   |
| <b>ICT</b>         | Information and Communication Technology                   |
| <b>MBB</b>         | Mobile Broadband   |
| <b>NGO</b>         | Non-Governmental Organization                              |
| <b>RFDD</b>        | Réseau Francophone de Diffusion du Droit                   |
| <b>RTI</b>         | Right to Information                                       |
| <b>OSISA/OSIWA</b> | Open Society Initiative for Southern/West Africa           |
| <b>SDG</b>         | Sustainable Development Goal                               |
| <b>SNFC</b>        | Stratégie Nationale de Formation Continue                  |
| <b>TFP</b>         | Technical and Financial Partners                           |
| <b>UN</b>          | United Nations   |
| <b>URL</b>         | Uniform Resource Locator                                   |
| <b>WCAG</b>        | Web Content Accessibility Guidelines                       |





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# 1 Context of the study

The GIZ regional project 'Promoting the Rule of Law and Justice in Africa' (PRoLA) aims to strengthen the rule of law and the justice system in Africa, particularly in Côte d'Ivoire, Ghana, Senegal and Tanzania.

In this context, the objective of the module contributes to the African Union's Agenda 2063 'The Africa We Want' (Aspiration 3, Objective 11 on the rule of law); to MDGs 5 (gender equality) and 16 (peace, justice and effective institutions).

The methodological approach of the Regional Project aims to promote the rule of law by advocating better access to justice in state courts and by strengthening out-of-court dispute settlement mechanisms. Accordingly, the Project seeks to improve legal services and to take steps to strengthen state and non-state institutions in their efforts to improve access to justice.

Relevant results stemming from the objective of the module are: (1) Strengthening access to justice for vulnerable citizens, in particular women; (2) Strengthening access to justice for economic actors; (3) Aligning judicial structures with the autonomy of the judiciary; and (4) Ensuring easy access to legal information for legal practitioners.

Research shows that the courts in many African countries are overloaded with cases affecting vulnerable citizens and small economic actors, and as such there is a great need to find cost-effective alternative means of resolving disputes. To achieve this goal, all citizens and private businesses need access to justice, either through the public courts or through alternative dispute resolution. However, the capacities of government institutions and non-governmental organisations are not sufficient to guarantee adequate access to justice.

In this context, digitalisation of laws and regulations as well as reference court decisions could be means of lightening the workload of legal professionals. This could also be useful in facilitating the work of non-governmental organisations to better advise litigants or even provide an easily accessible tool so that citizens themselves can form an idea of the rule of law and the legal questions that arouse in the cases that interest them.



## 2 Objectives of the study

On the one hand, the study aims to make it possible to collect and analyse objective data, such as changes in the number and average length of legal proceedings due to the introduction of digitalized platforms containing information on legal texts and important court decisions, as well as indicators relating to the performance of the justice system, particularly following the introduction of digitised sites likely to facilitate access to legal texts and court decisions.

In addition, the aim was to conduct interviews with stakeholders in order to understand qualitative changes. Stakeholders interviewed include judges, prosecutors, court clerks, lawyers, mediators and legal aid and paralegal organisations.

Study C examines the impact of digital access to legal texts and court decisions in Côte d'Ivoire, Senegal and Ghana. The situation in Kenya, where a website dedicated to legal and judicial information exists since a long time, will also be touched on, to serve as a possible example for the changes to be initiated in West Africa.

The aim of this study is to provide relevant information on the impact of the digital publication of legal texts and court decisions on the performance of the legal systems and improved access to justice for the population.

## 3 Methodology

To meet these objectives, our study is based on the analysis of documents and the collection of data through individual semi-directive interviews with key resource persons. We were also interested in the savings that might have been generated by easier access to digital documents for legal professionals, civil society organisations and students.

### 3.1 Data collection in Côte d'Ivoire

**Documentary analysis:** In Côte d'Ivoire, we carried out a documentary review based on various official sources of the government and institutions of the Republic for a broad collection of texts and literature providing an overview of the use of digital technology in related areas of cyberlaw.

**Semi-structured interviews:** In addition, we conducted forty-seven (47) interviews with people working in various justice-related sectors. This sample was broken down by occupation and job category as follows:

| Profession   | Number in sample |
|--------------|------------------|
| Judges       | 7                |
| Students     | 10               |
| Researchers  | 8                |
| Court clerks | 9                |
| Lawyers      | 10               |
| NGO          | 15               |
| Total        | 59               |



The interviews took place in three (3) areas throughout the country: Abidjan in the south, Bouaké in the centre and Korhogo in the north. The interviews lasted an average of fifty-five (55) minutes and were conducted face-to-face, mainly at the offices of the respondents.

All the persons interviewed were very interested in the subject, especially as the Côte d'Ivoire government has embarked on a vast programme to dematerialise data relating to justice, which contrasts with the realities on the ground observed during the interviews.

## 3.2 Data collection in Senegal

To provide detailed answers to the question about how the public and the various stakeholders perceive digital access to legal texts and court decisions, and about its impact on access to justice and the performance of the legal system, we carried out a literature review as well as semi-structured interviews with legal practitioners (lawyers, magistrates, court clerks, legal aid organisations, civil society organisations, etc.),

The collection of this data enabled us to gather a range of information from our respondents:

**Documentary analysis:** The documents collected during the documentary collection were analysed in depth from the point of view of the identity of the actors whose activities they govern, in order to highlight any interaction with the legal issues raised by digital access to legal texts and court rulings.

**Semi-structured interviews:** We conducted semi-structured interviews with more than fifty key resource persons. The interviews enabled us to gather information from the interviewed persons. Both the interviewers and the interviewees wanted to gather as much information as possible from the interviewees so that they could express their views on the subject. By asking semi-open questions, respondents were encouraged to express their point of view in all authenticity.

All participants were informed of the purpose of the study, the data collection procedures and their rights in terms of confidentiality and consent.

We conducted 51 interviews with legal professionals as well as with professionals working in the areas affected by this study:

| Profession   | Number in sample |
|--|------------------|
| Judges   | 12               |
| Court clerks   | 7                |
| Lawyers  | 5                |
| Journalists  | 3                |
| Researchers  | 3                |
| NGO/ CSO   | 7                |
| Members of the CDP <sup>1</sup>  | 3                |
| Others (members of GAIDE 2000, court archivists, students...) <sup>2</sup> | 11               |
| Total  | 51               |

<sup>1</sup> Commission de Protection des Données Personnelles (Personal Data Protection Commission)

<sup>2</sup> GAIDE 2000 is a Senegalese information and communication technology (ICT) company established in 2002 through a public-private partnership. It specializes in trade facilitation, customs modernization, and the digitization of public administration processes. The company's name, "GAIDE," is derived from the Wolof word for "lion," symbolizing strength and leadership.

By combining these various profiles, our field study benefited from a wealth of experience and diverse points of view, enabling an in-depth analysis of the impacts of digital access to legal texts and court decisions in Senegal.

The interviews took place throughout Senegal, although most of the participants lived in the Dakar region.

These interviews, which lasted an average of one (1) hour, were mainly conducted at the offices of the people identified or, in some cases, by telephone and e-mail.

Discussions with members of the legal profession and other people working on projects or programmes relating to digitalization procedures were very fruitful, given the importance and topicality of the subject. The discussions focused on the perception of digital access to legal texts and court decisions by the public and the various stakeholders, as well as on its impact on access to justice and the performance of the legal system, which aroused great interest among the players interviewed.

The participants were very open and accessible. Their commitment and ease of approach to the subject greatly facilitated the interviews. The information and perspectives shared by the participants were extremely useful for the drafting and analysis of this study.

### 3.3. Data collection in Ghana

The data collection for Ghana employed a qualitative and document-based approach designed to provide an in-depth understanding of digital access to legal texts and judicial decisions within the country's justice system.

A total of seventy-five (75) semi-structured interviews were conducted with stakeholders across the justice sector. These stakeholders were purposefully selected to reflect the diversity of institutions and roles within the legal system. The professional categories included:

- » Law students
- » Law lecturers and academic researchers
- » Judges and magistrates
- » Court registrars, clerks, and other court officials
- » Lawyers and Alternative Dispute Resolution (ADR) officers
- » Representatives of legal aid services
- » Prosecutors
- » Civil society and non-governmental organisations (CSOs)

Details of the sample constituting a critical mass for the study are as follows :

| Profession                                   | Number in sample |
|--|------------------|
| Judges /Magistrates                          | 5                |
| Professional Law Students                    | 10               |
| Law Teachers and Researchers                 | 14               |
| Court Registrars, Clerks, and other Officers | 18               |
| Lawyers and ADR Officers                     | 15               |
| NGO/ CSO                                     | 13               |
| Total  | 75               |

Of these 75 interviews, fifty (50) were conducted through a structured questionnaire completed remotely, and twenty-five (25) were conducted in person across three geographical zones: Tamale (Northern Region), Kumasi (Middle Belt), and Accra (Southern Region). Each interview lasted approximately forty-five (45) minutes and took place in neutral venues such as workshops, court premises, or respondent offices.

Prior to the field phase, an initial stakeholder meeting was held in Accra to validate the study design, refine the data collection tools, and ensure contextual relevance. Feedback from justice sector stakeholders was integrated into the final versions of the interview guide and questionnaires.

In parallel, a document analysis was conducted to contextualize the empirical findings and provide background on the legal and institutional framework for digital justice in Ghana. Key documents reviewed included:

- » The National Action Plan for Improving Justice Delivery in Ghana (2020–2028)
- » Progress reports from the Judicial Service of Ghana
- » Technical documentation of the Electronic Case Management System (ECMS), funded by the World Bank
- » Judicial policy guidelines and strategic directives concerning court automation and digital access.

At the conclusion of the study, a second stakeholder validation workshop was organised to present and discuss preliminary findings. This served to verify interpretations, fill any data gaps, and ensure the practical relevance and accuracy of the forthcoming conclusions and recommendations.

### 3.4 Data collection in Kenya

The study also draws comparisons with the situation in Kenya. Because Kenya has since a long time a platform for the publication of laws, regulations and court decisions, it was chosen as an example of best practice for this study. Unfortunately, the comparative analysis with Kenya could only be based on document analysis and internet research. For budgetary reasons, the research team was unable to travel to Kenya and no interviews were conducted with stakeholders of the Kenya Law Platform and the pan-African platform AfricanLii, which also publishes documentation on Kenya.

# Analysis results

## **Côte d'Ivoire**

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## 4 Analysis results

### 4.1 Côte d'Ivoire



Before we look at the progress that digitalisation could have made in terms of speeding up the court procedures and access to justice, we need to look at the digital sector in general. Digitising administrative and legal documents without providing the infrastructure which gives citizens easy access to the Internet makes little sense. It has to be said that, despite the fact that digitalization in Côte d'Ivoire is a rapidly expanding field, internet coverage is not optimal. We will come back to these problems below.

#### 4.1.1 Context in Côte d'Ivoire

The Ivorian government has clearly stated its ambitions to make the development of the digital economy a lever for economic growth. The Ivorian government has therefore embarked on a policy aimed at promoting emergence through the development of a digital economy by integrating the use of ICTs in all spheres of national life.

Law 2017-803 of 07 December 2017 on the orientation of the information society has been adopted, along with various regulatory provisions that lay the foundations for this political will. As a result, several initiatives led by ministries and other state structures have spawned a diversity of structuring digitalisation projects aimed at improving service quality.



But this multiplicity of players is also a source of divergent interests and priorities in terms of actions, which are often carried out in a scattered manner. In the absence of an overall coordination framework based on a shared vision, the problems of steering these projects do not encourage the pooling of resources or the interoperability of systems. This is a threat to the success of the projects.

#### 4.1.2 Evolution of legislation in Côte d'Ivoire

The Ivorian government has committed to a policy aimed at promoting national development through the emergence of a digital economy by integrating the use of ICTs in all spheres of national life. The “Loi N° 2017-803 du 7 décembre 2017”, on the orientation of the information society was adopted, along with various regulatory provisions that lay the foundation for this political will. Côte d'Ivoire does not have a law specifically entitled “Law on Confidence in the Digital Economy,” as was enacted in France on June 21, 2004. However, between 2012 and 2013, several legal texts were adopted and are currently in force. These include:

- » L’ordonnance N°2012-293 du 21 mars 2012 relative aux Télécommunications et aux Technologies de l’information et de la Communication
- » Loi N°2013-702 du 10 octobre 2013 portant code des postes
- » Loi n°2013-450 du 19 juin 2013 relative à la protection des données à caractère personnel
- » Loi N°2013-546 du 30 juillet 2013 relative aux transactions électroniques
- » Loi n°2013-451 du 19 juin 2013 relative à la lutte contre la cybercriminalité
- » Loi N°2013-546 du 30 juillet 2013 relative aux transactions électroniques
- » Loi N°2001-33S du 14 juin 2001 instituant le paiement d’une contrepartie financière pour la délivrance de la licence définitive aux opérateurs de télécommunications.

The Ivorian government is committed to a policy that aims to promote emergence through the development of a digital economy by integrating the use of ICTs in all spheres of national life.

- » Law 2017-803 of 07 December 2017 on the orientation of the information society has been adopted, along with various regulatory provisions that lay the foundations for this political will.

Côte d'Ivoire does not have a law entitled: ‘*law for confidence in the digital economy*’ as was the case in France where such a law was promulgated on 21 June 2004. However, between 2012 and 2013, a number of legal texts were adopted and are currently in force. These include

- » Ordinance No. 2012-293 of 21 March 2012 on Telecommunications and Information and Communication Technologies
- » Law N02013-702 of 10 October 2013 on the Postal Code
- » Law N02013-450 of 19 June 2013 on the protection of personal data
- » Law N02013-546 of 30 July 2013 on electronic transactions

- » Law No. 2013-451 of 19 June 2013 on the fight against cybercrime
- » Law N02013-546 of 30 July 2013 on electronic transactions
- » Law N02001-33S of 14 June 2001 instituting the payment of a financial consideration for the issuance of the final licence to telecommunications operators.

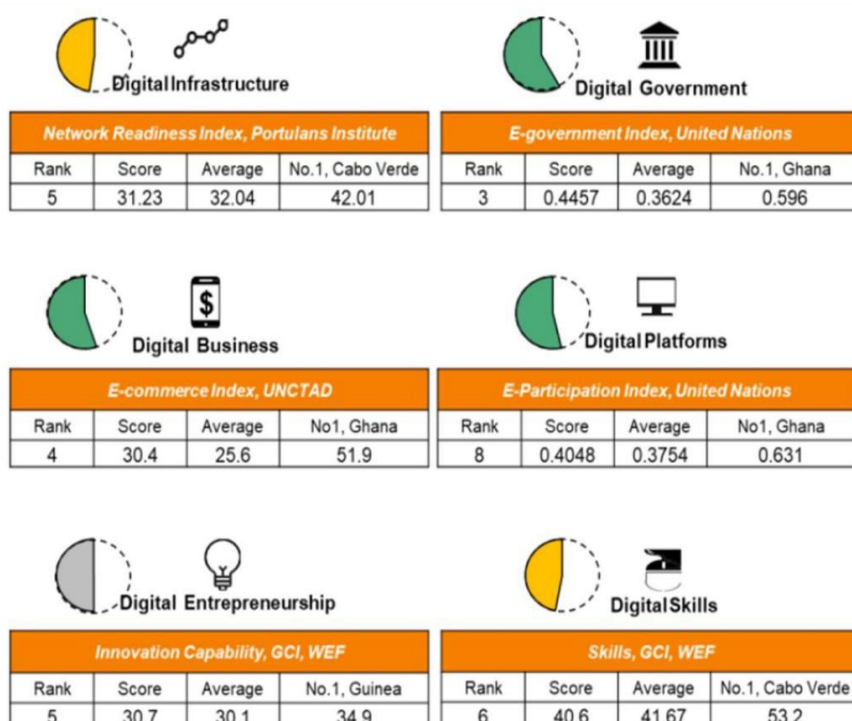
### 4.1.3 Digital infrastructure and coverage rates in Côte d'Ivoire

The use of digitalised information in terms of legal texts and court rulings is linked to the means available to legal professionals and litigants to access this information. In Côte d'Ivoire, however, there are very real connectivity problems, and in some places there is no network coverage at all. According to the Minister for Communication and the Digital Economy, by 2023, 4G technology will cover around 35% of the national territory.<sup>3</sup>

This figure clearly shows that we are a long way from satisfactory coverage. Connectivity problems are real, and in some places there is no network coverage at all.

On the other hand, the contribution of Côte d'Ivoire's digital economy to GDP is already around 15%, which is on a par with that of one of the leading African countries in this field, Nigeria. Nigeria will increase the digital economy's contribution to GDP from 10.68% to 12.54% by 2025.<sup>4</sup>

Compared with other countries in the sub-region, Côte d'Ivoire's level of digital infrastructure development leads the way in West African countries, as shown in the table below (in 5<sup>th</sup> position, source: Portulans Institute, United Nations, UNCTAD and World Economic Forum). Côte d'Ivoire has a solid base and the potential for prosperous development in the future.<sup>5</sup>



Source: Institut Portulans, Nations Unies, CNUCED et Forum économique mondial

<sup>3</sup> Cf. <https://news.abidjan.net/articles/721719/cote-divoire-la-technologie-4g-ne-couvre-que-35-du-territoire-national-ministre>.

<sup>4</sup> Cf. <http://comment.cfisnet.com/2022/0314/1325156.htm>.

<sup>5</sup> Cf. [https://www.artci.ci/images/stories/pdf/consultations\\_publiques/contributions-5g/contribution-5g-huawei.pdf](https://www.artci.ci/images/stories/pdf/consultations_publiques/contributions-5g/contribution-5g-huawei.pdf) <http://comment.cfisnet.com/2022/0314/1325156.htm>.

However, Côte d'Ivoire remains far behind major global economies such as the United States (60%) and China (36%). Côte d'Ivoire needs to further develop its digital technology facilities to better support the country's GDP growth.

According to Speedtest data,<sup>6</sup> Côte d'Ivoire's MBB and fixed network data (median downstream speeds<sup>7</sup>) are 9.92 Mbit/s and 35.19 Mbit/s respectively, which are far behind those of 29.96 Mbit/s and 62.52 Mbit/s worldwide.

#### Internet Performance in Côte d'Ivoire (March 2022)

| Network Type    | Global Rank | Download Speed (Mbps) | Upload Speed (Mbps) | Latency (ms) |
|-----------------|-------------|-----------------------|---------------------|--------------|
| Mobile          | 134         | 9.92                  | 5.49                | 38           |
| Fixed Broadband | 92          | 35.19                 | 9.90                | 6            |

Source: Speedtest, march 2022

#### Global Average Internet Performance (March 2022)

| Network Type    | Download Speed (Mbps) | Upload Speed (Mbps) | Latency (ms) |
|-----------------|-----------------------|---------------------|--------------|
| Mobile          | 29.96                 | 8.70                | 29           |
| Fixed Broadband | 62.52                 | 26.98               | 10           |

Source: Speedtest, March 2022

In global terms, Côte d'Ivoire is ranked 134th in terms of MBB [1]<sup>8</sup> (tenth from bottom) and 92nd in terms of FBB [2]<sup>9</sup> (out of 142 countries). Compared with last year's ranking, FBB throughput is up one (1) place, while MBB throughput is down ten (10) places. Furthermore, given that Côte d'Ivoire's world GDP ranking is 74th, it can be seen that the GDP ranking is higher than the FBB and MBB rankings. To adapt to the GDP ranking, Côte d'Ivoire must continue to develop the construction of digital infrastructures. Furthermore, compared to the FBB, the MBB in Côte d'Ivoire lags far behind the world average. In the future, we need to focus more on developing the mobile industry in order to close the gap with the rest of the world as quickly as possible.

Wireless coverage, hotspot capacity and urban broadband coverage are insufficient. Service types are mainly focused on basic data services. There are few 2B and digital services.

<sup>6</sup> Speedtest provides statistics on network performance, such as download and upload speeds, for mobile and fixed networks in different countries and for different providers

<sup>7</sup> Download speed is the speed at which data is received by the user. The median value represents the speed that divides the distribution of observed speeds into two equal parts, providing a more robust indicator than the average for estimating typical connection performance

<sup>8</sup> MBB ( Mobile Broadband) refers to the speed of data transmission over mobile networks. This type of speed is used for internet connections using cellular networks, such as 3G, 4G or 5G.

