The African Human Rights Case Law Analyser
A Collection of decisions from the African Human Rights System

Overview and project history

The African Human Rights Case law Analyser is an online database that gathers jurisprudence and instruments of the African Human Rights system. It is a joint project of the Institute for Human Rights and Development in Africa (IHRDA) and Human Rights Information and Documentation Systems (HURIDOCs).

The Caselaw Analyser’s had primarily the same goal as the publication of the books compiling decisions of the African Commission on Human and Peoples’ Rights: put at the disposal of the interested public the texts of those decisions in an accessible and practical format.

IHRDA was the first, in 1999, to publish the decisions of the African Commission on Human and Peoples’ Rights (ACmHPR), and its Compilation of Decisions of the African Commission now available in two volumes, is still the only publication dedicated to the African Commission’s jurisprudence. IHRDA remains the sole publisher of the exhaustive, edited and indexed compilations of ACmHPR case law. Through its case law, the ACmHPR has over the last two decades manifested its protective and interpretative mandates over the African Charter on Human and Peoples’ Rights (ACHPR). The case law clarifies in application the rights guaranteed by the Charter. However, since the African Commission does not widely publish its own decisions, knowledge of their existence and innovation is largely lacking across Africa.

IHRDA felt that those decisions were a fundamental contribution to human rights protection in Africa, and that their dissemination would be more than valuable for litigators, academics, human rights defenders and civil society in general.

Litigation is an important intervention method for many NGOs: it can provide compensation for victims of human rights abuses, and recognition that their rights were violated. Litigation at the regional body leads to legal precedents that pave the way for systemic change at national level. Case law research is a crucial part of winning a case. Litigators need to be able to browse decisions easily, and quickly find the primary case law, annotate useful interpretations, and then save them for use in their legal briefs. If they can do this collaboratively, it will save them time as they can access the research already made by their colleagues.

Access to regional case law is equally important for academics and practitioners who are in need to access to information for teaching and learning. Easier and more functional access can facilitate research and academics can be encouraged to discuss this case law more in symposia and with under- and post-graduate law students, thus contributing to the use of this case law in municipal courts.
Human rights defenders from lawyers and journalists to grass root campaigners, and most importantly those acting on behalf of victims of violations can better interact, source information, lobby for implementation of decisions and further the promotion and protection of human rights in the state parties far better with an easy and functional access to case law.

**The African Human Rights Case Law Analyser’s history:**

IHRDA and HURIDOCS met at the May 2010 47th Ordinary Session of the African Commission in Banjul. The two organisations then recognised each other’s unique track record in the human rights documentation and publication. Armed with HURIDOCS’ innovative database technology and IHRDA’s detailed compilations of human rights case law, the stage was set for creating the African Human Rights Case law Analyser.

The challenges of the then-existing case law databases were that:

- They were cumbersome and difficult to use;
- The primary case law was not highlighted, so the user was confronted with a forest of cases with no clue as to which ones were material and important;
- They had little guidance or explanation as to why certain decisions are important;
- Although decisions referenced other authoritative cases, the user had no hyperlinks to jump from one decision to the next, unless he or she started a new search;
- It was difficult to note interesting decisions, and annotate them for other users. To do this, one had to print or copy-paste it, then compose the citation manually. This restricted sharing and limited knowledge of innovation in the case law to academics with specific projects, for example.

The Online Case law Analyser wanted to redress all these problems by enabling easy browsing of inter-related decisions, quick access to primary case law for a given violation, highlighting and commenting on relevant sections of a decision, and sharing thereof with colleagues and partners. As the programmer put it, it would become a “facebook” for case law.

The strategic aims for the Caselaw Analyser (CLA) project were therefore:

- To provide litigators, defenders and researchers in the field of human rights at African domestic and regional levels as well as beyond, with an easy to use and effective tool for case law research, that makes relevant decisions available in their official language.
- To significantly increase free access to powerful analysis of African Commission’s decisions and African human rights law. This was expected to impact positively on the awareness, use and study of the African Human Rights System.
- To facilitate inter-relations and inter-consultation among the increasing instances of the African Human Rights System that are expected to continue building on the progress founded by the African Commission on Human and Peoples’ Rights case law.
Between July 2010 and February 2011, IHRDA set the targets of making available to the human rights defenders community across the world the following:

- the most research friendly and intuitive online database,
- an exhaustive collection of the case law of the African Commission on Human and Peoples’ Rights (ACmHPR),
- present the database in English and French,
- a system designed to accommodate future addition of other supra-national judicial bodies with a human rights mandate.

Thanks to this last point, in 2012 the CLA expanded its coverage to include five (5) other supra-national human rights complaints-handling bodies in Africa: the African Court on Human and Peoples’ Rights (AfCHPR), the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), the SADC Tribunal, the EAC Court, and the ECOWAS Court.

When adding decisions and instruments of the above mentioned judicial bodies, IHRDA faced several challenges: availability of the documents, access to those documents and the documents themselves. Many of them were difficult to find and merely knowing about their existence was already a challenge. When they were found, other difficulties arose: discrepancies between translated versions of the same decisions, little coherence concerning the overall compilation of decisions, different denominations, some decisions only being available in one language, different numbering...

The frequency of these challenges makes access to African human rights law difficult and is part of the issues the CLA tries to fix.

Currently, IHRDA is working on the Portuguese version of the CLA since it is the official language of 6 African countries. Despite this fact, availability of African human rights case law in Portuguese remains low. The African Commission on Human and Peoples’ Rights has only made 10 of its 194 decisions available in Portuguese, and the other 5 human rights instances also have none of their case law in Portuguese. Adding a Portuguese version of the CLA, significantly redress this imbalance.

