Ethnographic Research on the Impact of Legal Information Institutes in Zimbabwe and South Africa

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Findings

This report provides clear evidence of the positive impact of the LIIs on judiciary, lawyers, students and communities in South Africa and Zimbabwe, in urban as well as rural areas.

AfricanLII can do more to support the ways in which the LIIs impact the rule of law:

**Content Development**

- Creating integrity in existing collections of law

While the cases are available on the LIIs, they are not always up to date and the collections are at times incomplete. There is also limited access to consolidated and subsidiary legislation, international treaties and information on their domestic application. The fact remains that where the law is not known, it cannot be effectively applied.

- Magistrates’ Courts Judgments

There is an urgent need to start placing online important judgments from the Magistrates’ Courts.

- Editorials

Summaries and classifications of important judgments will help citizens understand important law, as well as help lawyers and NGOs become more efficient at legal research. There is also a need for a subject index which would enable more efficient searches of case law.

**Accessibility Solutions**

- Off-line solution enhancements

Further enhancements to offline versions of the Legal Information Institutes (such as Pocket Law) would be useful for all categories of users in order to mitigate against issues of Internet accessibility and high costs of data.

- Live Streaming and Audio Visual

LIIs could partner with news organizations to live stream court proceedings. Audio visual aids would also create significant benefit for visually-impaired users.

- Social Media (use infographic from appendix in side bar here)

The LIIs should use social media to communicate with its users, linking to relevant information on the LII website or news articles. It can also be used as an advocacy tool with which to engage users and provide a platform on which to participate in public debates.

**Overall: Engagement with donors by providing evidence of the impact of the LIIs on the end-users**

The findings of this report will be distributed to potential donors in the form of a brochure, with a link to the full report on AfricanLII’s website.
1. Introduction

This report was commissioned by the Open Society Foundation (OSF), following an evaluation that advised AfricanLII to provide more evidence on the impact of the LIIs on society to improve its fundraising capabilities. The evidence was collected by way of an ethnographic study in two countries that host prominent and relatively established LIIs, namely Zimbabwe and South Africa. The LIIs in these countries have been in existence over a long period of time and their impact can, therefore, realistically be measured in terms of regional impact, trends and needs. The outcome of this research will also form part of the thinking for a new strategic plan guiding the future development of AfricanLII umbrella programme, and the African LIIs.

The overall objective of the research is as follows:

To measure the impact of access to legal information on the practice of the law and the rule of law, by providing practical evidence of such impact from different regions in two different African countries.

The research focused especially on organizations and institutions with the widest impact on the justice sector in South Africa and Zimbabwe. One such institution is that of the Magistracy. Magistrates are based in both urban and rural areas and handle the majority of the case load of a country’s justice system. LIIs are also used by civil society organizations who work with and for communities to enable them to effectively access justice. LIIs are also used by paralegals, who with the support of civil society, give legal assistance to the most marginalized members of society, including those living in rural areas.

2. The role of the Legal Information Institutes in Africa

Internet Legal Information Institutes (LIIs) provide free access to the law of a country primarily via the Internet. In most of the jurisdictions where the LIIs have been set up, existing case law reports and consolidated statutes are significantly out of date, and are scarcely available even as commercial products. And when they are available, it is typically for a fee that many practitioners – lawyers and even magistrates – cannot easily (or at all) afford. The LIIs of Africa have filled this gap. Their sites are widely used, particularly in the major cities where there is decent internet access. Core users include lawyers from NGOs and small firms, as well as solo practitioners, and in many cases magistrates – most of these typically use the LIIs as a first and sometimes only resource. Additionally, even senior judges and law students in universities use the LIIs, even though these persons often have access to commercial services as well as to good legal libraries. Finally, site visit statistics suggest that the LIIs are being used with increasing regularity, and by an expanding user base.

What follows is a quantitative and qualitative description of the impact of the LIIs on society, as a result of their function as legal information providers.
3. Evidence of the impact of the LIIs

The study was carried out in South Africa and Zimbabwe. In South Africa: different areas within and around Cape Town in the Western Cape Province, as well as Durban and Pietermaritzburg, Kwa-Zulu Natal Province. In Zimbabwe, we visited Harare and Masvingo. The chosen regions had varied access to physical and digital access to legal information. This in turn showed the varied impact of the LIIs and the potential benefits (or losses) of LIIs continuation.

We mainly interviewed LIIs end-users in the following main groups: lawyers, magistrates, students, media, law librarians and civil society leaders in various regions in each of Zimbabwe and South Africa.

Identified groups:

**High Court:** Judges and Researchers

**Magistrate Court:** Magistrates

**University:** law librarians, students and lecturers

**Law Society:** Librarians and Lawyers

**Legal Aid:** legal aid lawyers (assist those that don't have financial means, sponsored by government in SA)

**Para-legal Association:** paralegals

**Civil Society:** leaders

The impact of a particular group/institution on society was measured against LIIs usage within the institute.
South Africa

LII/creation  Staff size  Funding sources  Governance

SAFLII, 2002  Just over three FTEs: a coordinator and three content editors  University of Cape Town (decreasing amounts: $12,000 in 2016 and less in 2017); and three law firms, ending in 2016. Fundraising is going on.  The Director and Program Manager of the Democracy Governance and Rights Unit at the Law School of the University of Cape Town, and its governing Board; assistance from an Advisory Board

South Africa Fact Sheet

Population: 53 million

GDP: 314.57 billion US dollars in 2015

Constitutional Court: 1 in Johannesburg, Supreme Court of Appeal: 1 in Bloemfontein

High Court: 13, at least one in each province, plus circuit courts (sit twice a year, move in rural areas), Judges: 255 in total (2016)

Magistrate Courts: 384 districts with a total of 1,914 magistrates including 351 regional court magistrates (as of 2010)

Lawyers: 23,000

Law Schools: 17

Law information providers: Lexis Nexis, lexis

Legal Aid: government funded

Paralegals – NADCAO – non-profit organization
SAFLII usage

The top source of traffic is from South Africa.

The most popular content, with the most hits and downloads was the Guide: New Civil Procedure Rules in the Magistrates’ Court. The Guide set forth the new rules for engaging the Magistrates’ Court and was downloaded over 39,791 times in May 2016 alone. Most popular content, registering highest number of hits in October 2016 is the judgment:

THE STATE v JACOB GEDLEYIHLEKISA ZUMA:  

The judgment was republished and referenced widely – including books, newspaper articles, gender and equality advocacy publishers and journals.

Number of sessions (SAFLII website visits) per annum

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<tr>
<td>SAFLII</td>
<td>25,879,863</td>
<td>63,080,446</td>
<td>89,307,334</td>
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High Court

The High Court exceeds jurisdiction of Magistrate Court or on appeal from Magistrate’s court. Their rulings are binding on Magistrates’ Courts within their areas of jurisdiction. The judges in Zimbabwe and South Africa make use of researchers to prepare their cases.
Western Cape High Court

In Cape Town, we met and spoke with High Court legal researcher, Shouket Allie. He does legal research and prepares case notes for the judges:

“[Ed: Commercial Publisher] often does not work and I therefore rely on SAFLII in terms of legislation and case law. Pocket law is very important to me, specifically because it enables me to have full access all the time given that the Internet is unreliable. I can do work outside a wi-fi environment. It makes my work very efficient, as I can respond quickly to the judges’ needs.”