<sup>9</sup> In telecommunications, 'FBB' is often used to refer to a fast broadband internet connection, which offers a high throughput compared with connections

### Territorial Coverage by Mobile Network (as of June 2021)

| Network Type | ORANGE (%) | MTN (%) | MOOV (%) |
|--------------|------------|---------|----------|
| 2G Network   | 83.51      | NC      | 72.70    |
| 3G Network   | 82.01      | NC      | 25.23    |
| 4G Network   | 23.17      | NC      | 5.02     |

Source : [https://www.artci.ci/images/stories/pdf/consultations\\_publicques/contributions-5g/contribution-5g-huawei.pdf](https://www.artci.ci/images/stories/pdf/consultations_publicques/contributions-5g/contribution-5g-huawei.pdf).

### Population Coverage by Mobile Network (as of June 2021)

| Network Type | ORANGE (%) | MTN (%) | MOOV (%) |
|--------------|------------|---------|----------|
| 2G Network   | 94.92      | NC      | 92.70    |
| 3G Network   | 92.45      | NC      | 58.70    |
| 4G Network   | 57.92      | NC      | 41.20    |

Source : [https://www.artci.ci/images/stories/pdf/consultations\\_publicques/contributions-5g/contribution-5g-huawei.pdf](https://www.artci.ci/images/stories/pdf/consultations_publicques/contributions-5g/contribution-5g-huawei.pdf).

### Mobile Network Coverage Rates in Côte d'Ivoire (as of 31 December 2022)

| Network Type | Coverage Indicator | MOOV AFRICA CI | MTN CI  | ORANGE CI | Global Coverage |
|--------------|--------------------|----------------|---------|-----------|-----------------|
| <b>2G</b>    | Population         | 85.69 %        | 92.84 % | 95.06 %   | 97.81 %         |
|              | Localities         | 62.78 %        | 79.04 % | 85.45 %   | 92.97 %         |
| <b>3G</b>    | Population         | 60.88 %        | 92.54 % | 94.94 %   | 97.23 %         |
|              | Localities         | 16.97 %        | 78.57 % | 85.10 %   | 91.46 %         |
| <b>4G</b>    | Population         | 50.12 %        | 57.40 % | 90.60 %   | 91.12 %         |
|              | Localities         | 7.27 %         | 10.25 % | 63.02 %   | 63.72 %         |



**8,518**

Total number of localities



**22,671,331**

Total population (RGPH 2014)



**31 Dec 2022**

Data publication date

**Notes:**

Total number of localities: **8,518**

Total population (RGPH 2014): **22,671,331**

Data publication date: **31 December 2022**

Source: Observatoire cartographique des données des réseaux de télécommunications

## Mobile Network Coverage in Abidjan (as of 2022)

| Department | Number of Localities | Covered in 2G | Covered in 3G | Covered in 4G | Uncovered Localities |
|------------|----------------------|---------------|---------------|---------------|----------------------|
| Abidjan    | 84                   | 84            | 84            | 82            | 0                    |
| TOTAL      | 84                   | 84            | 84            | 82            | 0                    |

Source: [https://www.artci.ci/images/stories/pdf/zones\\_couvertures/district\\_abidjan.pdf](https://www.artci.ci/images/stories/pdf/zones_couvertures/district_abidjan.pdf)

Based on the data contained in the above-mentioned documents, the coverage of the mobile telephony network in Côte d'Ivoire is an evolving sector. There are three operators: Orange, MTN and Moov. Coverage varies. In large parts of Abidjan there is even 4G coverage. In other major cities, there is often 3G coverage. In the countryside, there are many places that have no coverage at all, not even for simple phone calls. This makes internet connectivity very difficult in these areas.

Faced with this situation, and with a view to building a modern, efficient and effective public administration to provide quality digital services that meet the challenges of development and the expectations of the population, the Ivorian government has been engaged since 2012 in a vast reform involving the digitalisation of administrative procedures, the devolution of services through the creation of thirty-three (33) regional directorates throughout the country, and the construction, rehabilitation and equipping of administrative buildings.<sup>10</sup>

A number of administrative procedures have been dematerialised in various sectors, including national education, the economy and finance, the budget, agriculture, health, tourism, justice, water and forests, etc. 'By signing these agreements, we are laying the foundations for a more fruitful collaboration that will strengthen the rule of law and access to justice for all. Our shared ambition through this project is to improve the capacity of judicial actors to offer all citizens modern, efficient, fair and gender-sensitive justice'.<sup>11</sup> (Extract from the speech by Mr Jean Sansan KAMBILE, Keeper of the Seals, Minister of Justice and Human Rights, at the signing of the agreement between the USA and Côte d'Ivoire for the project to strengthen access to justice and modernise its judicial system).<sup>12</sup>

According to the World Association of Mobile Operators, by 2022 Côte d'Ivoire has 9.6 million Internet users, with a penetration rate of over 34%, and this figure is set to continue growing rapidly. Internet access enables users not only to access information, but also to carry out an ever-increasing number of commercial transactions and administrative procedures, such as declaring taxes, redoing identity papers, obtaining information, or consulting the results of school or university examinations.

The rapid growth of the digital economy in Côte d'Ivoire is also reflected in the figures. According to the Ivorian authorities, the telecoms services sector will generate total sales of around 1,139 billion CFA francs by 2021 (around US\$1.8 billion), representing 3% of GDP and providing nearly 3,000 direct jobs and more than 100,000 indirect jobs. Better still, the Google-SFI report, entitled 'e- Conomy Africa 2020', indicates that the digital sector - including telecommunications services but also a wide range of applications and new information technologies such as digital financial services, e-commerce, etc. -- could contribute more than CFA 3442 billion (US\$ 5.53 billion) to the

10 [https://www.gouv.ci/\\_actualite-article.php?recordID=12997Cd=1](https://www.gouv.ci/_actualite-article.php?recordID=12997Cd=1).

11 [https://www.gouv.ci/\\_actualite-article.php?recordID=12997Cd=1](https://www.gouv.ci/_actualite-article.php?recordID=12997Cd=1).

12 <https://news.abidjan.net/articles/728599/cooperation-cote-divoire-etats-unis-un-document-sur-le-renforcement-de-lacces-a-la-justice-et-la-modernisation-de-linstitution-judiciaire-signe>.



Ivorian economy by 2025. This figure could be multiplied by 4 by 2050, amounting to around 10% of GDP.

The digitalisation of Côte d'Ivoire is also being driven by an economy that is proving highly resilient after slowing down in 2020. Despite the shocks of the pandemic, the temporary energy crisis, and a level of inflation that has accelerated, Côte d'Ivoire has managed to achieve a growth rate of 7% in 2021, well above the 6.2% in 2019. Assuming proper implementation of the National Development Plan 2021-2025, control of the pandemic and the global recovery, the medium-term economic outlook remains positive, although growth will slow to 5.7% in 2022 due to the war in Ukraine and inflation is expected to accelerate. Despite these contingencies, Côte d'Ivoire faces a major twofold challenge: to mobilise more domestic public resources in order to widen the fiscal space needed for its economic development, and to maintain its progress towards the structural transformation of its economy, which will need to be more resilient and inclusive.

To achieve its objectives, Côte d'Ivoire has adopted two national strategies:

### **The national innovation strategy 2021-2025 and**

**The national cybersecurity strategy 2021-2025**, which aim to create synergy around digital technology and coordinate the various initiatives in this area. The government has also created a framework conducive to digital development with the creation of the National Committee for Digitalisation (CNDigit), whose objective is to make digital transformation a lever for economic growth by implementing a roadmap based on the vision 'Zero Paper, Côte d'Ivoire 2030'.

## **4.1.4 Perception of connectivity issues**

All interviewees were interested in the subject, especially as the Côte d'Ivoire government has embarked on a vast dematerialisation programme, which, actually, contrasts with the realities observed during the interviews.

For the majority of interviewees (96.61%), the digital reality is different if you are in a metropolitan city like Abidjan or in the centre of the big cities of Bouaké and Korhogo, or if you are in the countryside.

In the countryside, connectivity problems are very real, and in some places there is no Internet network coverage at all. According to the Minister for Communication and the Digital Economy, by 2023, 4G technology will cover around 35% of the national territory.

For all the participants in these interviews, stepping up the construction of digital infrastructures would make it possible to improve connectivity and, beyond that, the performance of the judicial system and other public administrations.

According to the persons interviewed for this study, digital access to court decisions and legal documents would enable court registries to be more efficient (faster processing of cases, shorter delays, rapid access to cases and real-time digital archiving). Registration distances are often long and difficult. For example, to register with the tax department, you have to leave Bouna to go to

Abengourou, and for Boundiali and Odienné you have to go to Korhogo, with all the risks that this entails, including the loss of time caused by these journeys and connectivity problems.

Lawyers and other legal professionals, as well as NGOs, have estimated that they could make between 30% and 45% gains if they had digital access to court decisions and legal documents.

Students and other researchers are unanimous about the savings that will be made, but also about the reduction in the time taken to produce the documents and other knowledge needed for their profession and career.

Government officials have acknowledged that the State could make major savings if it provided free digital access to its laws, court rulings and other legal information.

However, in the absence of any figures in this area, it was impossible to make an approximation.

### **4.1.5 Analysis of digital platforms in Côte d'Ivoire**

The information gathered on the use of platforms shows the interest that people have in accessing legal information and court rulings. An analysis of existing digital platforms in Côte d'Ivoire shows that:

- free platforms are consulted more often than those that charge for access. As an example, the commercial court platform <https://tribunalcommerceabidjan.ci/> had 20,929 views, compared with three thousand subscribers to the platform of the Centre National de Documentation Juridique <https://www.cndj.ci/> at the time of writing;
- the cost of accessing the platforms is assessed differently by the interviewees, but for the majority, these legal platforms should be free, or else offer preferential rates accessible to all to facilitate access, especially for NGOs, students and people in the interior of the country who do not have sufficient income;
- The documents published are not always published using open data.
- The information sites are not always secure, as in the case of the Cour des Comptes platform <https://www.courdescomptes.ci/>;
- The majority of users doubt the quality of information on free access platforms.

All respondents were unanimous on the importance of these platforms, but access to them is not always easy due to the cost of subscriptions, the cost of the Internet as well as connectivity problems in work or home areas.

In the absence of platform statistics, we can only say that the platform of the national legal documentation centre (*Centre National de Documentation Juridique/ CNDJ*) currently has 3,000 subscribers in all categories.

The Commercial Court platform had 20,929 visitors a year.

There is no information on the Cour des Comptes platform.

## 4.1.6 Accessibility and Functionality of digital platforms

Generally speaking, access to digital systems is appreciable, and these should take account of the Web Content Accessibility Guidelines to facilitate access to their content for people with disabilities (visual impairment, etc.). The quality of contrast, text size and legibility must ensure an optimal visual experience, particularly for people with impaired vision or vision problems. The system's compatibility with assistive technologies, such as screen readers, should ensure an inclusive user experience. The structure of the information should be logical and hierarchical to facilitate navigation, with appropriate headings, sub-headings and tags. The compatibility and usability of the system on mobile devices should cater for users who access legal information via smartphones or tablets.

Ease of navigation and efficient search functions ensure that users can find court decisions and legal documents quickly.

## 4.1.7 Functioning of the justice system and digitalisation of legal data and decisions

All the legal professionals interviewed acknowledged the positive impact of digitalisation on their work, but in the absence of any serious statistics, they were unable to assess (value, quantify) the real impact. Hereafter one can find data on the relation between the number of juridical staff and number of court rulings.

### Key Figures and Indicators of Jurisdictions – Human and Financial Resources in the Justice Sector

#### A) Human Resources and Population Ratios

| Year | Judges | Court Clerks | Justice Commissioners | Notaries | National Population | Pop. per Judge | Pop. per Clerk | Pop. per Commissioner | Pop. per Notary |
|------|--------|--------------|-----------------------|----------|---------------------|----------------|----------------|-----------------------|-----------------|
| 2018 | 686    | 1029         | 444                   | 216      | 25,122,709          | 36,622         | 24,415         | 56,583                | 116,850         |
| 2019 | 700    | 1110         | 441                   | 215      | 25,775,899          | 36,823         | 23,222         | 58,449                | 121,584         |
| 2020 | 686    | 1025         | 335                   | 239      | 26,446,072          | 38,551         | 25,801         | 78,943                | 110,653         |
| 2021 | 680    | 940          | 358                   | 242      | 29,389,150 (1)      | 43,219         | 31,265         | 82,093                | 121,443         |
| 2022 | 727    | 1087         | 310                   | 241      | 30,241,435          | 41,598         | 27,821         | 97,553                | 125,483         |

Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

#### B) Budgetary Data (in billion CFA francs)

| Year | State Budget | MJDH Budget <sup>13</sup> | MJDH Investment Budget | Investment Share in MJDH Budget | MJDH Share in State Budget |
|------|--------------|---------------------------|------------------------|---------------------------------|----------------------------|
| 2018 | 6,759.3      | 74.7                      | 21.6                   | 28.9 %                          | 1.1 %                      |
| 2019 | 7,334.3      | 79.6                      | 21.7                   | 27.3 %                          | 1.1 %                      |
| 2020 | 8,415.4      | 80.4                      | 20.5                   | 25.5 %                          | 1.0 %                      |
| 2021 | 9,093.6      | 72.7                      | 7.1                    | 9.7 %                           | 0.9 %                      |

<sup>13</sup> Ministry of Justice and Human Rights.

|      |          |      |      |        |       |
|------|----------|------|------|--------|-------|
| 2022 | 10,734.7 | 94.9 | 14.6 | 15.4 % | 0.9 % |
|------|----------|------|------|--------|-------|

Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

### C) Judicial Performance – Appeals Courts

| Judicial Year | Appeal Court Judges | Cases to Handle | Avg. Cases per Judge (Total) | Cases Handled | Avg. Cases per Judge (Handled) |
|---------------|---------------------|-----------------|------------------------------|---------------|--------------------------------|
| 2017–2018     | 126                 | 15,683          | 124                          | 10,456        | 83                             |
| 2018–2019     | 131                 | 17,770          | 136                          | 14,220        | 109                            |
| 2019–2020     | 135                 | 15,473          | 115                          | 11,219        | 83                             |
| 2020–2021     | 132                 | 16,378          | 124                          | 11,664        | 88                             |
| 2021–2022     | 135                 | 19,280          | 143                          | 14,382        | 107                            |

Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

### D) Judicial Performance – First Instance Courts

| Judicial Year | Judges | Cases to Handle | Avg. Cases per Judge (Total) | Cases Handled | Avg. Cases per Judge (Handled) |
|---------------|--------|-----------------|------------------------------|---------------|--------------------------------|
| 2017–2018     | 305    | 104,998         | 344                          | 84,318        | 276                            |
| 2018–2019     | 315    | 214,228         | 680                          | 179,643       | 570                            |
| 2019–2020     | 314    | 214,975         | 685                          | 178,636       | 569                            |
| 2020–2021     | 315    | 198,676         | 631                          | 171,274       | 544                            |
| 2021–2022     | 322    | 156,502         | 486                          | 115,942       | 360                            |

Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

Those who were interviewed noted some improvements in the operation of the justice system and in access to justice. However, they cannot attribute statistically significant indications what is due to digitalisation, given that not all courts are connected to platforms and many do not even have Internet access. Nevertheless, they recognise the crucial importance of digital access to court decisions and its impact on their day-to-day work.

For the respondents, the impact of digital technology will only be perceptible once all the courts are interconnected, and the portal of the national legal documentation centre is free of charge.

For all the court registry staff interviewed, the implementation of a genuine platform for the Ministry of Justice and its staff, with different levels of access and collaborative tools that can be consulted anywhere in Côte d'Ivoire, would enable courts (and the State) to make major savings and improve efficiency and access to justice for the population.

Hereafters are some findings on the relation between the number of Judges, court clerks and other categories of staff compared to the number of court rulings at the appeal courts.

## Human Resources and Case Management – Bouaké Court of Appeal and Subordinate Courts

### A) Personnel (2018–2022)

| Year                         | 2018–2019 | 2019–2020 | 2020–2021 | 2021–2022 |
|------------------------------|-----------|-----------|-----------|-----------|
| Judges (total)               | 79        | 81        | 79        | 62        |
| of which: Court of Appeal    | 27        | 30        | 29        | 27        |
| of which: Subordinate courts | 52        | 51        | 50        | 35        |
| Court Clerks (total)         | 148       | 167       | 163       | 111       |
| of which: Court of Appeal    | 12        | 21        | 20        | 21        |
| of which: Subordinate courts | 136       | 146       | 143       | 90        |
| Justice Commissioners        | 76        | 77        | 81        | 90        |
| Notaries                     | 23        | 18        | 19        | 20        |

Source : *Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire*

### B) Population per Legal Staff Member

| Metric                          | 2018–2019 | 2019–2020 | 2020–2021 | 2021–2022 |
|---------------------------------|-----------|-----------|-----------|-----------|
| Total Population (jurisdiction) | 5,630,435 | 5,776,826 | 6,470,981 | 6,639,227 |
| Pop. per judge                  | 71,271    | 71,319    | 81,911    | 107,084   |
| Pop. per court clerk            | 22,057    | 24,455    | 39,699    | 59,813    |

Source : *Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire*

### C) Cases to be Processed

| Category                           | 2018–2019 | 2019–2020 | 2020–2021 | 2021–2022 |
|------------------------------------|-----------|-----------|-----------|-----------|
| Cases (Court of Appeal)            | 2,290     | 2,657     | 2,029     | 1,684     |
| Avg. per CA judge                  | 85        | 89        | 70        | 62        |
| Cases (subordinate courts)         | 24,112    | 26,436    | 20,234    | 10,405    |
| Avg. per subordinate judge         | 464       | 518       | 405       | 297       |
| Cases for CA clerks                | 4,247     | 5,774     | 3,874     | 3,447     |
| Avg. per CA clerk                  | 354       | 275       | 194       | 164       |
| Cases for subordinate court clerks | 299,846   | 318,177   | 504,312   | 263,600   |
| Avg. per subordinate clerk         | 2,205     | 2,179     | 3,527     | 2,629     |

Source : *Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire*



#### D. Cases Processed (Effectively Handled)

| Category                                    | 2018–2019 | 2019–2020 | 2020–2021 | 2021–2022 |
|---|-----------|-----------|-----------|-----------|
| Cases processed (Court of Appeal)           | 1,900     | 2,419     | 1,836     | 1,502     |
| Avg. per CA judge                           | 70        | 81        | 63        | 56        |
| Cases processed (subordinate courts)        | 21,153    | 24,131    | 18,573    | 8,030     |
| Avg. per subordinate judge                  | 407       | 473       | 371       | 229       |
| Cases processed by CA clerks                | 3,810     | 5,774     | 3,510     | 2,444     |
| Avg. per CA clerk                           | 318       | 275       | 176       | 116       |
| Cases processed by subordinate court clerks | 296,118   | 312,433   | 502,081   | 231,888   |
| Avg. per subordinate clerk                  | 2,177     | 2,140     | 3,511     | 2,577     |

Source : *Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire*

### Human Resources and Case Management – Korhogo Court of Appeal and Subordinate Courts (2021–2022)

#### A) Human Resources

| Category                             | 2021–2022    |
|--------------------------------------|--------------|
| Judges (total)                       | 30           |
| - of which: Court of Appeal Judges   | 12           |
| - of which: Subordinate Court Judges | 18           |
| Court Clerks (total)                 | 46           |
| - of which: Court of Appeal Clerks   | 12           |
| - of which: Subordinate Court Clerks | 34           |
| Justice Commissioners                | Not provided |
| Notaries                             | Not provided |

Source : *Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire*

#### B) Population Metrics

| Metric                    | Value     |
|---------------------------|-----------|
| Population (jurisdiction) | 2,662,929 |
| Population per Judge      | 88,764    |
| Population per Clerk      | 57,890    |