**Statistics and impact indicators**

Since its launch on November 8 2010, the Analyser has had 24,536 visitors making 45,138 visits and 244,426 page views. These 24,536 people have had an average of 5,41 page views and spent an average of 7 minutes on the site. 54.44% of all visits to the Analyser are new.

The highest number of visits comes from the United States with 5325 visits and France leads the francophone countries with 2278 visits. The most visits from an African country come from South Africa with 2234 visits. Switzerland and Moldova are excluded from the statistics as these are where our partners HURIDOCS are located. The Gambia is also excluded, considering IHRDA’s location here, and the staff’s continuous use of the website.
Since its launch on November 8, 2010, the language of most users was English with a percentage of 76.35% and 34,466 visits. The second was French with 12.6% and 5,683 visits. The third was Portuguese with 2.33% meaning 1,052 visits. The rest was divided between German, Spanish, Dutch, Italian and diverse other languages.

People from 182 countries visited the CLA. Visitors from Africa represented 36.34% of the total amount of visitors. Visitors from Europe represented 34.59% Visitors from America 17.24% Visitors from Asia 4% Visitors from Oceania 0.93%.

The remaining 6.90% couldn't be determined (not set).

The most represented countries in Africa were South Africa - 4.95%, Kenya - 2.58%, Nigeria - 1.86%, Tanzania - 1.83%, Cameroon - 1.36%, Egypt - 1.19%. The first francophone African country is Cote d’Ivoire with 1.16%.

Visits came from Western Africa (39.10%), Eastern Africa (30.82%), Southern Africa (18.87%), Central Africa (6.87%), Northern Africa (4.34%)

In Europe the most represented countries were the United Kingdom - 7.68%, France - 5.88%, Germany - 2.04%, Netherlands - 1.76%, Italy - 1.15%, Portugal - 0.91%.

Finally, the most represented countries in the Americas were the United States - 10.85%, Brazil - 2.10% and Canada 1.93%.

**Impact indicators**

The Caselaw Analyser being an online database, it is difficult to measure the impact it has on its users. We can see how many websites have referenced it, how often the CLA is cited on Universities' libraries; we have comments and questions sent by email, qualitative feedback on the usefulness and quality of the CLA, reactions on our facebook and twitter pages and encounters during meetings, conferences and workshops.

These events give IHRDA the opportunity to meet samples of the audience the CLA targets: litigators, human right defenders, students, researchers, professors.

This year IHRDA has been able to do so at three different occasions: the 51st Ordinary Session of the African Commission on Human and Peoples’ Rights held in Banjul from 18 April until May 2nd, the 21st African Human Rights Moot Court Competition held at the *Universidade Eduardo Mondlane* (UEM) of Maputo, Mozambique from 1 - 6 October 2012 and the 52nd Ordinary
Session of the African Commission on Human and Peoples’ Rights that went on from 9th - 22nd
October 2012 in Yamoussoukro, Cote d'Ivoire.

During those occasions, IHRDA was able to meet CLA’s users, interact with them and gather
their comments and recommendations. Their general response was more than positive, and
most people were thankful to the CLA not only for its effective tools but mostly for its core
value: the accessibility to African Human Rights Law.

IHRDA has repeatedly presented the CLA, and individuals that were using it for the first time
quickly became interested, noticing how useful and resourceful the tool could be for them.

**Project aspirations for the future**

These brief statistics show that the Analyser is now established as a reliable database and its
audience keeps growing. It is still being visited newly and is attracting great interest from users
from the West. It is incumbent on IHRDA to continue to use its information dissemination
networks such as its website, facebook page to drive further traffic to the Analyser. More
sensitisation of the site and its benefits needs to be done, particularly in Africa. Moreover,
more users need to be encouraged to register personal accounts as this is a useful way of
increasing repeated visits.

To meet these challenges, IHRDA and HURIDOCS are planning the following actions for 2013.

- Prime among our plans is to increase the number of decisions that are featured on the
  Analyser. This will not only achieve the goal of the Analyser of making all African human
  rights case law available under one integrated user friendly system, but will also
  increase the target base of the Analyser, thereby increasing amount of use to the site.
- The Analyser will continue to be expanded in Portuguese over the next six months. This
  task brings together the need to expand the usefulness of the Analyser to lusophone
  Africans and IHRDA’s already ongoing work of facilitating the translation and editing of
  African human rights decisions in Portuguese.
- IHRDA and HURIDOCS are currently effecting several changes on the Analyser, based on
  user feedback to facilitate searchability and encourage repeated and longer visits. Use
  of keywords and advanced search options, as well as access to user guides and more
  prominent registration and feedback icons are planned. The Analyser will have a new
  homepage and several other pages to facilitate access to the new features mentioned
  above.
- IHRDA is also looking at broadening the CLA’s data into Arabic: decisions will be
  incorporated incrementally depending on how much of these are available from the
  African Commission on Human and Peoples’ Rights and from the other five human rights
  complaints-handling bodies.
IHRDA and Huridocs are currently developing analytical tools and the documents viewer in order enable the user to cross data and access relevant statistics. The user accounts are also currently being worked on to help registered users to bookmark document’s paragraphs, receive notifications about new documents, write comments, and create user groups. These developments, which include an online feedback form and email survey aim at making the Analyser a living database that can develop with the help and contribution of its users.

Links

http://caselaw.ihrda.org/
http://www.facebook.com/IHRDA
https://twitter.com/IHRDAfrica