The judge would call in the morning saying that he/she needs information by 11:00. Whether the Internet is available or not, it gives the researcher ability to respond quickly.

“Consequently, my output has increased. I cross-reference to other cases using Lawcite on SAFLII. Many judges prefer hard copies in hand, these are easily obtained by downloading them from SAFLII and printing them. Currently judges are being trained to be more digital.”

Shouket also uses foreign case law, which he obtains via the LII global network. Particularly Indian and Canadian cases, which enrich local jurisprudence. He says, he uses regional (African) LIIs material to deal with the many migrant-related issues. In terms of impact on quality of judgements, Shouket says that SAFLII allows the judges and their researchers to stay up to date with recent cases and legislation, avoid mistakes in citations and overall be more efficient in their work.

Magistrates Court

The Magistrates’ Courts are the lowest courts in the courts system in South Africa and handle approximately 90% of the cases. They are the courts of first instance for most criminal cases except for the most serious crimes, and for civil cases where the value of the claim is below a fixed monetary limit

Rural-based magistrate, J. Jantjes who is based in North-Western Province, explained the use of SAFLII as follows:
“For legislation, magistrates mainly use Juta, as the Department of Justice has a contract with these legal publishers. For judgement, I use SAFLII, as the judgements are current, plus they post unreported cases as well. It keeps me abreast of daily developments.

As a result of the availability of these cases, I read more and I feel in a better position to prepare my judgment. Equally, lawyers are better prepared. When putting in their motions, you can see them googling SAFLII to get the relevant information.

Amongst ourselves, we complain about the fact that the Magistrates’ judgements are not published, seeing that 90 to 95% of the cases start in the Magistrates Court. Instead, we use informal networks to share our judgements. I feel that for the sake of accountability the Magistrates’ judgements should be published as well.”

In addition to Magistrate Jantjes, we spoke to three different Magistrates in the outskirts of Cape Town, in a place called Kuilsriver. There is a generational gap in terms of computer and Internet usage here too. The young magistrates use online resources and communicate among themselves with WhatsApp (a popular social media platform in southern Africa). They are trained on how to use commercial publications, but in practice they prefer and use SAFLII.

The major cases in the environment they operate in are related to domestic violence, maintenance, drugs and theft. For these cases, they use small handbooks produced by Juta. However, there are also cases that require additional research and therefore access to SAFLII. SAFLII, they say, reduces dependency on the Magistrates Commission’s circulars that provide updates, which are not as current as doing research on SAFLII.

The townships in the periphery of Cape Town have relatively high populations and a high case load (20 to 40 cases a day per magistrate) and for that reason mobile courts have been established to bring legal services closer to the communities. People use their mobile phones to access SAFLII and mostly use Google to make the search, instead of the internal search engine or app.
South African law faculties train the future lawyers and judges of South Africa, and oftentimes, of other countries. Part of the student population are so-called mature students, established legal professionals who further their legal education with post-graduate degrees or certificates. Magistrates are one such group, but judges are found to pursue post-graduate studies as well.

Attending university, and especially Law School, is unattainable for many young South Africans. The government provides grants, but those can rarely stretch beyond covering tuition and most basic living expenses. Legal research materials, if not provided by the University, is out of reach for most of the students. We interviewed students, as a major user group, and as future legal practitioners, judges, government lawyers, social workers, etc. about their use of SAFLII.
A Zambian student at the University of Cape Town (UCT), Jennifer Mudenda, uses SAFLII because it's detailed, user friendly and has high quality of information. As a student at UCT she has access to [Ed: Commercial Publisher], but she finds it hard to use.

In Jennifer’s opinion, if SAFLII would cease to exist, students would have to buy the commercial legal services and it would be too expensive. As it stands, the library does not stock enough books for all the students. Also, without SAFLII she couldn’t work from home, where most students go to study to save money from their meagre grants.

Add another student, Mr. Mfeka from UKZN testifies in this video how SAFLII helped him to attain his goals and graduate with distinction and attain an LLM degree. SAFLII provided him with full access to up to date judgements, always. Mr. Mfeka noticed the SAFLII stand at the Kwa-Zulu Natal Law Society meeting in late 2016, hurried to their representative and insisted on sharing his profound gratitude for the SAFLII service.
Law librarians in South Africa testify to these students’ experiences pointed out above:

‘I have witnessed the changes in the way students are using the library. Students nowadays know how to navigate the Internet and no longer need the constant assistance of a librarian. They have access to a wide range of online resources, including the commercial publisher. They use SAFLII mainly because it is the most up to date resource.’

This is crucial, as she illustrated the case of a PhD law student. This student, who was a week away from submitting her thesis, realized that an important change in legislation regarding the Property Act had occurred. If she would not have had knowledge of this and incorporate the changes, her work would have been out of date and irrelevant. While for their academic requirement students need to base their work on the latest developments, when it comes to official citations, however lecturers insist on students citing ‘professional’ sources, which excludes SAFLII.

‘I expect the physical library to phase out within a period of ten years’ Christine Bronkhorst, librarian North-Western University

Lawyers

The Law Society of South Africa (LSSA) represents the attorneys’ profession by bringing together its six constituent members in a national, non-statutory body. The six constituent members of the LSSA are Black Lawyers Association (www.bla.org.za), Cape Law Society (www.capelawsoc.law.za), KwaZulu-Natal Law Society (www.lawsoc.co.za), Law Society of the Free State (www.fs-law.co.za), Law Society of the Northern Provinces (www.northernlaw.co.za), and National Association of Democratic Lawyers. Lawyers are required to do twenty-four pro bono hours each year. Some of this work is channeled through
ProBono.org, a civil society organization that helps connect lawyers to cases and clients, identified by the organization as most needing of such assistance.

In 1998, KwaZulu-Natal Law Society started a national electronic help desk service which now reaches out to all registered legal practitioners and candidate attorneys in South Africa. The Law Society is exploring options for extending this research service to lawyers in the SADC region as well.

The law library does not give legal advice but assists lawyers in finding materials. Rekha Woodhaymal is a Senior Librarian at the KZN Law Society. In Rheka’s view, SAFLII makes their work more efficient. In the past, all the legal research was done manually. Now, with the availability of SAFLII’s online resources, the research unit at the KZN Law Library can handle up to 20 requests per person a day.

"South Africa is privileged in terms of access to legal information. SAFLII publishes both reported and unreported cases, therefore a more extensive collection than commercial publishers. SAFLII is easy to search and makes our work more efficient. We can handle up to 20 cases a day per librarian. In the days of hard copies, we were less efficient in providing support. Subscription to [Ed: Commercial Publisher] is 2 million Rand a year. Many libraries don't buy books/journals from overseas, because of rising cost and because of the exchange rate. Need for historical knowledge still crucial when doing legal research and this can be found in the extensive SAFLII database."

We also spoke to van Niekerk, the Chairperson of the Society of Advocates, KwaZulu-Natal. He noted that while senior lawyers like himself have the resources to access online commercial publishers and buy hard copies of law reports, he knows that the reality for younger lawyers is a very different one. Most of them simply can't afford commercial online access and they rely heavily on SAFLII. He makes another point regarding the value of SAFLII:

**Speed is important once there is a change in law it must be immediately known**

Van Niekerk did not necessarily attribute improvement of quality of the judges’ and lawyers’ work to SAFLII, but rather saw an enhancement in terms of efficiency.