Source : *Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire*

### C) Cases to Be Processed

| Metric                                       | Value  |
|--|--------|
| Cases to process (Court of Appeal)           | 430    |
| Avg. per CA judge                            | 36     |
| Cases to process (Subordinate Courts)        | 3,291  |
| Avg. per subordinate judge                   | 183    |
| Cases to process by CA clerks                | 664    |
| Avg. per CA clerk                            | 55     |
| Cases to process by subordinate court clerks | 27,966 |
| Avg. per subordinate court clerk             | 823    |

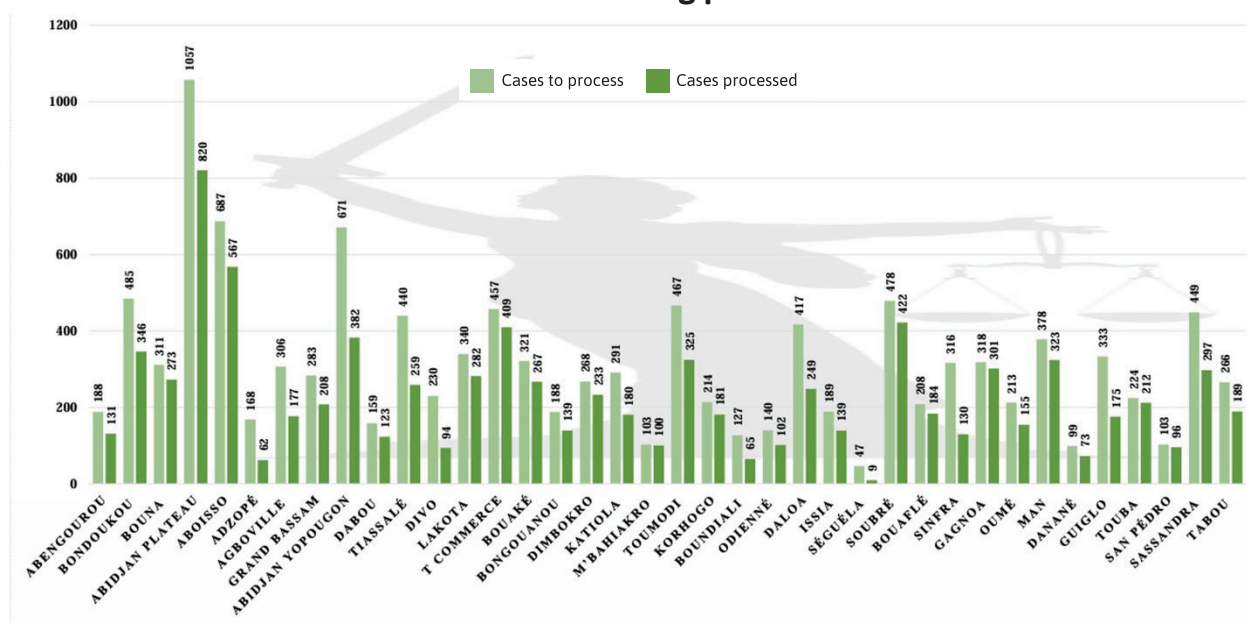
Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

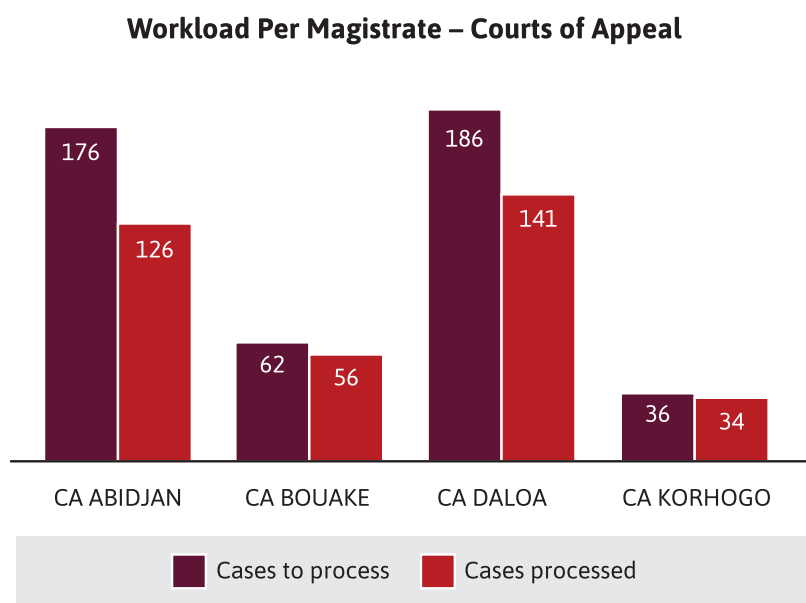
### D) Cases Effectively Handled

| Metric                                    | Value  |
|---|--------|
| Cases handled (Court of Appeal)           | 406    |
| Avg. handled per CA judge                 | 34     |
| Cases handled (Subordinate Courts)        | 2,596  |
| Avg. handled per subordinate judge        | 144    |
| Cases handled by CA clerks                | 604    |
| Avg. handled per CA clerk                 | 50     |
| Cases handled by subordinate court clerks | 27,033 |
| Avg. handled per subordinate court clerk  | 795    |

Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

### Case Processing per Court





Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

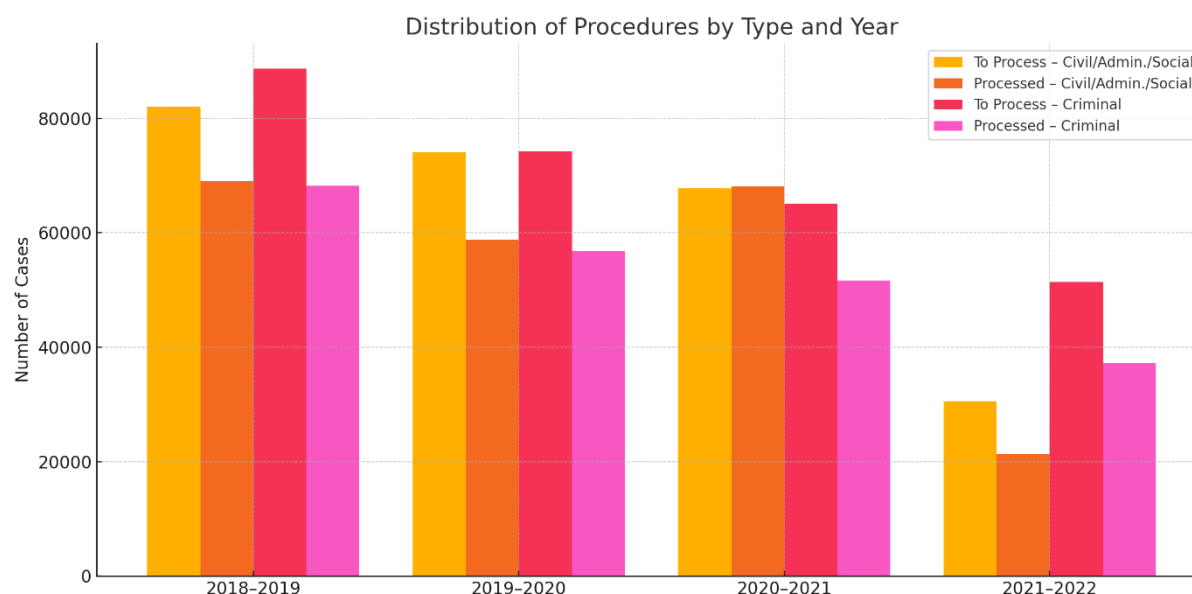
### Distribution of court cases by type

| Category  | 2018–2019<br>to process | 2018–<br>2019<br>processed | 2019–<br>2020 to<br>process | 2019–<br>2020<br>processed | 2020–<br>2021 to<br>process | 2020–<br>2021<br>processed | 2021–<br>2022 to<br>process | 2021–<br>2022<br>processed |
|---|-------------------------|----------------------------|-----------------------------|----------------------------|-----------------------------|----------------------------|-----------------------------|----------------------------|
| Civil   | 73,140                  | 63,580                     | 65,279                      | 52,753                     | 54,230                      | 47,717                     | 24,807                      | 16,974                     |
| Commercial  | 3,610                   | 2,641                      | 4,870                       | 4,006                      | 9,273                       | 8,389                      | 3,448                       | 2,896                      |
| Administrative  | 1,012                   | 653                        | 15                          | 10                         | 154                         | 146                        | 1,188                       | 812                        |
| Social  | 4,285                   | 2,731                      | 3,912                       | 2,024                      | 4,117                       | 2,128                      | 1,112                       | 722                        |
| Total Civil/<br>Commercial/<br>Administrative/<br>Social      | 82,047                  | 69,075                     | 74,076                      | 58,793                     | 67,774                      | 68,180                     | 30,555                      | 21,324                     |
| Violations<br>reported to<br>the public<br>prosecutor         | 41,726                  | 34,834                     | 41,693                      | 34,781                     | 33,149                      | 30,132                     | 20,335                      | 17,062                     |
| Violations<br>handled by<br>investigating/<br>juvenile judges | 15,251                  | 4,999                      | 11,886                      | 4,057                      | 11,606                      | 3,324                      | 7,762                       | 3,043                      |
| Criminal case<br>judgments                                    | 31,785                  | 28,630                     | 20,833                      | 17,956                     | 20,358                      | 18,181                     | 18,348                      | 17,116                     |
| Total Criminal<br>Procedures                                  | 88,762                  | 68,463                     | 74,412                      | 56,794                     | 65,113                      | 51,637                     | 51,817                      | 37,221                     |

| Grand Total | 170,809 | 138,168 | 148,488 | 115,587 | 132,887 | 120,197 | 82,048 | 58,545 |
|-------------|---------|---------|---------|---------|---------|---------|--------|--------|
|-------------|---------|---------|---------|---------|---------|---------|--------|--------|

Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

## Distribution of procedures by type



Source : Annuaire des statistiques judiciaires et pénitentiaires 2021-2022 Côte d'Ivoire

Investments in the justice sector by the Ivorian state and the development cooperation partners cannot be assessed without the production of statistics. In addition, judicial statistics reveal an overall work overload in the courts and prison overcrowding. In fact, the average number of cases that must be treated per magistrate (Lower Courts and Courts of Appeal combined) has been high over the last three years.

In 2021, this figure was estimated at 481 cases per magistrate, compared with 513 in 2020 and 520 in 2019.

The specific situation of first instance courts showed an average of 631 cases to be handled per magistrate in 2021, compared with 685 in 2020 and 680 in 2019.

The situation in prisons is also worrying, despite the efforts made by the State to increase prison capacity. From 2019 to 2021, the average prison density will be around 2.6 inmates per 3m<sup>2</sup>, well above the standard of one inmate per 3m<sup>2</sup>.

A detailed analysis of the interviews conducted as part of this study shows that the average length of legal proceedings is as follows:

- » In civil and criminal cases, it takes six (6) months to reach a decision,
- » In criminal of higher importance cases, it takes 18 months,
- » For Investigating Chambers it takes 24 months,
- » For other misdemeanours, there is a time of twelve (12) months to render a decision.
- » Extensions of time limits must be justified.

In many cases, the reality is much worse. One of the people we spoke to told us : ‘The information given above constitutes the principle. (In relation to this principle) the reality is very far from these deadlines for various reasons, one of the solutions to which could be access to court rulings and digital documents throughout Côte d’Ivoire.’

### 4.1.8 Improvement of access to legal information

According to the professionals interviewed, better access to internet based legal and judicial information through digital means could play an important role in Côte d’Ivoire’s legal system. The reasons put forward by the interviewees were as follows:

- » **Facilitation of access to legal and judicial information :** digital platforms give lawyers, judges, law students and the general public easy access to a vast amount of legal information, including laws, decrees, case law and other relevant legal documents.
- » **Improvement of transparency:** putting legislative texts and court decisions online helps to increase the transparency of the legal system. This fosters public confidence in the operation of the justice system and enables everyone to understand the rules that govern society.
- » **Operational efficiency:** The use of digital technologies improves the efficiency of legal processes, such as case management, communication between the various stakeholders and the conduct of hearings. This can reduce delays and speed up case processing.
- » **Reducing of bureaucracy:** Digital systems help to reduce paperwork and bureaucracy by automating certain administrative processes. This can make court procedures more efficient and save time and resources.
- » **Greater accessibility to justice:** Digital access makes it easier for citizens to participate in the judicial process. Online platforms can offer legal services, information on rights and dispute resolution mechanisms, thereby extending access to justice to a greater number of people.
- » **Data security and document integrity:** digital systems enable legal documents to be stored and managed securely, reducing the risk of loss or manipulation. Data security is essential to preserve the integrity of evidence and information that is crucial in the legal context.
- » **Adapting to technological developments:** integrating digital technologies into the Ivorian legal system helps to keep pace with global technological developments. This can improve competitiveness and strengthen the credibility of the legal system on the international stage.

Digital access is essential to modernising the Ivorian legal system, which is why Côte d’Ivoire has been engaged in a vast programme of reform and modernisation of its administration since 2012, to improve its efficiency, enhance transparency and facilitate access to justice for all citizens.<sup>14</sup>

### 4.1.9 Challenges encountered by legal practitioners

To sum up, the difficulties encountered by legal professionals in Côte d’Ivoire in accessing digitised data relating to legal texts and court decisions are multi-layered.

According to the information given by the interviewees, these challenges greatly influence the way in which lawyers, judges, legal researchers and other professionals in the sector use and access

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<sup>14</sup> Projustice funded by USAID.

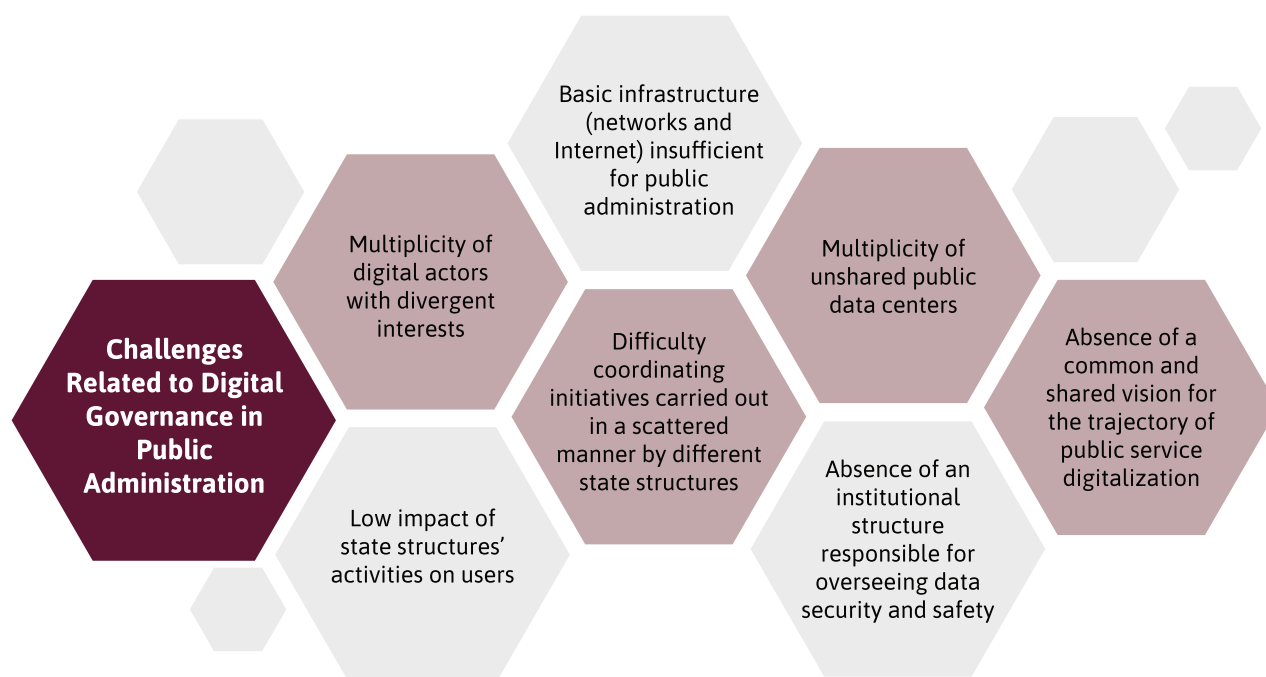


online legal resources. These difficulties have a negative effect on the use of online databases containing legal texts and court decisions and mean that the impact of the use of digitised data is still very limited in Côte d'Ivoire.

The difficulties encountered include the following :

- » **Limited connectivity** : Users working in areas with limited Internet connectivity may find it difficult to reliably access legal materials online, hindering their ability to conduct in-depth legal research.
- » **Limited resources** : Some legal professionals and paralegals, particularly those in smaller firms or private practice, may have limited resources to invest in subscriptions to paid online legal services.
- » **Uneven access to online training** : Concerns about data security and confidentiality may discourage some legal professionals from using digital platforms, especially if they are dealing with sensitive matters.
- » **Compatibility of systems**: Incompatibility of IT systems used by different legal institutions can make it difficult for legal documents to be consistent and interoperable online.
- » **System updates and maintenance** : Online systems must be regularly updated and maintained to ensure that they remain functional and secure. Legal professionals may encounter problems if these updates are not conducted in a transparent manner.
- » **Availability of court decisions online** : If not all court decisions are systematically made available online, or if their publication is delayed, this can make it difficult to access crucial legal information quickly.
- » **Multiple languages** : Linguistic diversity in Côte d'Ivoire can be a challenge, particularly if not all legal documents are available in national languages in addition to French.

### Scheme representing the challenges



Source : Authors' graphic

Although Côte d'Ivoire has made some progress in the area of digital access to legal and judicial information, many barriers remain, including :

- » **Limited infrastructure** : in some regions, particularly rural areas, telecoms infrastructure is limited, sometimes non-existent, resulting in insufficient Internet connectivity. This can hamper high-speed digital access.
- » **Digital divide** : there are disparities in digital access between urban and rural areas, and between different sections of the population. Rural populations and economically disadvantaged groups may have limited access to digital technologies.
- » **Cost of services** : The high cost of Internet services and technological equipment can be a financial barrier for many citizens, limiting their ability to take full advantage of digital access.
- » **Digital illiteracy** : Some citizens, particularly among older age groups, may lack the digital skills necessary to use information technology effectively. This limits their ability to access and take advantage of online resources
- » **Lack of local content** : the absence of local and relevant digital content can reduce citizens' interest in digital access. The availability of online content in local languages could improve engagement
- » **Online safety** : concerns about online safety, such as online fraud and personal data protection, may deter some citizens from actively using digital services.
- » **Lack of equipment** : some citizens may not have access to equipment such as computers, tablets or smartphones, limiting their ability to use digital services.
- » **Stability of electricity** : frequent interruptions to the power supply in certain regions can hamper the constant use of electronic equipment, thus impacting digital access.
- » **Lack of awareness** : Some citizens may not be fully aware of the benefits of digital access and the resources available online. An awareness campaign could help overcome this barrier.
- » **Technical skills issues** : The complexity of digital systems can be a barrier for people who do not have the necessary technical skills. Training programmes could help overcome this barrier.

For the majority of interviewees, i.e. fifty-seven (57) people or 96.61%, the reality of access to digital services can only be seen in the district of Abidjan and in the centre of the large towns of Bouaké and Korhogo.

For all the participants in these discussions, stepping up the construction of digital infrastructures would make it possible to improve connectivity and, through better access, the performance of the judicial system and other public administrations.

It should be added that among the countries of French-speaking Africa grouped together in the Réseau Francophone de Diffusion du Droit (RFDD), only Côte d'Ivoire has, with the CNDJ, a genuine centre dedicated to the collection and dissemination of all legal information, which will be needed even more in the future once the connectivity problems have been resolved.

# Analysis results

## **Senegal**

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## 4.2 Senegal



**With a view to building a modern, efficient and effective public administration to provide quality services that meet the challenges of development and the expectations of the people, the Senegalese government has for some years now been engaged in a vast reform to dematerialise administrative procedures through digitalisation, the devolution of services and the modernisation of infrastructures.**

Under the Plan Sénégal Émergent (PSE), the previous Senegalese government under Macky Sall had clearly stated its ambitions to make the development of the digital economy a lever for economic growth. The Senegal Emergent Plan (PSE) is being replaced by a new strategy called 'Senegal 2050', adopted by the current government led by Bassirou Diomaye Faye and his Prime Minister Ousmane Sonko.

The 'Senegal 2050' plan aims to rebuild the foundations of national development based on four strategic axes : sovereignty, inclusion, competitiveness and sustainability. Symbolised by the baobab tree, it takes a long-term approach to making Senegal a more prosperous and equitable country by 2050. The announced objectives include reducing poverty to 10% of the population, tripling GDP per capita, and stable economic growth of around 6.5% by 2029.

Although the new plan is presented as a break with the past, it retains certain aspects of the PSE, notably the desire to diversify the economy and promote modern infrastructure and services.

The new strategy is accompanied by a five-year evaluation framework that will enable priorities to be adjusted in line with results. The government also aims to increase the involvement of the Senegalese private sector and mobilise the diaspora to support this systemic transformation.

The Senegal Plan 2050 is, on the one hand, in transition towards a new vision, reflecting a desire for longer-term economic and social repositioning. On the other hand, the new plan is also about continuity in terms of modernising public administration, focusing public services on the needs of

citizens and reforming procedures through digitalization and a vast dematerialisation movement.

Senegal is therefore committed to a policy that aims to promote emergence through the development of a digital economy by integrating the use of ICTs in all spheres of national life and putting in place a number of initiatives to modernise public administration and facilitate access to services for citizens. This particularly includes dematerialisation in various sectors such as education, the economy and finance, health, justice, and many others.

These efforts are being supported by the creation of technology hubs such as the Diamniadio Digital Technology Park (a twenty-five (25) hectare (ha) park in Diamniadio, on the outskirts of Dakar). The Park will offer host companies an entire connected environment, including a data centre, an audiovisual production studio and training and research institutions. One hundred thousand (100,000) direct and indirect jobs are expected to result from the creation of this digital ecosystem. Senegal's investment in the development of the digital economy also reflects its desire to develop applications and services for the benefit of the administration and the general public.

To achieve its digital transformation objectives, Senegal adopted the Senegal Digital Strategy 2025 (SN2025) and the National Cyber Security Strategy 2022 (SNC2022). The cornerstone of the national digital economy strategy 'Sénégal Numérique 2025', this technopole is intended to support a genuine digital research economy in order to bolster West Africa's digital ecosystem. As for the National Cyber Security Strategy 2022, it articulates Senegal's vision and strategic objectives in terms of cyber security, reflecting its ongoing support for the priorities and objectives of the SN2025. The aim of these strategies is to create synergy around digital security and to coordinate the various initiatives in this area. The government's objective is to make digital transformation a lever for economic growth by implementing a roadmap based on the vision of 'Digital Senegal 2025'.

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**Senegal is ranked 1st in West Africa for the weight of the Internet in the economy, with the ICT sector expected to contribute up to 10% of GDP by 2025, reflecting its critical role in national development.**

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Under the government of Bassirou Diomaye Faye, the Senegal Digital Strategy 2025 is also being reoriented and updated. However, this programme remains central to digital development, with greater emphasis on digital sovereignty, improving infrastructures and encouraging technological entrepreneurship.

The new government has already indicated that an effort will be made to adapt the laws governing telecommunications and personal data. This will probably also include the creation of a framework similar to the European RGPD to protect users. The creation of sovereign data centres and improved broadband connectivity are also key priorities. Similarly, greater support is planned for start-ups in the digital sector to stimulate innovation and create new jobs.

Finally, the complete digitalisation of public administrations is envisaged to increase their efficiency and strengthen confidence in digital technology.

These initiatives are part of a drive to position Senegal as a regional leader in innovation and digital sovereignty. However, challenges remain, notably the integration of the informal sector

into the digital economy and the need to accelerate technological innovation to diversify growth drivers.

A crucial prerequisite for the digitalisation of legal texts and court rulings to have any effect is a good supply of infrastructure enabling communication and a sufficient number of Internet users in the country. This presupposes that the country has a digital presence and that its inhabitants have the financial means and technical skills to connect.

The legal framework must also be conducive to the publication of legal texts and court rulings.

### **4.2.1 Internet connectivity in Senegal**

Senegal has more than ten (10) million Internet users, with a penetration rate of more than 62%, according to the World Association of Mobile Operators.<sup>15</sup> This growing connectivity enables users not only to access information but also to carry out a growing number of commercial transactions and administrative procedures such as declaring taxes, renewing identity documents and accessing school results.

Mobile coverage in Senegal is high, with over 124.22% of the population having access to mobile phone services<sup>16</sup>, which means that many people have several mobile subscriptions. This broad coverage reflects the importance of mobile telephony in the daily lives of Senegalese, facilitating communication and access to digital services. 4G coverage, available in the main urban areas and gradually being extended to rural areas, plays a crucial role in this dynamic, enabling users to benefit from a fast and reliable connection. Deployments of 5G, while still experimental, promise to significantly improve the quality of digital services in the near future, paving the way for new technological and economic opportunities.

The country is experiencing an increase in internet penetration with more and more homes and businesses having access to high-speed internet services. Senegal's internet penetration rate is 110.11%,<sup>17</sup> which includes high use of mobile internet, which is more accessible than fixed internet due to lower costs and a more developed infrastructure. Around 70% of the Senegalese population has access to the internet, although the quality of connection varies significantly between urban and rural areas. In urban areas, fixed internet access is more common, while in rural areas dependence on mobile internet remains prevalent. Fibre optic penetration, although low, is steadily increasing thanks to ongoing efforts to develop infrastructure.

Senegal continues to invest massively in the development of its digital infrastructure, with the ambitious goal of becoming a regional leader in information and communication technologies (ICTs). These investments are leading to constant improvements in the coverage and quality of digital services. This is essential to support the country's economic and social development. A robust digital infrastructure not only makes it possible to connect more citizens to the Internet, but also to improve the quality of the services offered, whether educational, professional or recreational.

Improved Internet access also has a positive impact on access to public services. The majority of basic public services can now be accessed online, increasing their reach and efficiency. Citizens can access a variety of government services without having to travel, which is particularly beneficial

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<sup>15</sup> 2022 figure according to the GSM Association (GSMA or Global System for Mobile Communications).

<sup>16</sup> See ARTP 2023.

<sup>17</sup> See ARTP 2023.



for those living in rural or remote areas. This digitalization of public services contributes to better governance and greater transparency, while facilitating interaction between citizens and the administration.

Digital technology is one of the driving forces behind the growth of the national economy. It is expanding rapidly in Senegal, making a significant contribution to the national economy. In 2021, the telecommunications sector generated a total turnover of one thousand two hundred (1,200) billion CFA francs (around 1.9 billion US dollars), representing 4% of GDP and providing almost 4,000 direct jobs and more than 150,000 indirect jobs. The digital sector could contribute more than four hundred (4,000) billion CFA francs (6.42 billion US dollars) to the Senegalese economy by 2025. The economic ambition is to breathe new life into the sector, by providing new relays and sources of growth for the players involved, and thus to increase the digital sector's contribution to GDP to 10% by 2025. This figure could increase fourfold (4) by 2050, reaching around 12% of GDP.<sup>18</sup>

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**With over 10 million Internet users and mobile coverage exceeding 124%, Senegal is leveraging its robust digital infrastructure to expand access to public services, drive economic growth, and position itself as a regional ICT leader**

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Digital technology is a key sector in Senegal's economic and social development. It is an essential lever for multiplying productivity gains and increasing the competitiveness of all sectors through the supply of digital goods and services. At the end of 2023, the Post and Telecommunications branch, which particularly dominates this sector, contributed 7.5% to GDP in value terms (or 11% in volume terms), equivalent to around one thousand two hundred (1,200) billion FCFA in value terms, out of a GDP of sixteen (16,000) billion FCFA in value terms. The ICT sector has also generated a total turnover of FCFA 1,200 billion in 2021, representing 4% of the national GDP and providing nearly four thousand (4,000) direct jobs and more than one hundred and fifty thousand (150,000) indirect jobs.<sup>19</sup>

It should be noted that Senegal is ranked 1st in West Africa for the weight of the Internet in the economy (I-GDP), estimated at 3.3%, due in particular to very good international connectivity and a good national transmission network. However, the breakdown of Senegal's GDP shows that 91% of its value is due to private consumption, while the other dimensions, such as the contribution of private and public investment and exports, remain low. Analysis of the digital sector shows that telecoms infrastructures remain among the most developed and efficient in West Africa, thanks to major investment in capacity and modernisation. Indeed, in terms of the infrastructure sub-index, the World Economic Forum's Network Readiness Index (NRI) places Senegal in the top group in West Africa, alongside Nigeria, Côte d'Ivoire and Ghana, and 14th in Africa.<sup>20</sup>

The Senegalese government's investment in the development of the digital economy also reflects its desire to develop applications and services for the benefit of the administration and the population.

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<sup>18</sup> Google-SFI Report « e-Conomy Africa 2020

<sup>19</sup> See Agence Nationale de la Statistique et de la Démographie, 2023.

<sup>20</sup> See the « Network Readiness Index » (NRI), World Economic Forum 2016.

In addition, Senegal has decided to transfer all its government data and digital platforms, currently hosted on servers abroad, to a new national data centre in 2021, with the aim of strengthening its digital sovereignty.

## 4.2.2 Digital infrastructure in Senegal

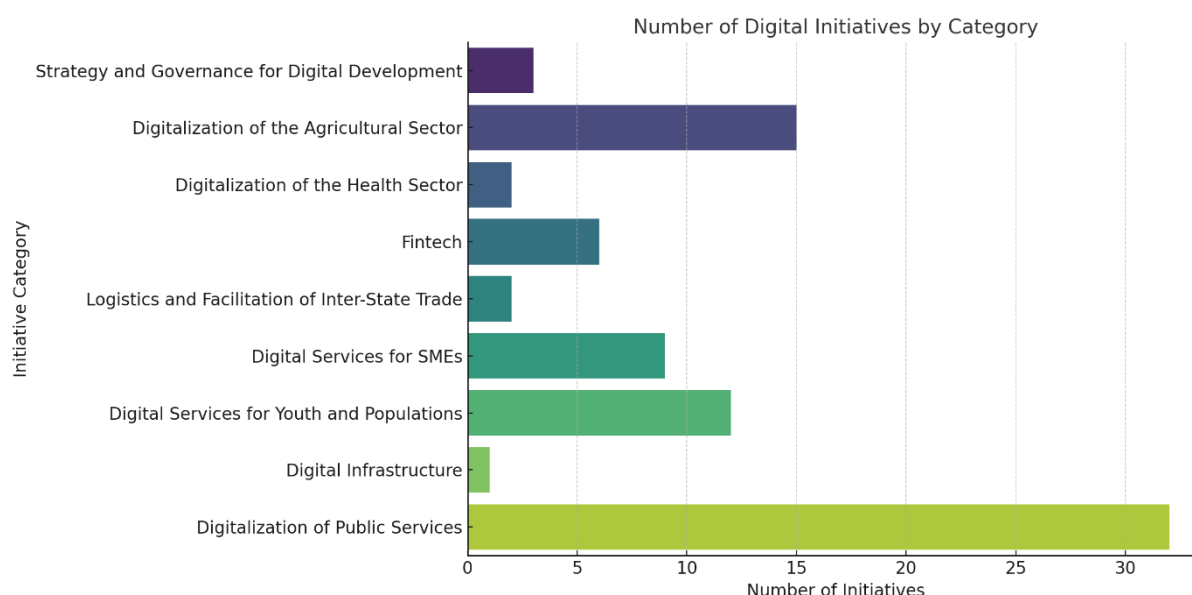
The development of digital infrastructure is a strategic priority for Senegal, aimed at supporting the growth of the digital economy and improving access to digital services for all citizens. This infrastructure encompasses a number of aspects, including telecommunications networks, high-speed internet access, etc.

Senegal has made significant progress in developing its digital infrastructure. Analysis of the digital sector shows that telecoms infrastructures remain among the most developed and efficient in West Africa, thanks to major investment in terms of capacity and modernisation. In fact, on the infrastructure sub-index, the World Economic Forum's 2016 Network Readiness Index (NRI) places Senegal in the top group in West Africa with Nigeria, Côte d'Ivoire and Ghana, and in 14th place in Africa.

The country has an expanding telecommunications infrastructure, supported by significant investment from both the public and private sectors. The country's main telecoms operators, such as SONATEL (Orange Senegal), Free Senegal and Expresso, are playing a crucial role in extending the mobile and fixed-line networks. 4G is widely deployed and the first trials of 5G have been launched. In addition, fibre-optic networks are being developed, particularly in major cities such as Dakar, Saint-Louis and Thiès, offering high-speed Internet connections.

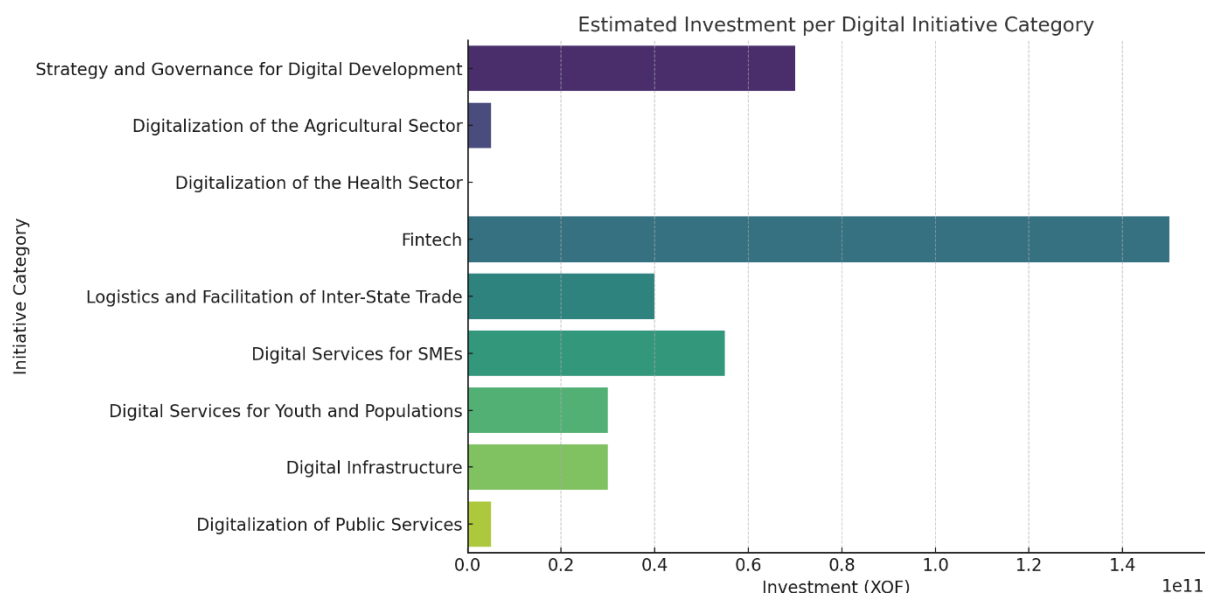
In addition to this, several data centres have been built to support local data storage and processing needs, such as the Diamniadio Datacenter, which plays a crucial role in hosting digital services and cloud computing. Senegal has also set up various e-governance platforms, such as the government portal [www.servicepublic.gouv.sn](http://www.servicepublic.gouv.sn), facilitating access to online public services. And the Plan Sénégal Émergent (PSE) has included initiatives to strengthen the country's digital capabilities, with investments in technological infrastructure.

The graphs below give an overview of the country's digital ecosystem according to the initiatives identified and enable us to see the areas that have emerged in recent years.



Source : Technopolis

This mapping highlights the efforts made by the government and the administration to develop public services. The study identified more than 30 initiatives in this sector alone. Other sectors, such as Fintech and logistics, have fewer than 5 initiatives each, yet these sectors have attracted significant foreign investment in recent years, creating significant added value. This analysis also highlights the absence of initiatives in key and promising sectors such as the use of spatial data, the use of AI for medical diagnosis, etc.



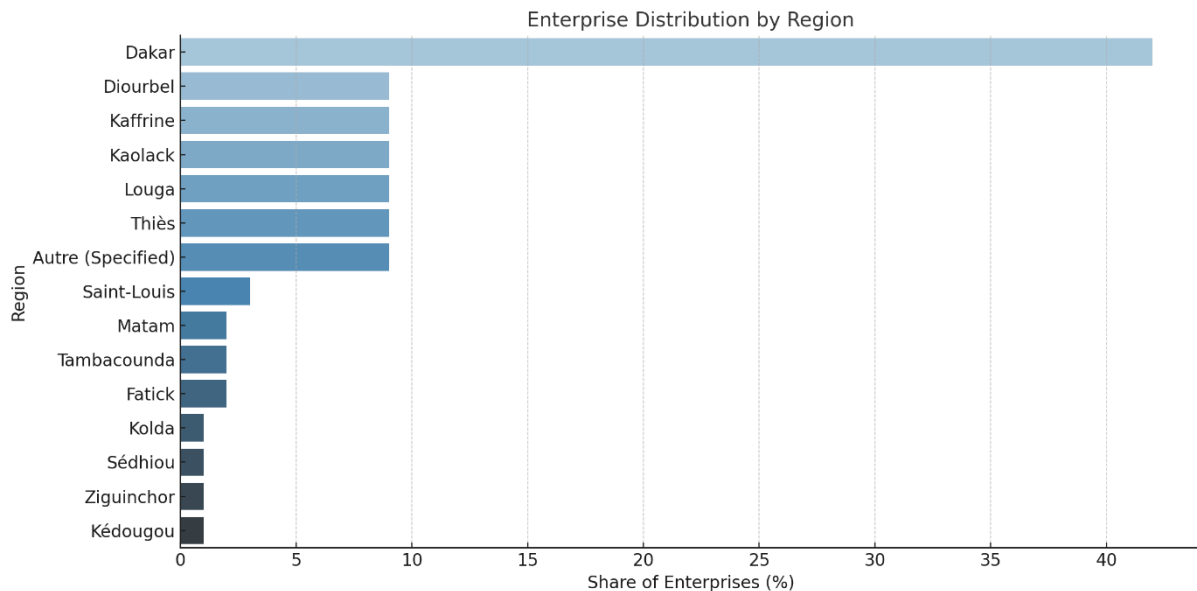
Source : Technopolis

With investments of over one hundred and forty (140) billion FCFA, fintech is clearly a flourishing sector in Senegal. Fintech has the potential to give the country a competitive edge in the global digital economy if the current growth trajectory is maintained. The other categories, as this graph shows, are significantly below fintech. A closer analysis of the results also shows that sectors such as agriculture and logistics are following the same trajectory as FinTechs in terms of attracting foreign investment.

### 4.2.3 Geographical imbalance regarding internet innovation

The graph above clearly shows that the vast majority of digital initiatives are based in Dakar. As the country's capital, this is not surprising. However, other regions have everything to gain from increased digitalisation. It is therefore essential to build innovation hubs and other key elements of digital ecosystems in the country's secondary cities.

#### Geographical distribution of Fintech companies

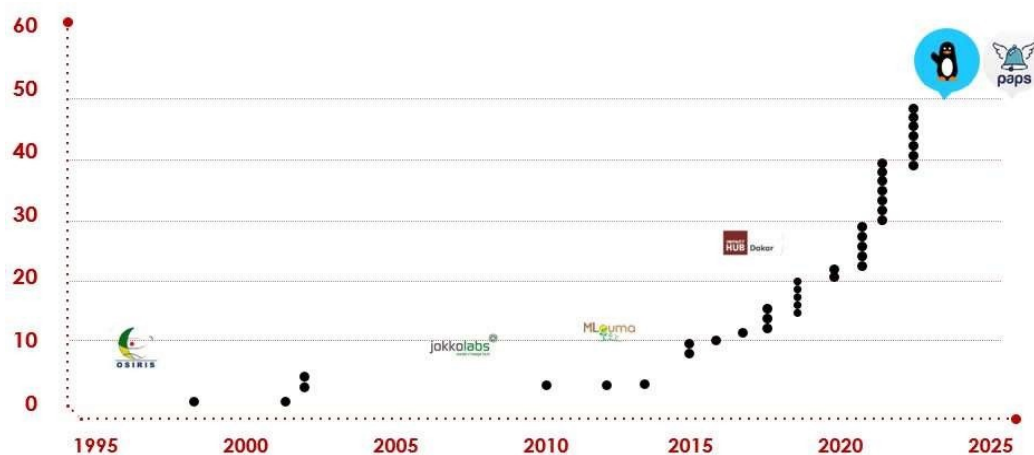


Source : Technopolis

The timeline below shows that the country experienced a period of digital inactivity between 2002 and 2010, followed by a period of accelerated digital transformation from 2015.