**Legal aid**

Legal Aid in South Africa is a large government-funded organization that makes legal representation available to those who cannot afford legal services. In South Africa, the majority of the people cannot access legal services.

The Legal Aid Board in South Africa’s Intranet does not have a link to SAFLII on Intranet. They do have full access to commercial legal publishers. However, much like the Magistrates, individual Legal Aid lawyers, as evidenced at Pietermaritzburg Legal Aid Board, made it clear that they use SAFLII extensively in their work. We found them accessing it on their phone while in court. They said they wouldn’t know how to access legal information without SAFLII.

Legal Aid lawyers are more prepared given their access to SAFLII. When they cite a judgment from the SAFLII database this forces the Magistrates to also consult SAFLII. Since 95% of legal work is done by Magistrates, this Legal Aid lawyer feels that there is a need for magistrate judgements to be online, even if they are not binding. There are significant judgments covering
Civil Society

Funding constraints have weakened conventional civil society in both South Africa and Zimbabwe. There has been a shift to litigation as a means of obtaining rights. The NGOs combined legal advocacy with practical access to legal services on the ground by means of paralegals, community legal advisors and by creating legal awareness among civilians and judicial officers. The Access to Justice movement has also been driven by growing inequality in both countries. Inequality, which has made access to legal, and generally, services extremely limited for the majority of people. Access to Justice programs are largely funded by the EU, GIZ, OSISA and OSF. SAFLII and ZimLII use civil society organizations to reach grass-roots communities.

In South Africa, the Black Sash is an important intermediary between SAFLII and the grassroots communities, between formal law and actionable legal information. SAFLII and the Black Sash are jointly developing a version of Pocket Law exclusively for Paralegals in their network. The paralegals and the Black Sash use SAFLII resources to further their cause. As a 59-year old veteran human rights organization they are currently focused on broadening the coverage of the South African social security system, and on promoting administrative justice, with a concrete focus on the needs of unemployed and poor people. The Black Sash National HELPLINE is a free national information, advice and referral service. The public can communicate with a Black Sash paralegal on any question related to their rights that they may have. In addition, the Black Sash has engaged in ongoing advocacy for civil society to effectively tackle corruption undermining the public and private sectors. They also work to reform competition legislation to ensure more accountability for companies implicated in collusion, particularly with respect to basic food and services. In this respect, the Black Sash has been involved in a class action case seeking damages against perpetrators of price fixing for bread. They use litigation as a last resort for securing rights.

Elroy Paulus, the national advocacy manager of the Black Sash, uses SAFLII extensively for his work. However, he feels that SAFLII needs to strengthen its role in South Africa, make the service more popular and secure demand from the people.

Elroy suggests that SAFLII could reach and directly assist non-legal users if it publishes digested legal information, such as fact sheets on law and judgments, or a legal dictionary for people to understand the terminology of law.

While civil society organizations in South Africa and Zimbabwe employ lawyers to fight major social causes, access to justice on a mass scale requires access to an intermediary, such as the paralegals. Paralegals have a sound basic knowledge of the legal principles relevant to the field in which they are working and as a result are able to work independently to perform legal tasks, and help individuals with their, often traumatic, encounters with the law.
Jonathan Lawson, a small-town paralegal in South Africa says the following:

He has been using SAFLII for 12 years as a non-lawyer user. He uses it as an educational tool and for legal information. He has been a paralegal for many years. The issues he deals with as a paralegal at the Black Sash are mainly related to housing, access to electricity, access to social security, etc. All of his work is related to the application of the new constitution and the Bill of Rights. The goal is to make law easily accessible. He uses the outcomes of court cases he finds on SAFLII to inform his work and distributes the knowledge to others in workshops and seminars. He summarises the judgements found on SAFLII into plain language, so everyone can understand it.

Responding to the needs of paralegals in the field, AfricanLII developed a technological solution, called Pocket Law, driven by Black Sash and SAFLII content.

Pocket Law was launched by the Faculty of Law staff at UCT, on the 24th May 2016.

Internet accessibility in Africa is often expensive, intermittent and unreliable, and it was in response to this that the idea of Pocket Law was conceived. Courts in both South Africa and the region often experience Internet connectivity issues and we are confident that Pocket Law will help ease the frustration of these judges when they need to reference case law or legislation.

In addition, students with no Internet at home will be able to do research and the smaller or start-up law firms will be able to subscribe to a legal library that won’t bankrupt them!

There are three versions of Pocket Law: one is the entire SAFLII database; one is of our regional AfricanLII databases and a third is a version for community based paralegals which contains SAFLII cases and legislation, as well as relevant resources and training materials. Pocket Law has been distributed to SADC judges, to paralegals, to students and legal practitioners. The feedback has been most enthusiastic. AfricanLII has now developed a Paralegal Pocket Law Android app that connects directly with the LII websites, providing for an easy and hassle-free deployment of Pocket Law across regional countries hosting an African LII.

Zimbabwe
<table>
<thead>
<tr>
<th>LII/creation</th>
<th>Staff size</th>
<th>Current budget</th>
<th>Funding sources</th>
<th>Governance</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZimLII, 2011</td>
<td>One full-time coordinator, who is an IT specialist</td>
<td>AfricanLII, through 2016. OSISA has committed further funding for 2017 and 2018</td>
<td>Director of the Legal Resources Foundation (home for the project), and a Working Group, consisting of people with a legal background</td>
<td></td>
</tr>
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</table>

**Zimbabwe fact sheet**

GDP: 14.42 billion US dollars in 2015

Population: 14 million

Constitutional Court: 1 in Harare

Supreme Court: 13 judges

High Court: 35 judges in Harare, Bulawayo and Masvingo (recently opened)

Magistrate Courts: every district in the country has a regional Magistrate District court. Currently there are less than 200 magistrates

Lawyers: 1,200

Law Schools: 4

Law information providers: ZimLII and Optima Providers (commercial), Veritas (Legislation)

Legal Aid: government funded, but limited funding under current economic climate
ZimLII usage

Number of sessions (ZimLII website visits) per annum

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<tr>
<td>ZIMLII</td>
<td>204,815</td>
<td>283,457</td>
<td>244,950</td>
</tr>
</tbody>
</table>

Origins of users, mostly domestic (Harare, Bulawayo), but also significant numbers regionally and internationally (London, Johannesburg)

Back-links, or links to specific content, to the ZimLII website reflect a sustained interest in the content published on the ZimLII website. To date, ZimLII has 124 backlinks created from various sources including the other LII, Rights, Justice and Legal Advocacy organizations, like Child Rights International Network, Judicial Service Commission of Zimbabwe, jurist.org, Rural Reporters, personal blogs, publications and books (for details of usage, see Appendix I).
High Court and Magistrate’s courts

The Legal Resource Foundation (LRF) Director mentions that according to her experience of interacting with judges, she and her staff have observed a generational issue raised previously that many judges do not use computers and still deliver hand-written judgments. The younger and progressive ones make use of online legal information, like ZimLII.

During our visit to Harare, we met with the Regional Magistrate at the Magistrates Court. This Magistrate has served for many years in the rural areas and has recently been upgraded to the position of Regional Magistrate in the Harare Magistrate’s Court. Additional degrees are almost a pre-requisite for Magistrates seeking promotions. Therefore, many Zimbabwean Magistrates enroll in distance-education course and degrees via South Africa-based University of South Africa. It is mainly through their post-graduate work that Magistrates are exposed to legal research. This is also how the Regional Magistrate of Harare discovered online facilities such as SAFLII and ZimLII. Prior to the availability of ZimLII, Magistrates tended to ask the lawyers appearing for hard copies of legal material presented in court. Lawyers would usually print from the ZimLII site when they quoted a particular case. But now the Magistrates are able themselves to directly access the cases on ZimLII.

I even use ZimLII during a recess before I deliver a judgement on an issue (Regional Magistrate, Harare)

Notwithstanding the accessibility, the actual cost of Internet access is high and this impacts on the users’ ability to make use of ZimLII. Therefore, an offline version of the website, like Pocket Law, would be most useful, says the Regional Magistrate.

On the topic of legislation, the Magistrate appreciates the service the Judicial Service Commission provides in this regard but laments that statutes are usually three months behind, which diminishes the usefulness of the service. He therefore recommended that ZimLII should focus on putting legislation online as soon as statutes have been promulgated.

The Regional Magistrate of Harare also urged ZimLII to address the following needs, which will make his work even more efficient:

1. Add flynoters and summaries, this would avoid having to read the whole case.
2. Add a subject index according to classify cases according to various topics. This would narrow down his search and make his work faster.
Zimbabwean Universities

The University of Zimbabwe, based in the capital Harare, has a law library that gives access to both hard copies and Intranet resources. However, books are out of date, vandalised or stolen. The Intranet is only available 30 minutes a week per student, which is insufficient time to do research. Students are therefore forced to access ZimLII at their own expense.

The Judicial Service Commission (JSZ) website gives free legal information, but its collection is limited as it only reports selected cases (e.g. 40 out of the 100 cases). ZimLII is the primary source of legal information and research for students, but they request access to older cases, decided before 2000, and the old law reports, which are still precedent-setting and used in their curriculum.

ZimLII is also used by students as a source for secondary materials, such as Students’ Law Journal. However, they think it will be in the best interest of legal education and legal writing if they also had access to regional LIIs and international journals via ZimLII too.

We were also informed that Pocket law would be considered a cost-effective research tool for Zimbabwean students, especially given the fact that they do not have access to grants, like their South African counterparts do.

Prof. Victor Nkiwane, Dean of the recently established Law School in the provincial town of Masvingo, relies heavily on access to South African judgements via SAFLII. This is the case because South African judgments are not only of persuasive value in Zimbabwean courts, but also because they are of higher quality. South African judgments are intellectually useful for teaching purposes. Another useful collection on SAFLII is that of the academic articles.
ZimLII is important because of the precedents it publishes.

It is important for the Law School to use the latest cases and keep abreast of new developments. ZimLII has been extremely useful in this regard and I encourage the students to use ZimLII.

There is an example which highlights this: there was this prosecutor who enrolled at the Law School recently. During the interview, we came to find out that he was not aware of the 2015 case outlawing child marriages. This happened because he did not use online resources. However, if we were to rely on hard copies, like the law reports, the lecturer and students will be three years out of date in their knowledge of the law.

Access to online resource is especially important for the fourth-year students who are expected to do research for their dissertations, and who do internships at Magistrate’s Courts and law firms. Although the Law School only has 16 desktop computers enabling online access, most students have laptops.

The Vice-Chancellor promoted increased use of Internet, and wi-fi is of good quality and has been prioritized on campus.
The Law School enrolls older students, who work for the police, army or judiciary. This is mainly because the Judicial Service Commission is putting emphasis on higher qualifications, including degrees. Through their higher education, says the Dean, judicial officers and others are exposed to ZimLII.

The ZimLII coordinator regularly provides formal training for the students on how to use the services. This is required on a regular basis especially when new products are being introduced.

The Dean also said that the proposed Pocket Law and SAFLII’s Law Cite feature would be extremely useful, both for lecturer and students.

More generally, he noted that the new Constitution has ushered in new laws, especially regarding realization of rights. Particularly in urban areas in Zimbabwe, people are challenging failure by government to discharge its service delivery functions. The availability of SAFLII’s cases regarding socio-economic rights has been crucial to support such developments in Zimbabwe.

For the Dean, this highlights the urgency of having more judgments available online, because the immediate availability of judgments enables Magistrates and lawyers to be up to date with the current legal dispensation which is meant to protect citizens’ rights.

The Magistrate’s judgements, in his views, should be available as well, as it would improve the quality of judgement-writing at a level where the majority of people are exposed to the law – at the Magistrates’ Court.

Zimbabwean Lawyers

An urban lawyer in Harare

An urban lawyer based in the capital in Zimbabwe says that ZimLII offers the most immediate and cost-effective access to legal information, especially given that other sources such as Optima Libraries charge $575 for a single user per year, which is a prohibitive cost for many legal practitioners. In order to make ZimLII more relevant to the broader society, he recommends using social media to communicate legal developments. In addition, ZimLII needs to make available critical information regarding legal processes, including High Court rules, rolls, downloadable forms for affidavits, summons, citizenship forms, etc.

‘Until now legal information has only been in the domain of those entrenched in the legal system. Making it more accessible would help ordinary citizens have access to legal information on issues they are confronted with on a day to day basis. All this information is needed by ordinary people for access to justice.’ (lawyer)

Another way of making court proceedings more accessible is to publish them in audio-visual files. Currently, the Supreme Court of Zimbabwe only has fifty seats in the public gallery and they are mainly occupied by legal professionals. This deprives the ordinary citizens of accessing court proceedings and learning advocacy skills. Justice needs to be seen to be delivered.
The Constitution requires consultation in law-making, so inevitably there must be a mechanism for people to access legal information and provide feedback. This can happen via an interactive tool. The feedback could assist lawmakers to faster realign the laws following the enactment of the new Constitution. Given that most people are using smart phones, it is possible to design interactive tools which provide a platform for feedback and discussion.

It is equally important to separate reported and unreported cases. A subject index would be useful in order to narrow down critical cases. Such an index should highlight terminology (i.e. interdict v injunction). The higher the quality of ZimLII the more authoritative it will become.

Maps of locations of magistrates, police stations, etc. could also be useful to the broader public. ZimLII will become increasingly important if products are useful to the ordinary people, because legal practitioners always have access to other sources, but the people on the street do not.

Crowdsourcing could be used to engage lawyers, citizens, etc. to assist in providing legal materials that might be difficult for ZimLII to obtain. In that way, they are made co-responsible to the LIIs.

_A rural lawyer in Masvingo_

Rural lawyers in Zimbabwe do not enjoy the luxury of a Law Library research service, similar to the one their South African counterparts enjoy via the KZN Law Library. We interviewed a rural lawyer called Mafa, who works in Masvingo and surroundings. He told us of his access to and use of legal information as follows:

‘I use SAFLII and since 2016 ZimLII as well. Most of the senior lawyers I know are not aware of ZimLII as they do not use computers and the Internet. One of the main challenges faced by a rural lawyer’s practice is that of the lack of availability of cases. There is only one library in Masvingo, which is at the Legal Resource Foundation, and as you can see, it has a limited collection.’