A majority of digital initiatives are at the pilot stage. Out of a total of forty-nine (49) initiatives for which maturity levels could be estimated, twenty-three (23) are in the design or pilot phase, fourteen (14) initiatives are in the commercial phase and twelve (12) in the demonstration phase. Tools and incentives should be put in place to speed up the cycle from laboratory to market.

#### Evolution of digital initiatives over the years 1995 to 2024



Source : Technopolis

This timeline shows that the country experienced a period of digital inactivity between 2002 and 2010, followed by a period of accelerated digital transformation from 2015.

A majority of digital initiatives are at the pilot stage. Out of a total of forty-nine (49) initiatives for which maturity levels could be estimated, twenty-three (23) are in the design or pilot phase, fourteen (14) initiatives are in the commercial phase and twelve (12) in the demonstration phase. Tools and incentives should be put in place to speed up the cycle from laboratory to market.

#### **4.2.4 Evolution of the legal framework in Senegal**

Senegal has undertaken significant legislative and regulatory reforms to support the development of the digital economy and the modernisation of public administration. The aim of these reforms is to create a legal framework conducive to the adoption of information and communication technologies (ICTs) in all sectors of national life.

##### **Law no. 2008-12 of 25 January 2008 on the protection of personal data**

Law no. 2008-12 of 25 January 2008 on the protection of personal data in Senegal provides a legal framework for guaranteeing the confidentiality, integrity and security of individuals' personal information in the digital environment. This law recognises the fundamental right to protection of personal data and establishes rules for the legitimate processing of such data.

With regard to the impact of digital access to legal texts and court rulings, several aspects can be taken into account, in particular the fact that the law sets out the principle that the processing of personal data must be lawful. Publishing the criteria for lawful processing can help data controllers understand the rules to be followed. The Act also requires the consent of data subjects to the processing of their personal data. Provisions on how to obtain and document this consent, as well as on the publication of privacy policies, are strongly encouraged in this text. In the event of a personal data breach, the law may impose an obligation to notify the breach. Provisions on how to notify and how to publish these notifications are included in this law to ensure transparency.

##### **Law No. 2008-10 of 25 January 2008 on the Information Society (LOSI)**

On 25 January 2008, Senegal law no. 2008-10 on the information society. This law is part of the process of adopting this vision at national level, reflecting the Senegalese authorities' clear desire to take on Senegal's international commitments at sub-regional, regional and international levels, with a view to building the information society. This involves a number of laws and decrees relating to information technology, in particular the protection of personal data, electronic transactions and the fight against cybercrime. This law aims to provide a framework for the development and use of information and communication technologies (ICTs). It establishes the fundamental principles and strategic objectives for fostering access to information, promoting electronic communication and stimulating the ICT sector. This law lays the regulatory foundations for the country's digital transition, creating an environment conducive to the deployment of electronic services and the emergence of the information society.

##### **Law no. 2008-08 du 25 janvier 2008 on electronic transactions**

In addition to the law on the information society, law no. 2011-18 of 5 July 2011 on electronic transactions aims to provide a legal framework for the conduct of electronic transactions in Senegal. The main aim is to address the concerns of stakeholders regarding the legal recognition of digital realities and needs that have not yet been addressed, such as:

- » The legal value of electronic signatures
- » Legal recognition of electronic evidence
- » The security of electronic exchanges
- » Consumer protection
- » The legal value of electronic documents compared with paper documents
- » The application of electronic techniques to commercial and administrative acts
- » The evidential value of digital techniques (timestamping, certification, etc.).

The law adopts a technology-neutral approach by promoting electronic transactions and specifying the requirements for evidence and electronic signatures.

With a view to removing the legal constraints that stand in the way of the development of these transactions, the law enshrines the principle of the equivalence of electronic records to paper documents.

**Decree no. 2008-720 of 30 June 2008 on electronic certification** completes the legal arsenal put in place to ensure the security of electronic transactions and the principle of equivalence between paper and electronic media.

#### **Law no. 2008-11 of 25 January 2008 on cybercrime in Senegal**

We also have law no. 2008-11 of 25 January 2008 on cybercrime in Senegal. This is an important piece of legislation aimed at combating crimes linked to the use of information and communication technologies (ICTs). The law deals with various aspects of cybercrime. However, it contains relevant provisions for the protection and integrity of digital data, including legal texts. Article 16, relating to the protection of personal data and digital information, concerns the publication of legal texts governing the collection, processing and storage of data, as well as mechanisms to protect the privacy of individuals.

Given the central importance of user confidence in the use of information and communication technologies, the Senegalese legislator, with a view to developing the Information Society, is relying on overall control of the security of information systems and data. To this end, as cryptology is deemed to be the essential technical solution for protecting exchanges and information systems on new technologies against possible violations of their integrity, the legislator has sought to regulate this technological solution with a view to guaranteeing its intangibility. This solution aims to guarantee the confidentiality of systems and data stored, exchanged or circulating on the Internet, Intranet or even a simple private network. In terms of its usefulness, cryptology is used in several areas of activity, notably in the administration, telecommunications and IT sectors, more specifically in electronic payment transactions and in call centres and money transfer structures. This law now defines the general conditions for the use, supply, import and export of cryptology resources and services designed to protect sensitive data, ensure the confidentiality of communications and prevent technological abuse.

**Decree no. 2020-540 of 25 February 2020:** Development of an electronic platform for managing the judicial activities of the Dakar Commercial Court (Tribunal de Commerce hors classe de Dakar)

**Decree no. 2020-540 of 25 February 2020** established an electronic platform for managing the judicial activities of the Dakar Commercial Court. This important tool enables magistrates and staff of the Commercial Court, as well as other judicial actors such as lawyers and bailiffs, to:



- » Consult legislation and case decisions
- » Access forms to be filed with the court
- » Receive notifications
- » Monitor the progress of proceedings
- » File pleadings and other documents with the court
- » Consult court orders and decisions.

A general analysis of the legal environment (laws, decrees, administrative regulations, circulars, directives and other legal texts) shows that no regulatory texts have been adopted that could serve as a legislative basis for the deployment of procedures for digitising and dematerialising legal texts and court decisions. Senegal has thus not had the reflex to adopt texts to serve as a basis for the judicial digitalization procedure, even if a few texts of general scope, not specific to the judicial field, have been adopted. The trend towards the adoption of specific legislation for each initiative to digitise a procedure relating to part of a given subject certainly reflects a clear awareness of the need for a legislative basis for the digitalization and dematerialisation of judicial activities.

Therefore, despite the existence of general provisions favourable to possible dematerialisation and specific provisions particular to certain legal procedures, it is advisable to make normative changes by transposing the texts devoted to the law of orientation on the information society by similar laws in the justice sector in order to remove all the legal barriers which slow down the projects of dematerialisation and automation of all legal procedures in particular the publication of legal texts and those of judicial decisions.

These are the prospects currently being pursued under **the Digital Senegal 2025 strategy** of the Ministry of the Digital Economy and Telecommunications, which plans to support the Department of Justice in its efforts to develop the textual basis for the publication of legal texts and court rulings in Senegal through digitalization.

#### 4.2.5 Importance of digitized access in the Senegalese legal system

Digital access to legal texts and court rulings is crucial to the development of a transparent, fair and efficient judicial system. In the African context, particularly in Senegal, the integration of digital technologies in the legal field offers significant opportunities to improve access to justice, strengthen the rule of law and promote good governance.

Digital access to legal texts and court decisions is essential for strengthening the rule of law, promoting transparency and improving the efficiency of judicial systems. Making court decisions and legal texts available online makes judicial and legislative activities more transparent. This gives citizens, lawyers and researchers easy access to information, strengthening the accountability of judicial and government institutions.

Digitising legal documents also facilitates the research process, improves file management and reduces case processing times. This contributes to a faster and more efficient justice system, able to respond more adequately to the needs of citizens. In addition, digital access to legal texts is particularly beneficial for rural or remote populations who may find it difficult to gain physical access to courts and law libraries. This contributes to greater inclusion and fairer justice.

In addition, digital platforms provide valuable educational resources for law students, researchers and legal professionals, facilitating continuing education and improving professional skills.

#### 4.2.6 Analysis of existing platforms

**The Ministry of Justice's platform for the publication of legal texts** (<https://justice.sec.gouv.sn/publications/textes/>):

The legal text publication platform of the Senegalese Ministry of Justice brings together various legal texts, classified by main theme.

These are not all the laws and regulations in force in Senegal, but only certain very important texts. The main categories accessible are as follows :

- » Administrative and constitutional law: Includes laws and decrees relating to the administrative and constitutional organisation of Senegal.
- » Civil law and procedure: Includes texts relating to areas such as family law, nationality, civil and commercial obligations and civil procedure.
- » Criminal law and procedure : Includes laws and decrees on criminal penalties, limitation periods and the powers of the courts in criminal matters.
- » Judicial organisation : includes texts on the structure and operation of courts, such as commercial courts and commercial chambers.
- » Social law : deals with labour and social security standards.
- » OHADA (Organisation pour l'Harmonisation en Afrique du Droit des Affaires): Includes texts relating to business law in Africa, harmonised within the framework of this organisation.
- » Other documents : A category for miscellaneous texts not classified under other themes.

The documents available include laws, decrees, codes and decrees, covering a wide range of legal aspects essential to citizens, lawyers and researchers.

**The digital platform for collecting judicial statistics in Senegal** (<https://justice.sec.gouv.sn/dacg-presentation-de-la-plateforme-numerique-de-collecte-des-statistiques-judiciaires/>):

This platform, developed by the Directorate of General Administration and Equipment (DACG), is a flagship initiative aimed at modernising and optimising the management of judicial data. It meets the need for a high-performance tool for collecting, processing and analysing statistical data within the Senegalese judicial system.

The main objectives of the digital platform for collecting judicial statistics are as follows :

- » To bring together all judicial data in a single location to facilitate access to and processing of information.
- » Optimise the data collection and management process to improve administrative efficiency.
- » Increase the transparency of judicial operations and strengthen the accountability of judicial institutions.
- » Facilitate data analysis to inform public policy and administrative decisions.
- » Make statistical data accessible to stakeholders and the public, thereby contributing to transparency and awareness.

The platform offers several key functionalities:

- » Automated data collection.
- » Dynamic, interactive dashboards to visualise data in real time, facilitating analysis and decision-making.
- » Users can generate personalised statistical reports according to their specific needs, whether by type of jurisdiction, type of dispute or geographical area.
- » The platform tracks performance indicators across jurisdictions, helping to identify areas for improvement.
- » Advanced security protocols are in place to ensure the confidentiality and integrity of the data collected and stored on the platform.

#### **The platform for decisions of the Constitutional Council** (<https://conseilconstitutionnel.sn/decisions/>):

The platform for publishing the decisions of Senegal's Constitutional Council plays an essential role in the transparency and dissemination of legal and institutional information. Its main functions include

**Dissemination of constitutional decisions** : The platform enables decisions handed down by the Constitutional Council to be officially published, guaranteeing their accessibility to all stakeholders, including citizens, lawyers, researchers and public institutions.

**Enhancing transparency** : By making decisions public, it helps to strengthen confidence in the judicial institutions by showing the legal basis for the decisions taken.

**Support for research and education** : Published documents are a valuable resource for academics and legal professionals, who can use them to analyse the country's legal and constitutional developments.

**Strengthening the rule of law** : By making constitutional decisions available to the public, the platform contributes to the publicity of judicial acts, a fundamental pillar of the rule of law.

#### **Supreme Court platform** (<https://www.coursupreme.gouv.sn/>):

The objectives of this platform are to publish and disseminate important decisions handed down by the Supreme Court, to contribute to the establishment of coherent and accessible case law, to promote transparency in the operation of justice by making Supreme Court decisions accessible to the public and to strengthen the confidence of citizens and legal practitioners in the judicial system.

The platform does not make public all the decisions handed down by the Supreme Court, but only a certain number selected by the Court. It is the decisions that establish a precedent or deal with significant points of law (decisions of principle) that are generally published, making it easier for interested parties, particularly legal professionals, lawyers, journalists and researchers, to access these documents.

Delays or omissions in publication may occur due to logistical constraints, workload or technical malfunctions. To access a specific decision that is not on the platform, it may be necessary to make an official request to the Supreme Court or to consult the court archives.

The publication of decisions by the Supreme Court on the platform enhances the transparency of the judicial system by showing how decisions are made and the reasoning behind them.

**The platform of the Dakar Commercial Court (<https://tribunaldecommerce.sn/>):**

This platform has a very specific function. It provides litigants, lawyers and businesses with access to information on cases pending or past before the Commercial Court. It facilitates proceedings by enabling companies and their representatives to submit applications, consult documents or track the progress of their cases online. Decisions are also published.

But the aim of the platform is not to inform the public about the decisions in this case law. It is a tool for facilitating procedural acts, which can be carried out more easily via the Commercial Court platform. In this way, the parties involved in the proceedings can access the court's decisions more quickly. Using the platform to take procedural steps or consult decisions reduces delays, cuts down on travel and simplifies interactions between the parties involved. In this way, the platform helps to resolve commercial disputes more quickly, reducing legal uncertainty for businesses, which is also good for the business climate.

## **4.2.7 Impact of digitized legal information on legal professionals**



We conducted semi-structured interviews with more than fifty resource persons. The interviewees were all justice professionals. Analysis of the interviews enabled us to see what this group of professionals thought of the publication of legal texts and court decisions on digital tools and to gather their opinions on the impact of these resources.

The interviewees were mainly judges, court clerks and lawyers. However, we also interviewed a large number of auxiliaries responsible for providing support to litigants, such as representatives of Maisons de Justice and legal clinics. The former are state-run structures present in several localities, where they offer a framework for mediation and legal information to settle disputes

outside the courts. The latter are generally run by students or volunteer lawyers and offer free consultations to the public.

It has to be said that the impact of the digitalised publication of legal texts and court rulings was judged by all the people we spoke to be very limited, because in Senegal there are currently no digital platforms where all the legal texts can be found, nor any platform where the main court rulings are published on a regular basis and are easy to find. On the other hand, most of the people we spoke to insisted on the expected benefits that regular, easy-to-use publication could have on the workings of the justice system.

### **Impact assessment on court efficiency and legal professionals**

According to the interviewees who have already got some experiences with digitally accessible legal information, the use of digital platforms has a positive impact on the efficiency of judges and other legal professionals:

Judges benefit from better case management thanks to digitalization. The ability to consult case files online, as for the Commerce Court in Dakar, means that the cases can be prepared more quickly and decisions can be made in a more informed way.

Most of the respondents answered that digital platforms improve the transparency of legal proceedings and enable better traceability of all case law. This increases confidence in the judicial system and reduces the risk of corruption.

All respondents think that digitalisation of judicial procedures and documents helps to reduce case processing times. Judges are able to deal with a greater number of cases in a shorter period of time, improving the overall efficiency of the judicial system. Other professionals expressed that with better digitally improved access to legal information, they would probably better prepare their cases and offer more accurate advice to their clients.

Judges expressed that they would like to get access to training programmes via digital platforms, helping them to adapt to new technologies and improve their professional ICT skills.

The availability of online resources encourages legal professionals to continue their training and to keep abreast of legislative and regulatory developments. This contributes to a better quality of legal services.

Almost all professionals that better access to more digitalized information on legal texts and court decisions will bring some improvement for their professional efficiency. The ones who had already had some experiences with digital access to legal information responded that quick access to legal information and the ability to track cases online provided the time savings and cost reduction.

However, some professionals expressed concerns about data security .

Nearly all respondents expressed that they need to strengthen digital skills to take full advantage of these platforms.

### **Costs saved by lawyers, students and members of advocacy organisations**

With the development of platforms providing legal information lawyers, law students and organisations that support litigants (such as Maisons de la Justice) indicate that they hope no longer to need to buy printed legal documents or to pay to access paid-for databases. Free digital access will enable them to consult legal texts and court decisions at no extra cost.



- » By accessing legal information online, lawyers, law students and members of civil society hope that they will be able to save the time and travel costs associated with searching for physical documents in libraries or archive centres.
- » Digital platforms offer advanced search functionality and legal intelligence tools and interviewees say they hope this will enable lawyers, law students and civil society organisations to find relevant legal information quickly and efficiently. They believe it will reduce the time spent searching for information and improve the quality of legal analysis.
- » By having easy and free access to legal texts and court decisions, lawyers have expressed that they will be able to improve the quality of their legal advice and representation by relying on up-to-date and reliable information. This can also lead to better defence of clients' rights and more favourable legal outcomes.
- » As regards the benefits for civil society, the interviewees expressed the view that free digital access to laws and court rulings will promote the transparency of the legal system and encourage citizen participation in democratic life. Civil society organisations can thus better understand and analyse legal issues, strengthening their ability to advocate for legislative or judicial reforms.

### **What are the benefits for the State?**

Apart from the cases mentioned above, the digitalization of legal information and access by professionals to legal platforms containing legal texts. Most of those interviewed were unable to comment on the direct and indirect effects experienced through the publication of information on platforms. However, as the overwhelming majority of respondents indicated that they were aware of the possibilities offered by such platforms, they were able to express their opinion on the effects that they felt the widespread publication of legal texts and decisions on one or more platforms dedicated to this purpose would have.

The vast majority of the interviewees expressed the expectation that the State would probably reduce the costs associated with printing legal documents and distributing them physically. This includes the cost of paper, ink, binding and transport.

They also believe that the State, by opting for digital access, will probably be able to avoid certain costs associated with the physical storage of legal documents, such as renting storage space, maintaining archives and managing paper documents.

The vast majority of respondents believe that digital publication will probably make it possible to update laws and court rulings more quickly and less expensively. The State can save on reprinting and distribution costs each time legislation is amended, or case law is updated.

Most respondents believe that the State will be able to further streamline its internal administrative processes through access to legal information on digital platforms. This could result in savings in time and resources for civil servants responsible for researching and consulting legal texts.

Many of the interviewees believe that by improving public access to laws and court rulings, the state can help prevent unnecessary litigation. Better legal information would undoubtedly help to clarify citizens' rights and obligations, thereby reducing disputes and the costs associated with legal proceedings.

The persons interviewed generally indicated that, by making it easier for legal professionals to access legal texts and court decisions, the State could encourage better preparation of cases and



more efficient legal proceedings. According to the respondents, the majority believe that this will lead to savings in time and resources for the courts and judicial institutions.

## **4.2.8 Obstacles for legal professionals regarding access to digitized information**

The digitalization of legal texts and court rulings, while offering many advantages, faces a number of obstacles. Legal professionals in Senegal have to cope with rapid technological advances and the growing integration of information and communication technologies (ICTs) in their field.

### **Unequal access to the internet and information technologies**

Legal professionals in rural or less developed areas have very little access to modern technologies, which can hamper their effectiveness. Rural and remote areas are often poorly served in terms of internet connectivity, limiting equitable access to digital resources. Disparities in internet access and digital skills between urban and rural areas can limit accessibility to online legal resources, not to mention frequent interruptions and slow network speeds.

### **Resistance to change and training**

Some players in the legal system are reluctant to adopt new technologies because of their familiarity with traditional methods. There are also fears related to job loss, adapting to new working methods or a lack of adequate training. Not to mention that there is a wide variation in digital skills, with some people being very comfortable with technology, while others lack even basic knowledge.

Lawyers, judges and other legal professionals need to be constantly learning about new technologies and digital tools to remain competitive and effective. The adoption of electronic case management systems and other digital tools requires time to adapt an investment in infrastructure and training.