‘Law Reports are out of reach as they are expensive. As a lawyer, you need to assist Magistrates with hard copies of recent cases found on ZimLII. This is especially the situation with Magistrates who graduated before 2006. Pocket law would alleviate this problem.

Social media could be used for sharing the latest cases and to allow the public to give feedback. In Masvingo we have 13 legal firms, mainly staffed by older generation lawyers, who do not necessarily use ZimLII. It is the younger lawyers like myself who use ZimLII.

_ZimLII was a milestone for us._

In rural areas, such as that of Masvingo, the major cases I deal with are criminal matters, for example murder, stock theft and assault. Civil matters are mostly handled by Legal Resource Foundation lawyers and paralegals.’

Mafa also deals with labour cases, but these are currently not found on ZimLII. He requested that ZimLII publishes labour law cases as well.
Law library in Masvingo, Legal Resource Foundation

**Legal Aid in Zimbabwe**

In Zimbabwe, legal aid is supported by government, but is currently heavily underfunded. Therefore, its impact is limited and most people rely on civil society organizations like the LRF for legal assistance. The main criteria for assistance in providing legal services is the level of income of the applicant. Legal Aid lawyers confirm using ZimLII as their main source of legal information, as they have no access to an alternative legal research platform. For them there is always an urgent need to be kept up-to-date. Quality, valid information is crucial to them. It would therefore greatly assist Legal Aid lawyers if ZimLII could indicate on their site if a case has been overturned on appeal or the law changed in some way. ZimLII is extremely important to them in preparing heads of argument, both in civil and criminal cases.

Fungai Chiware, the deputy director of Legal Aid, uses the smart phone during the court cases, to consult ZimLII. She often cites South African Constitutional Court cases, too, as they provide improvements in cases related to civil and socio-economic rights.

*Overall, ZimLII has improved the quality of our work, especially in drafting legal arguments (Chiware, Legal Aid)*

**Civil society**

**Legal Resources Foundation**

In the context of severe economic decline, civil society organizations in Zimbabwe are considered the only interface between ZimLII and the grassroots. With an unemployment rate of 95% and the limited funding of Legal Aid, most people rely on civil society for legal awareness and needs.
ZimLII is uniquely positioned for a LII as it is physically hosted by a civil society organization - The Legal Resource Foundation (LRF). In existence since 1984, this national organization (with offices around the country) focuses on legal and civic education, legal services (lawyers and paralegals), law and policy reform, service providers training (i.e. magistrates and traditional leaders) and legal publications (Zimbabwe Law Reports). It houses ZimLII.

Its paralegals services, based in the provincial towns and rural areas, comprise the flagship project of LRF, as it directly delivers access to justice to the rural communities.

In the rural areas, the LRF has an outreach program which comprises of legal training of magistrates and traditional leaders, particularly in the field of family law, juveniles and domestic violence. The Chiefs’ courts are part of the Zimbabwean court system, but Chiefs are not trained in the law. The LRF also provides training to prisons officers on human rights, such as various conditions of jail service. The LRF also represents all juveniles in criminal matters. They have help desks at the court, for easy accessibility and support especially for people from the villages. The LRF lawyers do research on ZimLII, SAFLII and online journal articles to adequately prepare court appearances. Real time uploading is crucial to them as well and would like ZimLII to implement some sort of an alert system.

**Women in Law in Southern Africa WILSA**

Another well-known civil society organization, Women in Law in Southern Africa (WILSA) employs eight lawyers, who mainly work on women’s rights and economic empowerment. They rely on ZimLII to update themselves for cases on property rights, on the constitution and economic empowerment issues. On the basis of this, they package this information and avail it to their target communities. They also have help desks at the court to bring legal advice closer to the people. Like many others, they would like ZimLII to have a subject index, which would include search terms like family law and property rights, for easy access. In their opinion, non-lawyers could benefit from case summaries. Offline access is important because Internet is out of reach for many people.
Centre for Conflict Management and Transformation (CCMT)

Another example of the use of ZimLII by civil society comes from the Centre for Conflict Management and Transformation (CCMT). CCMT deals with conflict issues that affect large parts of the community and cause polarization among community groups. They also deal with conflict issues that have been or have the potential to be destructive or violent. The CCMT confirmed that in preparation of their work they do make use of ZimLII for the research that underpins their interventions. An example is highlighted here:

Zvishavane Mining Conflict

The conflict in Zvishavane is between district authorities, communities and mining companies over mining activities that are happening within the district. Four different mining companies are involved in the conflict and five wards within the district are affected and actively taking part in the dialogue. Wards 3, 5, 6, 18 and 19 are among the worst affected communities. These have a combined population total of 19,244 people. The conflict centers on the fact that some pits left behind following chrome ore surface mining are a danger to humans and livestock, as there have been reported cases of drowning in pits. Other areas, though rehabilitated have remained wastelands with no potential for any productive use for the communities, which indicates inadequate rehabilitation. Key issues that emerged in the mediation processes are:

a) Although mining companies are required by law, to deposit certain amounts of money for rehabilitation of land during and after operations they are struggling to keep afloat as a result of poor commodity prices on the world market as well as the poor performance of the Zimbabwean economy. They are, therefore, not able to undertake the required rehabilitations;

b) Monitoring of compliance with environmental laws is a huge challenge due to low capacity of the regulatory institutions in Zimbabwe and therefore Environmental Impact Assessment requirements are not enforced.

c) District councils are incapacitated to deal with these challenges because all mining regulations are managed only at national level and Councils have no mandate to intervene.

CCMT has created a platform for dialogue, where the representatives of the affected communities, council, mining companies and government agencies sit to deliberate on the challenges and the possible solutions.

The CCMT has used ZimLII for its legal information needs and stands well advised to advise the community in its mediation role. Equally based on its current knowledge, it is advocating for harmonized legal framework to deal with these issues and especially for the protection of the interest of the 19,244 people in the affected community. This environmental NGO, uses ZimLII to inform its strategy on specific cases, and on mounting advocacy initiatives with respect to environmental protection legislation and practice.

Compiled from the Annual Report 2016 and interview
Paralegals in Zimbabwe

Pocket Law is a development which could be hugely beneficial to other countries of the LII community.

To underscore this point, we quote at length a rural paralegal worker in Gutu, Zimbabwe.

Jonathan Chikukwa, who has been in the field for 24 years, gives us an important insight of how the LII reach and impact on the furthest communities in rural Zimbabwe. Paralegals in the community are very important for various reasons and he provides a few examples.

‘In the communities, people are afraid of the village headmen and chiefs who have a lot of power. Thus, there is a need for equipping the communities with knowledge of rights, to secure their confidence in challenging some of the dictates of the local leaders. As traditional rulings have to be confirmed by the Magistrates, I need access to Magistrates’ rulings in situations where there is contestation.

‘In the rural communities, I show people the physical copy of ZimLII cases, for example to show evidence of the recent child marriage legislation. Paralegals are generally equipped with knowledge about people’s rights, but they fall back on the latest case law.

The issues I deal with in the rural areas are witchcraft and land encroachment. In rural areas, people are not able to challenge traditional authorities. By contrast in urban areas, people feel more confident to confront authorities on service delivery, etc.

Paralegals are therefore a basis of empowerment in the rural communities by creating legal awareness and legal literacy. By providing legal information that helps to challenge authority and thereby secure a more democratic environment.