### **Data protection and information security**

The sensitivity of legal information requires adequate protection against cyber-attacks, data breaches and invasions of privacy. Legal information is often sensitive and can be the target of cyber-attacks. Cyber security is a critical area with many risks and challenges. Cyber-attacks are becoming increasingly sophisticated, specifically targeting legal databases. The implementation of robust security measures is essential to guarantee the integrity and confidentiality of data:

Ensuring the confidentiality of sensitive data and communications between lawyers and clients is essential to maintaining trust and complying with ethical obligations.

Law firms and courts need to protect their systems against cyber-attacks, malware and other digital threats.

### **Sustainability and continuity of initiatives**

Keeping up with legislative and regulatory changes in ICT, cyber security and personal data protection requires constant vigilance.

Limited financial resources can also hamper the development and maintenance of digital platforms. The sustainability of digitisation initiatives depends on the availability of long-term financial and technical resources and the ongoing commitment of authorities and stakeholders to

support these efforts. Ensuring ongoing funding for updating and maintaining systems is therefore often a challenge.

### **Digitalisation and maintenance costs**

The financial and maintenance challenges are also significant. Digitising legal texts and setting up appropriate technological infrastructures can require significant financial investment, particularly for the acquisition of software and hardware and for staff training.

The cost of acquiring and maintaining digital technologies can be prohibitive for some law firms, particularly smaller ones.

### **Reliability and authenticity of sources**

The quality and accuracy of information available online can vary, which can lead to problems with the reliability and authenticity of sources. It is essential to ensure that digitised legal texts are official and certified.

New laws, such as those on electronic transactions and data protection, require precise legal interpretation and can lead to complex disputes.

Ensuring that the different systems and platforms used by courts, law firms and other players in the legal sector are interoperable and compatible can be complex.

### **Protecting sensitive information**

Legal information is often sensitive. Systems may lack security measures such as encryption and anonymisation. And ensuring compliance with data protection laws and regulations can be complex. So, when legal texts are digitised, care must be taken to ensure that sensitive information, such as personal data, is protected in accordance with current laws and regulations.<sup>21</sup>

These obstacles require a proactive and collaborative approach to be overcome and to ensure that the benefits of digitalization can be fully realised.

Above all, care must be taken to inform and train legal professionals in data protection (see Study B).

### **Accessibility for people with disabilities**

The accessibility of digital platforms to people with disabilities, particularly with regard to hearing, vision and mobility needs, requires particular attention to ensure full inclusion

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<sup>21</sup> Dieng, F., Eisenberg, E., Gnahoré, M., Osae, E., Kouassi Yayi Oka, I., Schweizer, C., Study of the legal framework relating to the anonymisation of judicial documents published in Senegal and Côte d'Ivoire (Study B)

# Analysis results

## Ghana

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## 4.3 Ghana



### 4.3.1 Context in Ghana

Ghana's legal and judicial system is rooted in a common law tradition and operates within a constitutional democracy. The judiciary is established as an independent branch of government under the 1992 Constitution and plays a central role in upholding the rule of law, interpreting legislation, and ensuring the protection of fundamental human rights.

The judicial system of Ghana derives its authority from the 1992 Constitution, which serves as the supreme law of the land. The rule of law is not only recognised but constitutionally guaranteed, particularly in Chapters 4 and 5, which outline the fundamental rights of citizens and mechanisms for their enforcement. Chapter 11 of the Constitution formally establishes the Judiciary as an independent arm of government, tasked with administering justice in the name of the Republic.

The country's court system is structured hierarchically, comprising:

- » The Supreme Court (as the final appellate court and constitutional authority),
- » The Court of Appeal,
- » The High Court,
- » Various Lower Courts (including Circuit Courts, District Courts, and specialized tribunals),
- » And Customary Courts, such as Judicial Committees of the Houses of Chiefs.

In addition to formal courts, Article 125 of the Constitution empowers citizens to participate in the administration of justice through public tribunals, jury trials, and the customary court system. This provision reflects Ghana's commitment to inclusive justice and acknowledges the importance of traditional and community-based adjudication structures.

Ghana's governance system is built on a strict separation of powers between the three arms of government: the Legislature, the Executive, and the Judiciary. Each plays a distinct role:

- » The Legislature enacts laws (Chapter 10),
  - » The Executive implements laws and governs (Chapter 8),
  - » The Judiciary interprets laws and ensures justice (Chapter 11).
- While powers are distinct, the Constitution also provides for institutional checks and balances to prevent abuse. For example:
- » The Executive influences the judiciary through judicial appointments and budgetary approval.
  - » The Judiciary safeguards constitutionalism by reviewing and invalidating unconstitutional actions by the other branches.
  - » The Legislature oversees appointments and approves budgets for both the Executive and the Judiciary.

The Judicial Service of Ghana, under the leadership of the Chief Justice, is responsible for the administration of justice and the management of court operations across the country. Its mandate includes the implementation of reforms aimed at improving access to justice, court efficiency, and public trust in the legal system.

This constitutional and institutional framework shapes the environment within which judicial digitisation is being implemented. Understanding the Judiciary's mandate, independence, and its embedded role in a system of checks and balances is essential for evaluating the opportunities and limits of digital transformation in Ghana's justice sector.

Over the last two decades, Ghana has undertaken significant efforts to modernize its justice system, especially through digitalisation and court automation. These efforts have been guided by a number of strategic documents, most notably the:

- » National Action Plan for Improving Justice Delivery in Ghana (2020–2028), which articulates strategic priorities such as:
  - Expanding ICT infrastructure and digital solutions,
  - Enhancing court user experience,
  - Reducing costs and delays in judicial proceedings, and
  - Ensuring broader access to court services and decisions.

As part of these efforts, the Electronic Case Management System (ECMS) was introduced with support from the World Bank. ECMS aims to digitalize the entire lifecycle of judicial cases—from filing and tracking to judgment delivery and publication. This system complements other platforms such as GhaLII, which provides free public access to legal texts and court decisions but remains a privately operated initiative.

Yet, despite these advances, substantial challenges remain in achieving equitable and inclusive digital access across all court levels and user groups, including those in rural and underserved areas. Issues of infrastructure, digital literacy, and institutional readiness continue to shape the implementation and effectiveness of justice-related digitalisation in Ghana.

### 4.3.2 Evolution of Legislation and Digitisation Policy

The digital transformation of Ghana's justice sector is embedded within broader national policy frameworks that aim to enhance governance, transparency, and citizen access to public services. In recent years, the government has undertaken several legislative and institutional initiatives to support the development and implementation of digital tools within the judiciary.

A key milestone was the adoption of the National Action Plan for Improving Justice Delivery in Ghana (2020–2028), which includes explicit goals related to digitalisation. These goals emphasize:

- » The application of ICT tools to improve the efficiency and responsiveness of court services,
- » The digital publication of legal texts and court decisions,
- » The provision of online access to court documents and case updates,
- » And the integration of digital technologies into court infrastructure and operations.

In alignment with the National Action Plan, the Judicial Service of Ghana has outlined several strategic institutional goals to guide the transformation of the justice sector. These include:

- » Strengthening public trust and confidence in the judiciary by improving transparency and public understanding,
- » Consolidating the judiciary's independence, particularly in terms of financial autonomy,
- » Enhancing infrastructure and security for courts, judges, and personnel,
- » Increasing the use of ICT solutions to improve procedural efficiency and reduce delays,
- » Improving the administrative capacity and management of judicial resources,
- » Attracting and retaining qualified staff and improving their working conditions,
- » Ensuring broader access to courts, especially in underserved regions, by providing adequate logistics and financial resources.

The Judicial Service of Ghana, as the implementing agency, has taken steps to translate these goals into practice. It has introduced:

- » Administrative guidelines and directives mandating the virtual hearing of selected cases,
- » A phased implementation strategy for the Electronic Case Management System (ECMS),
- » Capacity-building programs for judges, court officials, and legal professionals in the use of digital tools.

Ghana's justice sector digitalisation efforts are also aligned with regional and international development goals. As a member of the African Union and the global development community, Ghana is committed to:

- » AU Agenda 2063, particularly Aspiration 3, Goal 11 on rule of law and access to justice,
- » Sustainable Development Goals (SDGs), specifically SDG 5 on gender equality and SDG 16 on peace, justice, and strong institutions.

These frameworks serve not only as reference points but also as political and normative commitments that support ongoing efforts to modernise the judiciary and promote inclusive justice.



While these developments signal a commitment to reform, the actual legal and regulatory framework governing digital justice remains relatively fragmented. At present, no single, comprehensive e-justice law exists. Rather, the digitalisation process relies on a combination of:

- » Judicial administrative orders,
- » ICT-related legislation (such as the Electronic Transactions Act, Data Protection Act, and Cybersecurity Act),
- » And pilot projects implemented with external donor support.

The lack of a consolidated legal framework for digital justice has created implementation gaps, particularly in terms of:

- » Data protection and anonymisation standards,
- » Public access rights to judicial information,
- » The enforceability and procedural legitimacy of digital court outputs.

Nonetheless, the current direction of reform—supported by international partners such as the World Bank—demonstrates a growing institutional willingness to embed digitalisation into the core architecture of Ghana’s judicial system. Continued legal development and policy harmonisation will be critical to ensuring long-term sustainability and user trust.

### 4.3.3 Digital Infrastructure and Connectivity

Ghana has made substantial investments in digital infrastructure in recent years, aiming to improve internet connectivity, expand ICT coverage, and foster digital innovation across sectors. These efforts have also shaped the environment within which judicial digitalisation is being implemented.

At the national level, the government has promoted digital access through initiatives such as the Digital Ghana Agenda, which seeks to build a comprehensive digital ecosystem. Under this agenda, the following developments have been particularly relevant for the justice sector:

- » The expansion of broadband infrastructure across urban and peri-urban areas,
- » The roll-out of 4G mobile internet services by major telecommunications providers,
- » The promotion of electronic identification (e-ID) systems, such as the Ghana Card, which is increasingly used for authenticating digital transactions.

However, despite these advances, important disparities remain:

- » Urban–rural divides in internet access persist, with significantly lower connectivity and bandwidth in rural regions.
- » Power supply inconsistencies continue to undermine the reliability of digital systems, particularly in court locations outside of major cities.
- » ICT infrastructure within judicial institutions is unevenly developed. While courts in Accra, Kumasi, and Tamale benefit from relatively modern infrastructure, many lower courts and traditional court structures still operate without consistent digital support.

The Electronic Case Management System (ECMS), Ghana’s flagship justice digitalisation project,

relies heavily on stable internet access, functioning computer systems, and adequately trained personnel. In locations where such conditions are met, ECMS is operational and already contributes to streamlined case management. However, its deployment is still limited mainly to Superior Courts and selected pilot courts.

Additionally, digital courtrooms and virtual hearing facilities have been established in a small number of jurisdictions—such as Adenta, Tema, Tamale, and Bolgatanga—to enable remote participation in proceedings. These virtual courts are viewed as strategic experiments in expanding access to justice, particularly in densely populated or hard-to-reach areas.

Overall, the state of digital infrastructure in Ghana offers both a foundation and a challenge for judicial transformation. Continued investment in connectivity, equipment, and institutional readiness will be required to close the remaining infrastructure gaps and ensure the success of digital justice initiatives.

As part of its infrastructure strategy, the Judiciary has begun constructing **multi-level court complexes** in major urban areas to improve the physical accessibility and integration of services across court types. One such facility—the **Accra Law Complex**—serves as a model for future developments. Other court complexes are underway in locations such as **Adenta**, with the aim of housing various court levels under one roof and providing the necessary digital infrastructure to support ECMS operations and virtual hearings.

These efforts reflect a dual approach: investing in **modern physical infrastructure** while simultaneously scaling **digital infrastructure and virtual court capacity**. The establishment of virtual courtrooms in locations like Adenta, Tema, Tamale, and Bolgatanga has proven particularly valuable in high-profile and time-sensitive cases. They represent a strategic step toward enabling **remote participation**, reducing travel burdens, and extending the reach of justice to underserved populations.

#### 4.3.4 Analysis of Existing Platforms

Two primary digital platforms play a central role in facilitating access to legal information and supporting the administration of justice in Ghana: The **Electronic Case Management System (ECMS)** and the **Ghana Legal Information Institute (GhaLII)**. These platforms differ significantly in terms of ownership, scope, accessibility, and intended user groups.

##### **Electronic Case Management System (ECMS)**

The ECMS is a government-run digital platform developed with financial support from the World Bank. It is part of a broader reform agenda under the National Action Plan for Improving Justice Delivery and is implemented by the Judicial Service of Ghana. ECMS is designed as a comprehensive 360-degree case management solution, covering:

- » Digital filing of cases,
- » Recording and tracking of court proceedings,
- » Management of case-related documentation,
- » Electronic publication of judicial decisions,
- » Internal coordination among judges, clerks, registrars, and legal professionals.

The platform is used primarily by registered users, including judges, lawyers, and court officials. Access to ECMS requires prior registration and authentication via national identification systems, which allows for usage tracking and controlled access.

The ECMS is currently operational in the Superior Courts (Supreme Court, Court of Appeal, selected High Courts) and in a small number of pilot courts. It is not yet rolled out to Lower Courts, Customary Courts, or court-connected ADR mechanisms. Despite being in an ongoing implementation phase, ECMS has been described as a potentially transformative tool for streamlining judicial processes, provided it achieves full institutional integration and broader user access.

### Ghana Legal Information Institute (GhaLII) Platform

GhaLII is a **non-profit, privately managed digital platform** based in Accra that works in collaboration with the Judicial Service of Ghana. It provides free and open access to selected legislation, case law from Superior Courts, and other relevant legal materials from Ghana and the ECOWAS region. Its aim is to promote access to legal information and thereby strengthen the rule of law.

Getting the information which will be published on the GhaLII website is a quite complicated process. According to a study implemented by Rumbul et al., „[o]ne of GhaLII’s biggest challenges to sustainability is the incoherent and wasteful process of securing and uploading documentation. In order to publish legislation or the weekly gazette (in which amendments to law are published), a member of GhaLII must get the right amount of cash, physically go to the Assembly Press building in central Accra, purchase the gazette or legislation (which is available in hard copy only), make the 45 minute journey to the University of Ghana, pay the relevant team at the University of Ghana to scan the documents, and then return to the GhaLII office to upload the documents onto the site. This process can take half a day, and requires multiple payments for hard copy, transport and copying... Access to case law does not require the same level of financial exchange as legislation but remains a complex process dependent upon unofficial goodwill and access to the right people. Copies of cases are not automatically passed on to GhaLII ; rather the process depends upon the judges that make the ruling directing the cases to them. That being so, and because many do not know about GhaLII’s existence, many cases fall through the cracks. Other case law is passed to GhaLII from contacts within university and other legal libraries.“<sup>22</sup>

Founded in 2015, GhaLII is a relatively young platform with comparatively low user numbers. According to the responses received in the framework of this study, GhaLII is still relatively unknown even 10 years after its launch. The majority of potential users do not really know what GhaLII is or what services it offers. Among the reasons cited for resistance of using the platform, a study from 2019 found the following factors:

- » There is a persistent hard-copy culture in Ghana. Even younger generations who would be expected to migrate to online methods of study and practice still reach for hard-copy textbooks first. This was considered to be how law was practised, and deviation from this was not seen as desirable. This hard copy culture is perpetuated by the fear of online copies being tampered with, as explained by participants in this study including this law librarian: *People don’t yet think to look online, and they are worried that the cases they do find online are not genuine cases that they can cite. They need to be reassured of their credibility. In 1990 there was an issue where a case was edited and when it got to the court [...] it was found out, so there is a natural reticence to use online cases because people think they are*

<sup>22</sup> Rumbul, G., Mulder, G., Parsons, A., The State of African Legal Information Institutes, mySociety, August 2019, p. 23; [https://research.mysociety.org/html/state-african-legal-information-institutes/?utm\\_source=chatgpt.com#top](https://research.mysociety.org/html/state-african-legal-information-institutes/?utm_source=chatgpt.com#top).

edited.

- » Students, who constitute a significant portion of the userbase in many LII countries, do not generally do much legal research in Ghana, as the majority of university libraries already have the relevant cases saved to flash drives or hard copy folders, ready for students to use. This means that they have no need of a service such as GhaLII, because the relevant materials are provided. This is reiterated by this research participant, a librarian at the University of Ghana Law Faculty: *A lot of students, once they leave university, they don't know how to search other cases, because they are quite narrowly focused on the few cases they are given in the course. They don't therefore develop the skills to properly research a lot of cases.*
- » The legal system in Ghana in many ways remains more static and tradition-based than in other countries in Africa. This manifests itself most clearly in a reliance on international law and older UK common law, which are considered suitable for argument in court, and there is no emerging preference for domestic, Ghanaian, case law at present.
- » Poor internet reliability means that many stakeholders who do venture into the digital realm prefer to use a static offline database such as Digital Attorney or LawFinder, as explained by this research participant: *Lawfinder and Ghali are virtually the same, but Lawfinder has an index, and is not internet based, so it's easier to use on a pen drive or laptop, especially if you don't have a good internet connection.*
- » The reliance on international and common law means that portals such as GhaLII, that are more focused on domestic law, are not likely to be as popular as other sources.
- » There are multiple online subscription-paying and free portals that have a range of different but relevant law for Ghanaian practitioners, such as LawFinder, HeinOnline, and DennisLaw. LawFinder is an offline database for which the annual updates cost \$300. HeinOnline only offers short-term subscriptions to individuals for select databases. Subscriptions include 24-hour, 48-hour, or one-week access and are limited to five downloads per day. Costs are currently \$29.95 USD for 24 hours, \$49.95 USD for 48 hours and \$79.95 USD for a week. DennisLaw is currently free to use; however, it is run by a private legal practitioner, and research participants were aware that a charging structure for usage was likely to be implemented in the near future.”<sup>23</sup>

## Other platforms

- » **Ghana Law Finder:** A legal research platform with an extensive collection of cases that is regularly updated. The platform is designed to support legal professionals, students, and institutions in Ghana. It offers a vast and frequently updated database of Ghanaian legal materials, including statutes, case law, and legal textbooks.
- » **The Law Platform:** Provides current news, case reports, and legal analysis from Ghana. The platform features different formats like case reports, legal scholarship articles, coverage of current legal news as well as sections like “What the law says” and “Legal Reflections”.

## Comparative Observations

Unlike ECMS, GhaLII does not require user registration and is publicly accessible. It serves as a

<sup>23</sup> Rumbul, G., Mulder, G., Parsons, A., The State of African Legal Information Institutes, mySociety, August 2019, p. 24-25; [https://research.mysociety.org/html/state-african-legal-information-institutes/?utm\\_source=chatgpt.com#top](https://research.mysociety.org/html/state-african-legal-information-institutes/?utm_source=chatgpt.com#top)

legal resource for a wide range of users, including legal professionals, CSOs, researchers, and the general public. Its user-friendly interface and free access have made it a widely used reference point for obtaining published judgments.

However, GhaLII's functionality is limited to judgment retrieval. It does not support case filing, procedural tracking, or the management of ongoing court processes. Moreover, GhaLII relies on ECMS as a primary source of legal content: unless a decision is uploaded onto ECMS by the courts, GhaLII cannot access or publish it.

- » While ECMS is institutionally recognised and offers full case lifecycle management, it is restricted by registration requirements and currently limited in its scope of access.
- » GhaLII, in contrast, provides more inclusive access to final decisions but lacks institutional authority and functional integration with court processes.

Both platforms fulfil important roles in Ghana's digital justice landscape. However, the lack of a unified, public-facing access strategy—especially within ECMS—has raised concerns about equity of access, usability for non-professionals, and system sustainability.

A unified and user-friendly platform strategy—grounded in accessibility, interoperability, and institutional support—will be essential to ensuring that digital justice tools serve all segments of Ghanaian society.

### 4.3.5 Accessibility and User Experience

Accessibility and user experience in Ghana's digital justice system vary significantly depending on the platform, the user group, and the institutional setting. While some progress has been made in ensuring digital access to legal texts and court decisions, several barriers continue to affect the ease of use, inclusivity, and overall effectiveness of the systems in place.

#### Access Requirements and Registration

The Electronic Case Management System (ECMS) requires users to register and authenticate themselves using national identification credentials. This system of controlled access is intended to ensure traceability and data security, but it also poses challenges:

It limits access to registered professionals, such as judges, court staff, and licensed lawyers.