(Paralegal in Gutu)

Mobile legal aid clinics would assist in bringing the law closer to the people, as rural people hardly have the means to pay for transport and would prioritise more immediate needs, like buying bread. People are afraid of going to court, paralegals have the task of instilling confidence and providing legal knowledge. I have to have the knowledge on which to base the confidence.’

Despite the low status within their respective legal communities, both paralegals exemplify that they do carry out legal research and are able to navigate SAFLII and ZimLII. More importantly, they do it in remote areas where no lawyer can be found, bringing the law closer to outlying areas.

Like the paralegal interviewed in South Africa, Jonathan would welcome Pocket Law, as this would enable him to carry out his work when in the field. Currently he uses the Econet dongle (a mobile modem) for which the costs have gone up by 400% since the beginning of the year.

An index and summaries would help too, especially for topics that are predominant in the rural areas.

He expressed the need for ZimLII to give updates via social media, particularly for the latest judgement in areas of law highlighted earlier in the conversation.
The fact that SAFLII and ZimLII are free is essential to the functioning of the paralegals and dispense of legal information to the communities. Jonathan feels that in the long-term people should access the cases themselves. ZimLII has changed the reality in the courts - previously only cyclostyled cases were available at the courts alongside the expensive bound law reports.
Appendix I: Interviews

The fieldwork consisted of participant observation, understanding the context in which justice is delivered and a series of interviews.

Interviews

**South Africa**

Cape Town and surrounding

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<tr>
<td>Christine Bronkhorst</td>
<td>Librarian, Law</td>
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<td>Roger Gachago</td>
<td>Former CEO SAFLII</td>
<td>UCT</td>
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<td>Meyer Attorneys</td>
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<td>Carmel Rickard</td>
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<td>Legal Brief and Sunday Times</td>
<td><a href="http://carmelrickard.bookslive.co.za">http://carmelrickard.bookslive.co.za</a></td>
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<tr>
<td>Penelope Andrews</td>
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<td>University of Cape Town</td>
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<td>Shouket Allie</td>
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<td>Jennifer Mudenda</td>
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<td>Alfred</td>
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<td>Elroy Paulus</td>
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<td>Adrian Louw</td>
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<td>Hermanus</td>
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<tr>
<td>Carina Pillay</td>
<td>Program manager</td>
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**Durban and Pietermaritzburg**

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<tr>
<td>Ayanda Mchunu</td>
<td>Librarian</td>
<td>Law Society Library</td>
<td><a href="http://www.lawlibrary.co.za/">http://www.lawlibrary.co.za/</a></td>
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<tr>
<td>Rekha Woodhaymal</td>
<td>Senior Librarian</td>
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<td>Pietermaritzburg Justice Centre</td>
<td><a href="http://www.legal-aid.co.za/?page_id=413">http://www.legal-aid.co.za/?page_id=413</a></td>
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<tr>
<td>Jabhisile Sangweni</td>
<td>Programme Manager</td>
<td>The Centre for Community Justice and Development (CCJD)</td>
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**Zimbabwe**

**Harare**

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<tr>
<td>Effort Dube</td>
<td>Student, editor</td>
<td>Law School, University of Zimbabwe</td>
<td></td>
</tr>
<tr>
<td>Mr. B. Ngwenya</td>
<td>Lawyer</td>
<td>Chinawa Law Chambers</td>
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<td>Tafadzwa Mugabe</td>
<td>Lawyer</td>
<td>Nyakutombwa Mugabe Legal Counsel</td>
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<tr>
<td>Andre Bongers</td>
<td>Director</td>
<td>Nyati Travel</td>
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<td>Lloyd Kuveya</td>
<td>Director</td>
<td>NGO Legal Forum</td>
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<tr>
<td>Collen Zvandasara</td>
<td>Project Officer</td>
<td>Centre for Conflict Management &amp; Transformation</td>
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<td>Sylvie Chirawu-Mugomba</td>
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<td>WILSA</td>
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<td>Takudzwa Chatora</td>
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<td>Deborah Barron</td>
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<tr>
<td>Victor Nkiwane</td>
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<td>Sharon Moffat</td>
<td>Manager and lawyer</td>
<td>Legal Resource Foundation</td>
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<td>Lucy Chivasa</td>
<td>Lawyer</td>
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<tr>
<td>Jonathan Chikukwa</td>
<td>Rural paralegal</td>
<td>Legal Resource Foundation</td>
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<td>Omen Mafa</td>
<td>Rural lawyer</td>
<td>Sumba &amp; Mutendi</td>
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<tr>
<td>Geoff Feltoe</td>
<td>Professor in Law, ZIMLII board member</td>
<td>Law School, University of Zimbabwe</td>
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<tr>
<td>Fungai Chiware</td>
<td>Deputy Director and lawyer</td>
<td>Legal Aid Directorate, Harare</td>
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Appendix II: Bibliography

Chirawu, S. Law expects both parties to contribute, http://www.sundaymail.co.zw/law-expects-both-parties-to-contribute/


Phiri, J. Opportunities and challenges to free access to law in a changing world: a case of Zimbabwe Legal Information Institute (ZimLII), Open Access 2013

Researching Zimbabwe Law (Zimbabwe Institute for Legal Studies) http://www.zils.ac.zw/researching-zimbabwe-law/
Annex I Web & Social Media Analytics for ZimLII and SAFLII
Table of contents

List of Tables and Figures

List of abbreviations, acronyms and definitions

**www** world-wide web or Internet

**SEO** Search Engine Optimization - This is the process of structuring a web page so that it is found, read, and indexed by search engines in the most effective manner possible. This makes your web site and its content attractive, relevant and visible to search engines and web searchers.

**LII** Legal Information Institute e.g. ZimLII, SAFLII, ZambiaLII

**OSF** Open Society Foundation

**Backlink** A hyper-link to internal content from another external web-page or web-site
**Introduction**

Following the 2014 evaluation of the African Legal Information Institute and its Network, commissioned by the Information Program of the Open Society Foundation and AfricanLII, the recommendation was for AfricanLII to conduct a more detailed research about the actual reach and impact of the LIIs. This study on web and social media analytics complements the insights gathered from fieldwork interviews and meetings carried out in February and March 2017 in the follow-up *Ethnographic Study on the Impact of Legal Information Institutes in Zimbabwe and South Africa*.

**Overview**

**The Legal Information Institutes**

Legal information institute’ (or ‘LII’)... refers to a sub-set of the providers of free access to law, namely those from across the world who have decided to collaborate both politically and technically. Taken together, the LIIs are the most coordinated, and among the largest, providers of free access to legal information... The ‘LII’, was the first significant source of free access to law on the Internet, and demonstrated that a free access service could provide both a high quality of document presentation, and very high rates of access.¹

The LIIs’ efforts centre on publishing legal information to websites and using attendant social media to create conversation as well as on legal issues. To measure success and optimize

*If you can track it – You can measure it*

*If you can measure it – You can manage and improve it*

performance, web metrics and social media analytics that provide insight into how visitors are

¹ [http://www.nyulawglobal.org/globalex/Legal_Information_Institutes.html](http://www.nyulawglobal.org/globalex/Legal_Information_Institutes.html)
using LII websites are critical. A structured approach to tracking website visits, session statistics, content mentions and backlinks can help create reports that inform action plans and strategies towards increasing searchability, content accessibility and utility.

**Research Focus and Aim**

The Open Society Foundation intends to determine the impact of the work funded through AfricanLII and its sub-grantees, and base future funding decisions on concrete data. The AfricanLII network of Legal Information Institutes needs to determine the reach and extent of their legal publishing efforts – and package the LII offering in appealing ways that meet both organizational objectives and user needs.

This study was limited to the following LII websites:

1. South African Legal Information Institute (SAFLII)  
   [www.saflii.org](http://www.saflii.org)
2. Zimbabwe Legal Information Institute (ZimLII)  
   [www.zimlii.org](http://www.zimlii.org)

The study focused on the period March 2015 - March 2017 for metrics with available data.

While there are several different approaches to performing Search Engine Optimization and Web Analytics, this study was limited to determining the value for the following metrics, considered key performance indicators:

1. Number of sessions (website visits) per annum
2. Number of Organic Visits
3. Number of unique users per annum
4. Geographical distribution of the sources of traffic
5. Number of Backlinks
6. Sources of backlinks (Referrers)
7. Quality of the backlinks
8. Popular Content
9. Bounce Rate
10. Domain Authority
11. Number of Indexed Pages
12. Social Media Interaction
Twitter

1. Number of Followers
2. Number of Retweets

Facebook

1. Number of Likes and Follows
2. Number of Shares
3. Facebook Page rating

Research Methodology

This study comprised quantitative and qualitative analysis as it included tracking, collecting and evaluating website and social media statistics as well as qualitative assessment of the content consumers (traffic sources - sources of mentions and citations, backlinks etc.)

The Web SEO & Social Media Analytics tools used to carry out the study are:

1. Google Analytics
2. Google WebMaster Tools
3. monitorbacklinks.com
4. awstats
**Results – Website Metrics**

Table 1: Number of sessions (ZimLII website visits) per annum

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<td>204,815</td>
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2 3 4 5 Provided by Google Analytics
Figure 1: Sources of Traffic – Geographic Location (Country) (January – December 2016)

Figure 2: Traffic Sources – Geo-Location Top 15 Cities (January 2014 – December 2016)
Table 2: Traffic Sources – Geo-Location Top 15 Cities (January 2014 – December 2016)

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<td>190,736</td>
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<td>London</td>
<td>10,338</td>
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<td>San Francisco</td>
<td>8,802</td>
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<td>Washington</td>
<td>1,547</td>
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Table 3: Traffic Sources – Age and Gender Demographics (January 2014 – December 2016)

Age: 40% of total sessions, Gender: 23.53% of total sessions

Table 4: Website Content Popularity (Top Ten) (January 2014 – December 2016)
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<td>1</td>
<td>/</td>
<td>109,244 (8.2%)</td>
<td>113,199 (8.0%)</td>
<td>00:00:24</td>
<td>72.57% (12.0%)</td>
<td>15.12%</td>
</tr>
<tr>
<td>2</td>
<td>/zw/judgment/hasen-high-court</td>
<td>31,932 (1.9%)</td>
<td>18,650 (1.3%)</td>
<td>00:00:39</td>
<td>5.47% (0.3%)</td>
<td>15.65%</td>
</tr>
<tr>
<td>3</td>
<td>/search</td>
<td>27,152 (1.8%)</td>
<td>14,355 (1.0%)</td>
<td>00:00:57</td>
<td>3.00% (0.2%)</td>
<td>9.36%</td>
</tr>
<tr>
<td>4</td>
<td>/zw/judgment/supreme-court</td>
<td>23,805 (1.6%)</td>
<td>15,508 (1.1%)</td>
<td>00:00:38</td>
<td>3.49% (0.2%)</td>
<td>18.13%</td>
</tr>
<tr>
<td>5</td>
<td>/zw/judgment/hasen-high-court/</td>
<td>16,788 (0.8%)</td>
<td>11,649 (0.8%)</td>
<td>00:00:33</td>
<td>1.56% (0.1%)</td>
<td>16.46%</td>
</tr>
<tr>
<td>6</td>
<td>/zw/judgment/supreme-court</td>
<td>16,091 (0.8%)</td>
<td>8,525 (0.6%)</td>
<td>00:00:38</td>
<td>1.05% (0.1%)</td>
<td>24.12%</td>
</tr>
<tr>
<td>7</td>
<td>/ns判page/consolidated_act</td>
<td>14,922 (0.8%)</td>
<td>6,087 (0.4%)</td>
<td>00:00:45</td>
<td>3.07% (0.2%)</td>
<td>31.47%</td>
</tr>
<tr>
<td>8</td>
<td>/zw/judgment/supreme-court/</td>
<td>10,900 (0.6%)</td>
<td>7,663 (0.5%)</td>
<td>00:00:33</td>
<td>1.50% (0.1%)</td>
<td>22.77%</td>
</tr>
<tr>
<td>9</td>
<td>/vander/judgments</td>
<td>12,869 (0.8%)</td>
<td>6,225 (0.4%)</td>
<td>00:00:37</td>
<td>3.15% (0.2%)</td>
<td>10.69%</td>
</tr>
<tr>
<td>10</td>
<td>/zw/judgment/constitutional-court</td>
<td>11,972 (0.6%)</td>
<td>7,439 (0.5%)</td>
<td>00:00:40</td>
<td>1.56% (0.1%)</td>
<td>25.50%</td>
</tr>
</tbody>
</table>
Down-stream Uses of ZimLII Information

Table 7: Back-links to the ZimLII website (April 2017)

Back-links to the ZimLII website reflect a sustained interest in the content published on the ZimLII website. To date, ZimLII has 124 backlinks created from various sources including:

A. Other LIIs

Back-links from other LIIs are good in that they reflect deep inter-relations amongst LII members, and the content they share. In the world of SEO, however, these are not given the same weight as backlinks from external independent websites. This is because internal validation only for the
content we share would confirm the LIIs may be operating in an echo-chamber! The best backlinks are those from reputable external parties that validate our content.

B. Rights, Justice and Legal Advocacy Organizations

CRIN is a global research, policy and advocacy organization focused on the UN Convention on the Rights of the Child.


Government of Zimbabwe, Labour Amendment Bill, 2015 published on the ZimLII website was referenced.


ROHR among other things aims to:

- Promote a culture of human rights through community mobilization, capacity building and active responses to human rights violations.
- Promote and protect justice, and human rights in Zimbabwe.
- Provide a platform through which civil society engages with each other and with state institutions.

ROHR cite ZimLII as an important and reliable source of information on their website, and has a permanent link to [www.zimlii.org](http://www.zimlii.org).

C. **Government Institutions**

The **Judicial Services Commission in Zimbabwe** [http://jsc.org.zw/](http://jsc.org.zw/) is mandated to:-

- Ensure the well-being and good administration of the Judicial Service and its maintenance in a high state of efficiency.
- Deal with complaints or grievances by or against members.
- Appointing, assigning, promoting, supervising, fixing conditions of service to members in the Judicial Service and exercising disciplinary powers to them.

The JSC includes the ZimLII website as a useful and reliable source on their home page.

D. **News Sites**

**Jurist** [http://www.jurist.org](http://www.jurist.org)

JURIST is a 501(c)(3) non-profit organization dedicated to bringing objective legal news and reasoned expert analysis to the public.