Members of the general public, litigants, and civil society actors may find the registration process cumbersome or may be unaware of the system altogether.

The registration requirement effectively restricts spontaneous or exploratory access, particularly for non-professional users.

In contrast, GhaLII offers open access without registration, allowing any user with internet access to consult published court decisions and legal texts. Its ease of use and free availability have made it particularly valuable to NGOs, students, researchers, and members of the general public.

In addition to national ID verification, ECMS registration requires personal information such as full name, physical address, mobile number, and email address. For legal professionals, professional license numbers issued by the Ghana Bar Association and registered law chambers are also mandatory. Once registered, access to the system is free of charge, in line with efforts to remove financial barriers. The system was explicitly designed to accommodate external users such as public

prosecutors, state attorneys, CSOs, and legal officers from institutions involved in the criminal justice chain. This approach aims to ensure that vulnerable groups and their representatives—including women, minorities, and self-represented litigants—can interact with the justice system without incurring prohibitive costs.

### **User-Friendliness and Digital Literacy**

User experience with ECMS is generally reported to be technically demanding, especially for those unfamiliar with legal terminology or lacking advanced digital skills. The platform's interface, search functions, and categorisation of information are based on legal and institutional language, which may not be easily navigable for non-experts.

Moreover, ECMS documentation and manuals are written in formal legal English. This creates a barrier for:

- » Users with lower levels of education or limited command of English,
- » Litigants seeking to independently access their case information,
- » Rural populations with limited exposure to digital systems.

GhaLII, by contrast, is perceived as more intuitive and accessible, especially for users seeking quick access to case law. However, its limited scope (judgments only) means it cannot support interaction with ongoing cases or procedural matters.

### **Geographic and Infrastructural Challenges**

Physical access to digital justice services remains uneven across the country. Courts and users in urban centres such as Accra, Kumasi, and Tamale benefit from better connectivity and infrastructure, while users in rural and remote areas may struggle with:

- » Unstable internet connections,
- » Irregular power supply,
- » Lack of ICT equipment and technical support.

This digital divide has important implications for equitable access to justice, as the current configuration risks reinforcing existing inequalities in the legal system.

### **Awareness and Inclusivity**

Preliminary feedback from stakeholder discussions indicated that awareness of ECMS among the general public and non-professional court users is still relatively low. The platform is currently more popular among legal elites, while broader outreach and communication efforts are lacking.

GhaLII, due to its simpler access model, enjoys wider recognition, but its unofficial status and limited coverage prevent it from serving as a complete access point for legal information.

Moreover, even GhaLII's simplicity does not resolve all access barriers—particularly for those without digital connectivity or skills. For such users, Ghana's Right to Information (RTI) Act provides a complementary offline access mechanism. For individuals who cannot access court materials online, the RTI Act provides a legal basis for requesting physical copies of rulings and judgments. This law strengthens public accountability and reinforces the right of all persons to access justice-related information regardless of digital literacy or infrastructure. However, interviews suggest



that awareness of this alternative pathway is limited, and yet application procedures may remain complex and inaccessible for under-resourced communities.

### 4.3.6 Perceptions from Stakeholders: Impact and Limitations

Stakeholders interviewed for this study expressed a wide range of views on the effectiveness of digital justice platforms in Ghana, especially regarding their impact on access to legal information, the efficiency of court processes, and the overall quality of justice delivery.

#### Positive Perceptions and Observed Impact

Many respondents—particularly among legal professionals and CSO representatives—highlighted the transformative potential of digital platforms, especially the Electronic Case Management System (ECMS), for streamlining judicial workflows and improving transparency. Observed positive impacts included:

- » Faster access to rulings: Legal professionals noted that digital publication via ECMS reduced delays in receiving court decisions. This was seen as a step toward curbing speculation and undue pressure on judges prior to verdict delivery.
- » Improved case monitoring: Lawyers and litigants reported being able to track the progress of their cases in real time, reducing the need for repeated in-person visits to court.
- » Efficiency gains for professionals: Many lawyers appreciated the convenience of digital filing and online notifications, which allowed them to manage cases more effectively and allocate time more strategically.
- » Public visibility and legal empowerment: The open-access nature of GhaLII was praised by civil society actors, who used the platform for legal advocacy, public education, and strategic litigation.

In interviews, stakeholders referred to the digital shift as “revolutionary” for court users in urban areas and an important contributor to reducing procedural opacity.

Stakeholders also praised the introduction of virtual courts, which allowed for remote participation in hearings in jurisdictions such as Adenta, Tema, Tamale, and Bolgatanga. These digital courtrooms were seen as especially effective in improving access in densely populated or remote regions. Moreover, the live-streaming of high-profile cases—such as the 2020 Presidential Election Petition, the Ambulance Procurement Trial, and the Human Sexual Rights and Ghanaian Family Values Case—was viewed as a milestone in promoting public transparency and civic trust in judicial processes. The availability of these recordings via the ECMS platform and social media channels was cited as a key innovation.

#### Critical Perceptions and Impact Limitations

Despite these gains, respondents also identified structural and practical constraints that limit the broader impact of digital platforms:

- » Limited coverage: ECMS is currently restricted to selected courts (mainly in the Superior Court tier). As a result, large parts of the justice system—especially Lower Courts, Judicial Committees, and ADR structures—remain disconnected from digital processes.
- » Exclusion through registration barriers: While ECMS provides powerful tools, its access

restrictions were seen as a barrier for non-professionals, litigants without lawyers, and community-based justice actors. Stakeholders noted that registration requirements—including national ID verification—discouraged casual users and reduced transparency for the broader public.

- » Low awareness: Several interviewees pointed out that many court users were unaware of the ECMS platform, especially in rural areas. In contrast, GhaLII was more widely known but limited in functionality.
- » Digital literacy and language barriers: Stakeholders flagged usability challenges, particularly for older users, people with limited education, and speakers of local languages. The ECMS interface is perceived as overly technical and lawyer oriented.
- » Concerns about sustainability and data protection: Some stakeholders raised questions about the long-term financial sustainability of both ECMS and GhaLII, especially given their reliance on donor funding. Others criticised the lack of anonymisation in published decisions, viewing it as a violation of privacy rights, particularly in sensitive cases.

### **Differentiated Impact Across User Groups**

The perceived impact of digital justice tools varied significantly by stakeholder group:

- » Lawyers and judges generally appreciated the systems' time-saving potential and procedural clarity.
- » Court clerks and bailiffs, however, expressed concerns about job security and reduced relevance due to automation.
- » CSO actors valued the advocacy opportunities created by digital access, while also highlighting the need for greater inclusivity and localisation.

In addition to practical challenges, stakeholders highlighted underlying institutional tensions resulting from digitalisation. Some clerical staff, bailiffs, and administrators voiced concern that automation could render their traditional roles obsolete, leading to job insecurity and resistance to reform. Others pointed to a lack of change management strategies and capacity-building for those expected to adapt to new digital responsibilities. These tensions underscore the need for a comprehensive reform strategy that includes not only infrastructure and software, but also human-centred transformation in the justice sector.

## **4.3.7 Challenges and Limitations**

While the digital transformation of Ghana's justice sector has generated notable advances, the study identified a range of systemic, technical, legal, and social challenges that currently limit the platforms' reach, inclusiveness, and long-term effectiveness. These limitations undermine the transformative potential of digitalisation, especially for marginalised users and non-urban populations.

### **Limited Institutional Coverage of Digital Platforms**

The Electronic Case Management System (ECMS) has thus far only been deployed in the Superior Courts (Supreme Court, Court of Appeal, selected High Courts) and in a handful of pilot courts. A large part of the justice system—including Lower Courts, Judicial Committees of the Houses of

Chiefs, and court-connected ADR mechanisms—remains outside the digital ecosystem.

This gap is particularly problematic as these non-digitised institutions handle the majority of cases in Ghana, especially in rural and peri-urban areas. As such, digital justice remains a reality for only a fraction of court users, limiting the broader systemic impact of reform efforts.

### **Infrastructural Deficiencies**

Digital court systems rely on functioning ICT infrastructure and reliable connectivity—conditions that are not uniformly available across the country. Courts in rural and remote areas often face:

- » Unreliable electricity supply, resulting in frequent system downtimes,
- » Limited broadband access, which hampers real-time use of digital tools,
- » Insufficient ICT equipment and maintenance support.

These infrastructural deficits contribute to persistent regional disparities in access to justice and create bottlenecks in the consistent use of ECMS and virtual hearing facilities.

### **Access Barriers and Limited Usability**

Access to the ECMS platform requires prior registration and authentication via national identification systems. While this enables usage tracking and security, it also creates exclusionary barriers for certain groups:

- » Self-represented litigants and individuals without legal counsel may lack the technical knowledge or administrative means to register.
- » CSOs, journalists, and informal justice actors often do not meet registration criteria despite their legitimate interest in accessing legal information.
- » Members of the public are effectively excluded from interacting with ECMS unless they are parties to a case and assisted by a lawyer.

Even when access is granted, ECMS is not designed with non-professional users in mind. Its interface uses complex legal terminology and assumes familiarity with procedural law, making navigation difficult for users with low digital or legal literacy.

### **Lack of Anonymisation and Data Protection Risks**

Both ECMS and GhaLII publish court decisions in full, without redacting personal information. Names of parties, judges, witnesses, and even sensitive details in cases involving sexual violence, family disputes, or children are routinely disclosed.

This practice:

- » Violates privacy principles and may contravene the Data Protection Act of Ghana,
- » Contradicts international standards, such as those set by the EU General Data Protection Regulation (GDPR) where data is processed across jurisdictions,
- » Risks stigmatization of individuals, particularly in high-profile or socially sensitive cases.

Stakeholders have raised serious concerns about the absence of anonymisation protocols and the lack of clear legal guidance on the ethical publication of judicial data.

## **Low Awareness and Unequal Uptake**

The study found that many users—especially those outside the legal profession—are unaware of the existence or purpose of ECMS. Communication efforts have largely targeted court staff and legal professionals, neglecting broader public outreach.

By contrast, GhaLII is more widely recognised and frequently used by NGOs, students, and the media. However, due to its unofficial status and limited scope, its practical use is constrained in formal legal contexts.

Without strategic awareness campaigns, user manuals in local languages, and community-level engagement, the benefits of digitalisation are unlikely to reach the wider population.

## **Sustainability and Institutional Uncertainty**

Both ECMS and GhaLII currently depend on donor funding for their operation and development. ECMS is supported by the World Bank, while GhaLII operates through external partnerships and institutional goodwill.

There is as yet no clear long-term financing plan for either system from national public budgets. The lack of a legal framework governing system integration, data management, and institutional responsibility raises questions about:

- » Who will maintain the platforms after project funding ends,
- » How capacity will be built in decentralized court units,
- » And what level of technical autonomy the Judicial Service will have.

## **Governance, Regulation, and Market Fragmentation**

In addition to financial uncertainty, several stakeholders expressed concerns about the absence of a comprehensive regulatory framework to oversee the development and operation of digital justice platforms. As ECMS and GhaLII evolve, the involvement of third-party providers and informal intermediaries has increased, raising questions about data governance, quality assurance, and accountability. The lack of clear state oversight risks fragmenting the digital justice ecosystem, with parallel systems emerging outside of formal coordination mechanisms. In some cases, private actors have begun offering access to legal databases and digital court services, creating tensions between public access imperatives and commercialisation pressures. Without stronger legal anchoring and institutional ownership, Ghana's digital justice infrastructure could drift into an unsustainable and inequitable dual system.

## **Resistance to Change and Role Insecurity**

Some categories of court personnel—particularly bailiffs, registrars, and clerical staff—expressed unease about the ongoing automation of court processes. As digital filing and service of documents become standard, roles traditionally based on physical presence and manual handling are being redefined or phased out.

Without proactive change management and upskilling opportunities, digitalisation may exacerbate internal resistance and undermine reform implementation at the local level.

### **Lack of Legal Recognition of GhaLII Documents**

Although GhaLII is a well-known and widely used public access tool, it is not an official platform of the state. As a result:

- » Documents downloaded from GhaLII are not formally accepted in court proceedings.
- » Only files and judgments accessed via ECMS carry legal recognition.
- » This undermines the utility of GhaLII in legal practice, despite its role in improving public access.

The dual system—where one platform is accessible but unofficial, and the other is authoritative but restricted—creates confusion and inconsistency in how digital legal information is used and perceived.

### **4.3.8 Opportunities and Good Practices**

Despite the limitations outlined above, the study also revealed numerous opportunities and examples of good practices that can inform the future development of digital justice in Ghana. These relate to institutional innovations, functional features of existing platforms, and promising strategies for scaling inclusive digital access.

#### **Strong Institutional Ownership and Vision**

The establishment and operationalisation of the Electronic Case Management System (ECMS) reflect a clear institutional vision for modernising justice delivery in Ghana. The Judicial Service of Ghana has taken leadership in:

- » Coordinating digitalisation efforts,
- » Issuing administrative directives (e.g., on mandatory virtual hearings),
- » And developing internal capacity-building programs for judges and court staff.

This institutional engagement provides a strong foundation for long-term reform, especially if complemented by legislative action and financial commitment.

#### **Functional Potential of ECMS as an Integrated System**

ECMS is designed as a 360-degree digital system that integrates multiple core justice functions, including:

- » Digital case filing,
- » Real-time case tracking,
- » Online access to rulings,
- » Internal coordination between judicial actors.

This level of integration holds significant promise for improving efficiency, transparency, and procedural predictability, especially in high-volume court environments. Once fully deployed across all court levels, ECMS could dramatically reduce administrative burdens and physical congestion in courts.

## Role of GhaLII in Open Access to Legal Information

While GhaLII is not officially recognised in court proceedings, it nonetheless plays an important role in promoting public access to legal information. Key strengths include:

- » Free and open access without registration,
- » User-friendly interface, searchable by keywords and case type,
- » Usefulness for students, CSOs, journalists, and members of the public.

GhaLII has demonstrated that a simplified, low-barrier platform can significantly contribute to legal empowerment and transparency. Certain GhaLII features could serve as models for improving ECMS usability—for example, in public search tools, layout, and access policies.

## Innovative Use of Virtual Courts

The establishment of virtual courtrooms in jurisdictions such as Adenta, Tema, Tamale, and Bolgatanga is a promising innovation. These facilities:

- » Enable remote participation in hearings,
- » Reduce physical presence in court buildings,
- » And allow for real-time digital access to proceedings and decisions.

Virtual courts have been particularly valuable during high-profile cases—such as the 2020 presidential election petition—where live streaming and public access were essential for transparency and democratic legitimacy.



## Manuals, e-forms, guides and FAQ

The ECMS platform is accompanied by detailed user manuals, and training sessions have been conducted for lawyers and judges. While there are challenges in accessibility and outreach, these resources offer a starting point for broader user support, especially if translated and adapted for different user groups.

As part of its user-centred approach, the Judicial Service of Ghana has developed a central online portal that includes frequently asked questions (FAQs), downloadable electronic court forms (e-forms), and guides to virtual court participation. These resources aim to demystify court procedures for non-professional users and enhance public confidence in digital justice mechanisms. If systematically maintained and translated into local languages, such platforms could substantially improve the inclusiveness and accessibility of ECMS services.



## Potential for Public Search, AI Integration, and Smart Interfaces

There is growing interest among stakeholders in enhancing the user experience of digital platforms. Suggested innovations include:

- » Simplified public access portals for downloading rulings,
- » Keyword-based search tools for lay users,
- » Long-term exploration of AI-powered legal search functions to make legal information more accessible and comprehensible.

If implemented with strong data governance, these innovations could make digital platforms significantly more inclusive and responsive to user needs.

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Moving forward, the scaling of digital justice tools will depend not only on technology, but also on strategic partnerships and localisation strategies. Collaboration with civil society organisations, legal education institutions, and local governments could accelerate adoption and adaptation. Localised training programs, community-level awareness campaigns, and stakeholder feedback loops will be crucial to ensure that innovations like ECMS and GhaLII respond to user realities and build long-term legitimacy.

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# Analysis results

## Kenya

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## 4.4 Kenya

### 4.4.1 Kenya Law platform

The **Kenya Law platform**<sup>24</sup> is hosted and managed by the National Council for Law Reporting, which operates as a semi-autonomous public corporation under the National Council for Law Reporting Act and Legal Notice 29 of 2009. The unique feature of the platform is that it operates under an **official national remit**. The platform is the official publisher of Kenya Law Reports and Laws of Kenya. The organisation is governed by a board of non-executive members chaired by the Chief Justice/President of the Supreme Court, with day-to-day operations managed by a secretariat headed by a managing director/publisher.

Kenya Law's mandate is to monitor and report on the development of Kenyan jurisprudence, to revise and consolidate Kenyan laws, to publish those laws and to undertake such other related publications and perform such other functions as may be conferred by law.

Its mission is to provide universal access to public legal information, thereby promoting the rule of law. The organisation sees itself as the leading provider of public legal information, contributing to a more enlightened society. The official slogan, 'Where Legal Information is Public Knowledge,' reflects this objective.

As part of its access to information policy, Kenya Law supports the **open access to law** movement, believing that public legal information is a common heritage and should be accessible to all to promote justice and the rule of law. It undertakes not to impose unfair restrictions on the use and re-use of this information. In addition, the organisation emphasises the creation of shared value, ensuring that its processes and products are aligned with the advancement of societal well-being and environmental protection. In terms of creativity and innovation, Kenya Law encourages the application of progressive ideas to improve both legal knowledge and organisational efficiency.

The Kenya Law website provides a very wide range of legal information online, offering access to statutes and other legal texts as well as case law from Kenya. It includes judgments, superior court decisions, new and revised legislation, draft bills and updates on Kenya's legal framework. The site also provides legal resources such as Gazette notices, constitutional petitions and links to various legal opinions and guidelines.

Kenya Law is dedicated to producing accessible, accurate and timely publications in line with its quality policy, which adheres to ISO 9001:2015 standards. To ensure continuous improvement and sustainability, senior management conducts an annual review of quality objectives and policies.<sup>25</sup>

The way in which the Kenya Law platform is funded is part of the National Legal Reporting Council Act, which governs the activities of the Kenya Law platform. According to the Act, the platform is funded by appropriations from the National Assembly of Kenya. In addition, the Council is empowered to enter into contracts, acquire property and borrow money as necessary to fulfil its mandate. These financial mechanisms help maintain the platform's operations.<sup>26</sup>

<sup>24</sup> <https://kenyalaw.org/>.

<sup>25</sup> Cf. <https://kenyalaw.org/kl/index.php?id=115>.

<sup>26</sup> Cf. National Council of Law Reporting Act, 27th January, 1995, <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%2019A> and Legal Notice No. 29 of 2009, <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%201>.

According to a case study on the Kenya Law platform published in October 2011 by the laws.africa website, the introduction of the platform has significantly improved the publication and management of Kenyan legislation. The main impacts are faster and more accurate legislative updates (reducing the time from two months to just 3-5 days), automated formatting, and real-time digital access. The platform enhances research and comparative analysis capabilities, improves document quality and enables Kenya Law to publish legislation in multiple formats. This modernisation promotes wider access to up-to-date legislation and encourages new partnerships to further enhance the user experience.<sup>27</sup>

The key success factors of the Kenya Law platform are that it is a user-friendly database on laws and court rulings that combines easy navigation with an ambitious policy of keeping information up to date. Updates are regular and keep pace with current events, reducing the time needed to publish legal texts and court rulings. Automation ensures consistent formatting and document quality, while allowing the Kenya Law team to focus on content rather than technical issues. Adapting the platform to the needs of users according to Kenya's specific legal requirements, as well as the widespread support offered by the platform with the integration and possibility of offering several output formats (PDF, web formats, comparative versions of the law showing the differences between the amended versions, etc.) greatly facilitate access to information.

The Kenya Law Platform differs from the platforms in Senegal, Côte d'Ivoire and Ghana not only because it has an **official legal mandate**, but also because it **brings together all important legal information on a single platform**, including the Kenya Gazette, which is the official publication of the government of the Republic of Kenya. It is also **completely free** to all users thanks to government funding. Finally, the platform has a **powerful search mask** that allows you to search for documents in a very precise and targeted way (including by document type, court, court station, outcome and year).<sup>28</sup>

#### 4.4.2 M-Wakili platform

In addition to the Kenya Law Platform, there is another Kenyan platform that could potentially revolutionise access to legal information. The innovative and **privately-owned M-Wakili**<sup>29</sup> is an **artificial intelligence (AI)-driven legal assistant** that improves access to legal advice and resources in Kenya. By providing 24/7 instant legal assistance, M-Wakili enables users, including legal professionals, lawyers and law students as well as the general public, to receive immediate and accurate answers to their legal questions without the need for in-depth legal knowledge. Its capabilities include legal research, document drafting and the provision of analytical information. This platform not only maximises the productivity of lawyers, but also empowers current and aspiring legal professionals, potentially revolutionising the legal field by making legal expertise more accessible and effective.

In the future, the M-Wakili platform could play an even greater role in Kenya's legal advice system by providing instant access to legal information and assistance through AI technology. Unlike traditional lawyers, M-Wakili offers 24/7 availability for rapid legal advice, document drafting

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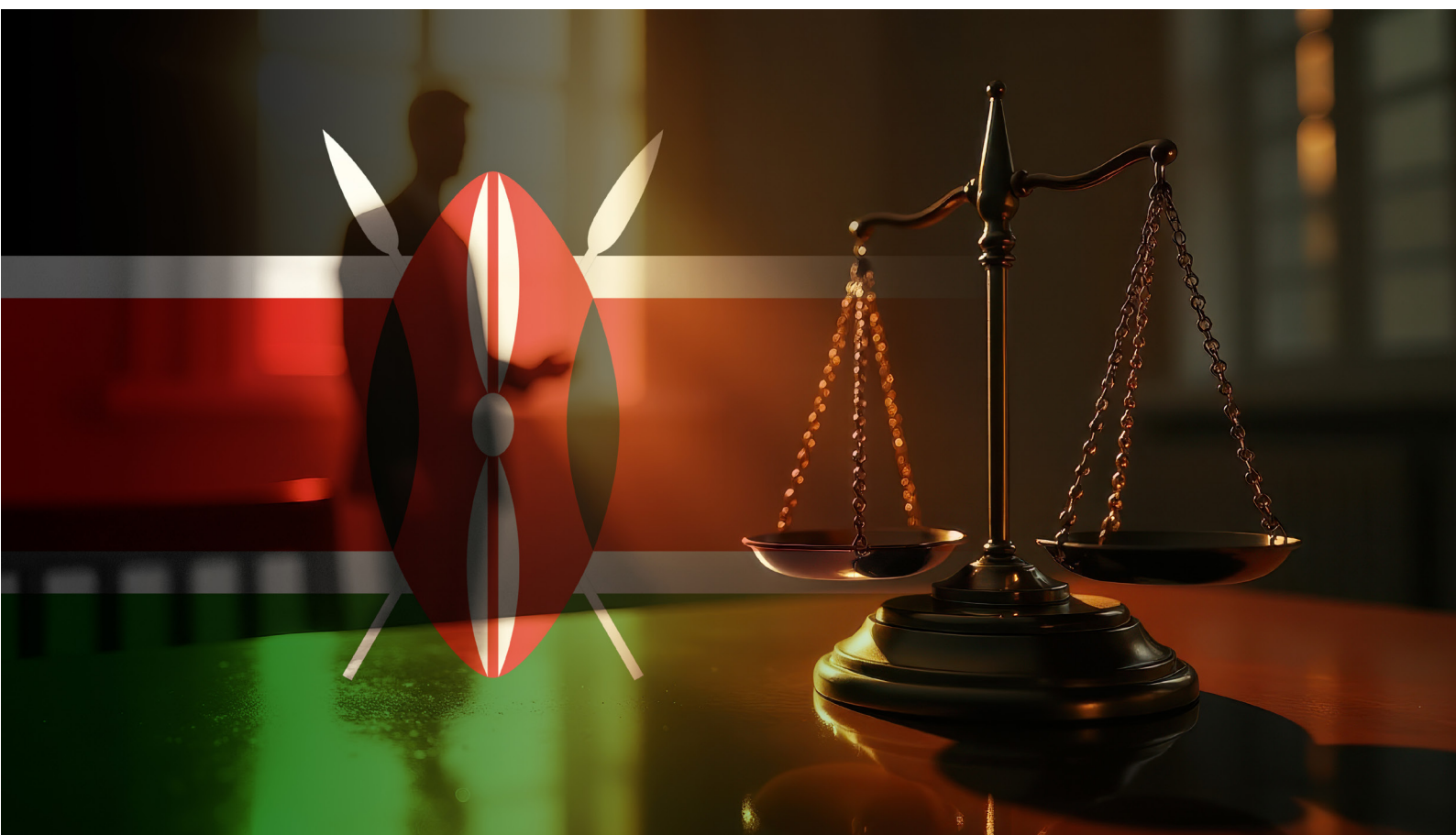
<sup>27</sup> Cf. <https://laws.africa/case-studies/kenyalaw.html>.

<sup>28</sup> <https://kenyalaw.org/kl/>.

<sup>29</sup> <https://mwakili.com/>.

and research capabilities, making legal assistance more accessible to all. However, it is important to note that M-Wakili is designed to complement, not replace, human lawyers, particularly for complex legal matters requiring personal representation and negotiation skills.

M-Wakili is funded by a subscription model that offers **both free and paid services**. Users can access **basic legal advice free of charge**, while premium features such as advanced legal drafting and priority assistance are chargeable. The platform is developed and managed by a dedicated team of legal and technology professionals who are responsible for ensuring its accuracy and efficiency.



## 5 Conclusions

### 5.1 By country

In **Côte d'Ivoire**, the process of digitalising and dematerialising the judicial system is underway. However, more needs to be done to bring the population closer to the courts and to facilitate the work of legal professionals and all users through the development of digital platforms that facilitate access to legal texts and court rulings.<sup>30</sup>

The digitalisation of legal texts and court rulings in **Senegal** already represents a major step forward that could transform the judicial landscape. But for the time being, there are still a number of blocking factors, in particular

- » Internet access remains a major obstacle for a large part of the Senegalese population, particularly in rural areas.
- » for digitalisation to have a significant impact, it is crucial to invest in Internet infrastructure and make access more affordable for low-income populations.
- » it is imperative to guarantee data security, which remains a key concern. Legal data is sensitive and must be protected against cyber-attacks and leaks. This requires the implementation of rigorous security protocols and the ongoing training of judicial staff in cyber security best practice.
- » Staff training is another crucial aspect for the success of this digital transformation. Legal professionals must be equipped with the necessary skills to make effective use of new technologies and digital platforms.

The case of **Ghana** illustrates both the potential and the complexities of digitalising justice systems in a context of institutional reform, infrastructural inequality, and evolving user expectations. The study found that meaningful progress has been made—particularly through the establishment of the Electronic Case Management System (ECMS) and the widespread use of GhaLII—but significant gaps remain in terms of accessibility, equity, and long-term sustainability.

Digital platforms have already had a positive impact on legal professionals, especially by:

- » Reducing delays in accessing court decisions,
- » Enhancing procedural transparency,
- » And improving internal coordination within the justice system.

However, the perceived benefits of digital justice platforms vary significantly across user groups. While lawyers and judges have generally welcomed the efficiency gains, court clerks and bailiffs have expressed concerns about role insecurity due to automation. Civil society organisations have used platforms like GhaLII for legal advocacy and education, but also pointed to the need for more localised, user-friendly formats. These differences underscore the importance of addressing institutional change dynamics and capacity gaps alongside technological upgrades.

At the same time, the benefits of digitalisation remain concentrated in urban centres and among legal elites. Many court users—especially in rural areas or outside the formal legal system—continue to face barriers related to registration requirements, digital literacy, infrastructure, and

<sup>30</sup> <https://www.un.org/sustainabledevelopment/fr/peace-justice/#:~:text=L'%C3%A9galit%C3%A9%20d'acc%C3%A8s%20%C3%A0,soient%20pas%20marginalis%C3%A9s%20ou%20maltrait%C3%A9s.>



a lack of public information.

Moreover, structural limitations—such as the restricted rollout of ECMS, the lack of anonymisation in published decisions, and the legal non-recognition of GhaLII content—undermine the inclusiveness and legal coherence of Ghana’s digital justice ecosystem.

Going forward, Ghana has a strong institutional foundation and a clear strategic vision. By expanding the geographic and institutional reach of ECMS, integrating public access features inspired by GhaLII, and developing a unified legal framework for digital justice, the country can leverage its current momentum to build a more inclusive and transparent justice system.

Realising this potential will require not only continued investment in digital infrastructure and skills development, but also a sustained political and institutional commitment to making access to justice a truly public and equitable good in the digital age. This includes clarifying regulatory responsibilities, establishing long-term public funding mechanisms beyond donor support, and safeguarding the public character of legal information platforms amid growing commercialisation pressures.

## 5.2 General conclusions

The digitalisation of judicial systems in Ghana, Kenya, Senegal, and Côte d’Ivoire presents a significant opportunity to modernise legal institutions, improve access to justice, and enhance transparency and efficiency in legal processes. The study confirms that digital access to legal texts and court decisions holds substantial potential to make justice systems more inclusive, timely, and accountable.

In all four countries, progress has been made in publishing legal data online and establishing digital platforms. These developments are motivated, in part, by the commitment to Sustainable Development Goal 16, which promotes peace, justice, and strong institutions. Platforms such as Kenya Law and ECMS in Ghana are among the tools enabling digital transformation.

However, the study also identifies significant limitations and structural disparities that must be addressed in order to fully realise the benefits of digital justice.

### Observed Impact of Digital Justice Platforms

Across the four countries studied, digital justice platforms have already begun to generate concrete impacts, particularly in the following areas:

- » Faster and easier access to court decisions for legal professionals, especially in urban areas and within higher courts.
- » Improved procedural efficiency through digital filing, real-time case tracking, and electronic notifications.
- » Support for legal education and case law research, as platforms provide searchable databases accessible to students, researchers, and CSOs.
- » Enhanced public visibility of high-profile cases, especially where virtual hearings and live streaming are implemented.
- » Time and cost savings for lawyers and court staff by reducing physical interaction and paperwork.

However, the systemic and societal impact of digital platforms remains partial and uneven, due to several limiting factors:

- » Limited rollout to superior courts and urban areas only.
- » Lack of legal authority for certain platforms (e.g. GhaLII in Ghana).
- » Access barriers for non-professionals and vulnerable populations.
- » Low public awareness and digital trust.
- » Insufficient anonymisation, compromising privacy and ethical standards.

### **Uneven Legal Recognition and Platform Authority**

While Kenya Law enjoys full official mandate, other platforms such as GhaLII, though widely used, are not recognised in legal proceedings. This limits their influence on formal legal practice and weakens their authority as trusted sources.

### **Privacy and Data Protection Concerns**

Many platforms lack anonymisation protocols, exposing personal data in sensitive rulings. This violates privacy standards and erodes public trust in digital justice.

### **Persistent Inequalities in Access and Use**

Digital justice is still largely an urban and professional phenomenon. Rural populations, informal justice actors, and self-represented litigants remain digitally excluded due to infrastructure, literacy, and platform design issues.

### **Underutilisation, Coordination Gaps and Lack of clearly defined Institutional Mandates**

Digital tools are often underused because of low public awareness and fragmented implementation across institutions. This reduces their effectiveness and scalability.

Another key barrier identified across countries is the lack of clearly defined institutional mandates for digital justice governance. In several cases, responsibilities are fragmented between ministries, judicial councils, and platform operators, with no single lead authority. This limits cross-agency coordination, platform integration, and long-term strategy development.

The situation in Senegal and Côte d'Ivoire illustrates the risks of fragmentation and limited public visibility despite strong political commitments. The absence of centralised platforms, clear mandates, and inclusive user strategies undermines systemic impact, particularly for citizens and non-institutional actors.

Civil society organisations (CSOs) have played an important role in bridging the accessibility gap, particularly by promoting legal awareness, translating materials, and assisting vulnerable users in navigating digital platforms. However, their efforts often remain underfunded and disconnected from official platform strategies. Stronger cooperation with CSOs could significantly enhance outreach, trust, and localisation.

### **Digitalisation and Legal Empowerment through Education and Research**

Digital platforms contribute to:

- » Self-directed learning and legal education in remote areas,
- » Practical training of law students in digital legal tools,
- » Faster legal research and academic collaboration,
- » And legal empowerment of small businesses and communities through access to regulatory information.

This makes legal digitalisation not only a reform of institutions, but also a means of individual and collective empowerment.

### **Strategic Opportunities for Inclusive Digital Justice**

To realise their full potential, digital justice platforms must:

- » Be legally embedded and publicly recognised,
- » Ensure privacy and anonymisation standards,
- » Offer inclusive interfaces and multilingual tools,
- » Reach users through awareness and training efforts,
- » And be sustained through long-term public–private cooperation.

### **Need for Further Impact Evaluation and Data Cooperation**

While this study provides qualitative insights, it was not able to access internal usage data or survey platform users directly due to data ownership constraints. The absence of these elements limits the ability to make representative, evidence-based claims about the platforms' broader societal impact.

For future research, we recommend:

- » Quantitative surveys conducted in partnership with platform providers,
- » Analysis of user metrics, such as access frequency and satisfaction,
- » And targeted interviews with platform users on how the use of the digital platform has changed legal practice and justice outcomes.

Such approaches will be essential to enable more evidence-based impact measurement, guide strategic decision-making, and ensure that digital systems respond effectively to the needs of diverse user groups.

## 6 Strategic Recommendations for Inclusive Digital Justice

On the basis of this study, it is possible to formulate a number of recommendations aimed at improving digital access to legal texts and court decisions in Côte d'Ivoire, Senegal, Ghana, Kenya, and similar contexts. These recommendations reflect the findings of the study and aim to promote inclusive, sustainable and effective digital justice systems.

Kenya Law and GhaLII demonstrate how ease of access, searchability, and public trust can be achieved through thoughtful design and regular updates. Their strengths should inform future platform development across countries.

While the following recommendations aim to maximise the potential of digital justice platforms, their implementation must take into account the challenging operating conditions in many of the countries studied. These include limited public funding, shortages in digital expertise, and regional disparities in infrastructure. Therefore, we propose a phased and pragmatic approach, focusing first on low-cost, high-impact actions, while progressively building institutional and technical capacity for more advanced solutions.

Moreover, digitalisation must be framed not only as a technical project, but as a **long-term governance reform**. Political ownership, inter-ministerial coordination, and legal authority are essential to ensure that digital justice platforms are institutionalised and not relegated to fragmented or donor-dependent pilot projects.

### 1. Strengthening Digital Infrastructure

- » Connectivity: Expand internet coverage, especially in rural and peri-urban areas, by improving 4G networks and gradually preparing for 5G.
- » Reliable electricity: Invest in stable energy infrastructure to ensure uninterrupted access to digital legal services.
- » Sovereign hosting: Promote national hosting solutions and data sovereignty to ensure secure and jurisdictionally governed platforms.

### 2. Development of Adapted and Inclusive Digital Platforms

- » **Unified platform:** Establish a state-managed, centralised legal platform that publishes legislation and court decisions from all superior courts.
- » Ease of use: Design interfaces for both professionals and laypersons, with intuitive navigation, keyword search, and mobile compatibility.
- » User-centred design: Include features tailored to users with limited legal or digital literacy (plain language, visual aids, user testing).
- » Interoperability: Standardise legal document formats to ensure compatibility across institutions.
- » Digitisation of archives: Accelerate the digitisation of historical legal materials and integrate them into public platforms.

- » Accessibility standards: Comply with Web Content Accessibility Guidelines (WCAG) to ensure access for persons with disabilities.
- » Multilingual access: Provide legal content in local and national languages alongside French or English.

### **3. Reducing Economic, Geographic, and Linguistic Barriers**

- » Affordable access: Ensure legal platforms are free or low-cost for students, NGOs, and rural populations.
- » Affordable equipment: Promote the use of smartphones and data-light interfaces compatible with basic devices.
- » Language equity: Invest in translation and localisation tools to make legal documents available in national and local languages

### **4. Strengthening the Legal and Regulatory Framework**

- » Legal mandate: Establish comprehensive legislation to define the roles, responsibilities, and standards of digital legal platforms.
- » Anonymisation: Mandate anonymisation of sensitive court decisions to uphold privacy rights. National platforms should adopt anonymisation protocols in line with regional data protection laws and GDPR standards to protect personal data, especially in cases involving vulnerable individuals.
- » Transparency and security: Adopt secure, open publication formats and robust data protection protocols.
- » Regulation and accountability: Strengthen institutional oversight to prevent misuse or manipulation of digital judicial content.

### **5. Promoting Education, Training, and Public Awareness**

- » Digital literacy training: Offer practical training for legal professionals, court staff, and citizens.
- » Online learning resources: Create digital education hubs with tutorials, case studies, and simulations.
- » Curriculum integration: Embed digital legal platform usage into university and professional legal education.
- » Public awareness: Conduct outreach campaigns and implement notification systems for legal updates.

### **6. Participatory design**

- » Involve end-users—especially underrepresented groups—in the design and evaluation of digital justice tools through co-creation workshops, user advisory boards, and inclusive testing.

### **7. Supporting Legal Research and Innovation**

- » Research access: Provide anonymised legal data access to accredited institutions for scientific and policy research.
- » Innovation ecosystems: Support legal-tech startups and research collaborations to improve

digital justice solutions.

- » AI experimentation: Where feasible, pilot AI-powered legal navigation tools in collaboration with academic institutions.

## **8. Enhancing Intersectoral and International Cooperation**

- » Public–private partnerships: Encourage co-investment and innovation with private actors and donors.
- » International exchanges: Foster peer learning through African and international cooperation on best practices (e.g. Kenya Law).

## **9. Establishing Monitoring and Evaluation Mechanisms**

- » Usage statistics: Regularly collect and publish user data and platform performance metrics.
- » Impact evaluation: Conduct user satisfaction surveys, analyse platform data, and assess effects on access to justice.
- » Feedback loops: Implement mechanisms to gather and respond to user feedback for ongoing improvement.
- » Data cooperation: Establish formal agreements with platform providers to access anonymised usage data and enable deeper evaluation.

## **10. Ensuring Institutional Anchoring and Sustainability**

- » Mandate and budget: Assign clear responsibility for platform governance to a public authority and secure dedicated funding.
- » Long-term planning: Develop sustainability strategies covering technical maintenance, staff training, and platform upgrades.
- » Economic models: Explore scalable economic models that balance free access with long-term financial viability (e.g. tiered services or subsidised licensing).

## **11. Managing Role Transitions for Judicial Personnel**

- » Change management: Accompany digital rollouts with role clarification and support for affected staff (e.g. bailiffs, registrars).
- » Upskilling: Provide retraining programmes to integrate staff into evolving digital workflows.

## **12. Prioritising Mobile-Friendly Web Access**

- » Responsive design: Digital legal platforms should adopt a mobile-responsive web design to ensure they function smoothly on smartphones, which are the primary internet access device for most users.
- » No separate app required: Mobile platforms should be accessible via browser without requiring separate app downloads.
- » Data efficiency: Prioritise lightweight design that minimises data usage and loading times.
- » Offline functionalities: Where possible, enable downloading of legal texts or summaries for offline consultation.



### **13. Integrating Virtual Legal Assistance Tools**

- » AI-based support: Develop chatbots or guided search tools to help users navigate legal content and processes.
- » Legal empowerment: Use virtual assistants to connect users to relevant laws, forms, and public legal services.

### **14. Including Alternative Dispute Resolution (ADR) Mechanisms**

- » ADR visibility: Include mediation and arbitration procedures, accredited ADR actors, and local justice options on platforms.
- » Contextual relevance: Highlight informal and community-based mechanisms widely used in rural or customary settings.

By adopting an incremental, inclusive, and resource-conscious approach, countries can strengthen their justice systems digitally without overburdening existing capacities. Even modest but well-implemented advances can improve fairness, accessibility, and efficiency in justice systems. Sustainable progress will require coordinated leadership, empowered institutions, and a long-term vision that places digital justice at the heart of inclusive governance.

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