Rural Reporters http://ruralreporters.com/


E. Personal Blogs & Wiki


David Hofisi is a Human Rights Lawyer and Legal Writer. He re-published an article he co-authored Playing Politics with the Judiciary to his personal blog available here: http://davidhofisi.blogspot.com/2017/04/playing-politics-with-judiciary-and.html. This article was published in the Zimbabwe Electronic Law Journal (Volume I) 2016 and published on 1 April


In an article on leadership, reconciliation and change in Zimbabwe a blogger, Moyra Mackie references the Lancaster House Constitution published on the ZimLII website on March 7th, 2015.

**F. Publications**

**The United Nations Office on Drugs and Crime UNOCD**

UNOCD released this publication: [https://www.unodc.org/documents/treaties/UNCAC/COSP/session5/V1387724e.pdf](https://www.unodc.org/documents/treaties/UNCAC/COSP/session5/V1387724e.pdf) which referenced the *S v Mangoma* case, [2011] ZWHHC 74


The case refers to Abuse of Office and Corruption involving the then Minister of Energy and Power Development in the inclusive government of the Republic of Zimbabwe. He was the Deputy Treasurer General in the Movement for Democratic Change (T), a political party that formed one of the tripod of the inclusive government.
G. Books

A Balancing Act: A History of the Legal Resources Foundation 1985-2015, By Ndlovu, Mary


H. Academia

Colleges offering Law studies provide direct links to the ZimLII website as a useful resource. For example:-
Zimbabwe Labour Centre - http://www.zimlabourcentre.co.zw/index.php/resources

Harvard Law School’s Cyberlaw Clinic, based at Harvard’s Berkman Klein Center for Internet & Society, provides high-quality, pro-bono legal services to appropriate clients on issues relating to the Internet, technology, and intellectual property.

In a publication, Kenyan Court Knocks down Criminal Defamation, Safeguards Freedom of Expression available here: http://clinic.cyber.harvard.edu/2017/02/08/kenyan-court-knocks-down-criminal-defamation-safeguards-freedom-of-expression/, Cyberlaw Clinic quotes the Zimbabwe defamation case, Madanhire & Another v AG (CCZ 2/14 Const. Applic No CCZ 78/12)

\(^{4}\) www.lrf.co.zw
[2014] ZWCC 2 published on the ZimLII website here:
http://www.zimlii.org/zw/judgment/constitutional-court/2014/2/
Traffic Overview for SAFLII for 2014, 2015 and 2016
Traffic History – Monthly Usage for Year 2016

Sources of Traffic for SAFLII
The top four sources of traffic are from USA, South Africa, China and Australia in that order. The top 10 sources are given in the Table below.5

<table>
<thead>
<tr>
<th>Countries (Top 10) - Full list</th>
</tr>
</thead>
<tbody>
<tr>
<td>Countries</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td>Unknown</td>
</tr>
<tr>
<td>Unknown</td>
</tr>
<tr>
<td>United States</td>
</tr>
<tr>
<td>South Africa</td>
</tr>
<tr>
<td>China</td>
</tr>
<tr>
<td>Australia</td>
</tr>
<tr>
<td>Netherlands</td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>Great Britain</td>
</tr>
<tr>
<td>Russian Federation</td>
</tr>
<tr>
<td>Others</td>
</tr>
</tbody>
</table>

Most Popular Content
Analysing the 2016 Usage history shows peaks in May, September and October. (See Table Traffic History – Monthly Usage for Year 2016)

Popular Content (content most downloaded)

<table>
<thead>
<tr>
<th>Downloads (Top 10) - Full list</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downloads: 116,350</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>/robots.txt</td>
</tr>
<tr>
<td>/zo/cases/ZARMG/2011/1.pdf</td>
</tr>
<tr>
<td>/zo/cases/ZACC/2000/11.pdf</td>
</tr>
<tr>
<td>/zo/cases/ZACC/2000/11.rtf</td>
</tr>
<tr>
<td>/zo/legis/consol_reg/ntn39301996zongnr225632.pdf</td>
</tr>
<tr>
<td>/zo/legis/consol_act/ka1995188.pdf</td>
</tr>
<tr>
<td>/zo/cases/ZAGPMHC/2016/265.pdf</td>
</tr>
<tr>
<td>/zo/legis/consol_act/la2002138.pdf</td>
</tr>
<tr>
<td>/zo/legis/consol_act/ca2005104.pdf</td>
</tr>
<tr>
<td>/zo/cases/ZACC/2000/11media.pdf</td>
</tr>
</tbody>
</table>

5 Since moving to a new analytics platform, SAFLII has been able to better understand SAFLII’s geo usage. South African usage stands at a little over 88% of sessions
The most popular content, with the most hits and downloads was the Guide: New Civil Procedure Rules in the Magistrates’ Court. The Guide set forth the new rules for engaging the Magistrates’ Court and was downloaded over 39,791 times in May 2016 alone.

The most popular content, registering a high number of hits in September 2016 was the judgment http://www.saflii.org/za/cases/ZAGPPHC/2016/833.html

General Council of the Bar of South Africa v Jiba and Others (23576/2015) [2016] ZAGPPHC 833; [2016] 4 All SA 443 (GP); 2017 (1) SACR 47 (GP); 2017 (2) SA 122 (GP) (15 September 2016)

The judgment featured Nomgcobo Jiba and her colleague Lawrence Mrwebi, who were struck off the roll of advocates of the General Council of the Bar of SA over their handling of the Richard
Mdluli matter as ordered by Judge Frans Legodi with Judge W Hughes in agreement in the High Court in Pretoria.

Several other sites republished and generated articles on the judgment. Some examples are given below:


**OCTOBER 2016 peak**

![Download chart](image)

Most popular content, registering highest number of hits in October 2016 is the judgment –
THE STATE v JACOB GEDLEYIHLEKISA ZUMA:

The judgment was republished and referenced widely – including Books, newspaper articles, gender and equality advocacy publishers and journals. The following are some typical examples:

1. **Choice and Consent: Feminist Engagements with Law and Subjectivity** by Rosemary Hunter, Sharon Cowan
   https://books.google.co.zw/books?id=w-KOAgAAQBAJ&printsec=frontcover

2. **Democracy’s Shadows: Sexual Rights and Gender Politics in the Rape Trial of Jacob Zuma**
   http://www.tandfonline.com/doi/full/10.1080/00020180902827431?src=re.actsys&

3. **THE CASE OF S V ZUMA: Implications of Allowing Evidence of Sexual History in Rape Trials** by Jake Moloi
   Institute for Security Studies, Published in Crime Quarterly No 18 2006
Results – Social Media Metrics

Twitter

Table 13: Number of Twitter Followers

<table>
<thead>
<tr>
<th>LII</th>
<th>As At 25 March 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAFLII</td>
<td>7,847</td>
</tr>
<tr>
<td>ZIMLII</td>
<td>43</td>
</tr>
</tbody>
</table>

Table 14: Number of Tweets

<table>
<thead>
<tr>
<th>LII</th>
<th>As At 25 March 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAFLII</td>
<td>1,930</td>
</tr>
<tr>
<td>ZIMLII</td>
<td>3</td>
</tr>
</tbody>
</table>