
A COMPARATIVE STUDY ON THE IMPACT OF DIGITIZATION OF JUSTICE FOLLOWING THE COVID-19 PANDEMIC: Experiences from Kenya and Rwanda

A Comparative Study on the impact of Digitization of Justice following the Covid-19 pandemic:

Experiences from Kenya
and Rwanda

Full Report

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Thank you all.

Since 2013, Kituo cha Sheria – Legal Advice Centre has innovated on the use of technology to facilitate access to justice. An SMS platform dubbed “M-Haki” was designed and launched in 2015 aimed at easing the logistical and cost-related barriers that indigent communities face when seeking physical legal services. The M-Haki platform diversified service delivery and eased the cost of seeking justice services for marginalized communities that interface with Kituo cha Sheria.

It is no doubt that the COVID-19 pandemic brought a new normal in the administration of justice and delivery of legal services. Globally, and in Africa more specifically, justice institutions and legal empowerment organizations adopted different forms of digital platforms. At the time, the use of digitization was aimed at containing the indiscriminate spread of COVID-19 whilst still dispensing and delivering justice services. The pandemic hence served as a springboard to the rapid uptake of technology within the justice sector. The new trend became the norm after the pandemic ended as private legal practitioners, judicial officers, executive officers amongst others embraced and integrated the use of digital platforms for filing and hearing of cases.

The adoption of digital platforms by justice institutions and legal empowerment organizations has revolutionized justice. However, there has been limited research on the actual impact that digitized justice has had on delivery of services and on vulnerable and marginalized communities.

The present study documents the technological solutions and platforms designed by state and non-state actors and how they impacted on vulnerabilities. To enrich the findings and enhance comparative learning and sharing, we undertook research in both Kenya and Rwanda. The two countries have similar demographics including ICT infrastructure; both judiciaries had embraced e-filing systems and online court hearings. Further, legal empowerment organizations such as the Legal Aid Forum and Kituo cha Sheria in Rwanda and Kenya respectively, had even before the COVID-19 pandemic, innovated digital platforms to enhance the scope of their legal aid services.

As the study finds, while digitization can facilitate access to justice, it may also widen the justice gap where vulnerabilities of communities are not considered in the design and adoption of digital platforms. Therefore, institutions must always be conscious of the needs of vulnerable groups and make reasonable and necessary accommodations to enable them to use and access digitized justice platforms. In other words, adopting a people-centered approach in the design, implementation, and evaluation of digitized justice systems.

Further the access to justice chain involves several actors, both within government and civil society. It is imperative to effectively equip all actors within the justice ecosystem. For instance, in Kenya, the study found that the Judiciary’s ICT infrastructure was more developed and equipped as compared to that of the Police and or Prison Service. The imbalance in technological capacity across different justice actors results in a breakdown in the delivery of justice. Good lessons are drawn from Rwanda on how to support inclusive and integrated digitized justice system. The use of an integrated digital platform in Rwanda connects all state actors in the access to justice chain. Therefore, the delivery of justice services across different actors is greatly improved.

The present study recommends that both state and non-state actors should adopt a balanced approach when using digitized forms of justice. The design and use of these platforms must take into consideration the heterogeneity of communities and the possible capacity and infrastructural gaps in accessing technology. The report documents innovations and best practices in both Kenya and Rwanda that have taken into consideration vulnerabilities of sections of the community that impact on technological capacity. Finally, the research findings point to emerging concerns that require further investigation which we hope will be taken up by other research organizations.

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Executive Director
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TABLE OF CONTENTS

Acknowledgements	4
Preface	5
Table of Contents	7
LIST OF ABBREVIATIONS AND ACRONYMS	8
EXECUTIVE SUMMARY	10
1. INTRODUCTION	12
1.1. OBJECTIVES	12
1.2. RESEARCH METHODOLOGY	13
1.2.1. Training of Enumerators	13
1.2.2. Data Collection	14
1.2.3. Data Processing and Analysis	15
1.2.4. Ethical Considerations	15
1.2.5. Pre-Validation Workshop	15
2. BACKGROUND INFORMATION ON DIGITIZATION OF THE KENYAN AND RWANDESE JUSTICE SECTORS	17
2.1. CASE MANAGEMENT SYSTEMS	18
2.2. ELECTRONIC PAYMENT SYSTEMS	18
2.3. VIDEO CONFERENCING SYSTEMS	19
2.4. ELECTRONIC FILING SYSTEMS	19
2.5. CASE TRACKING SYSTEMS	20
2.6. E-SERVICE (WEBSITE) SYSTEMS	20
2.7. LEGAL AID TOLL-FREE HELPLINES AND SMS PLATFORMS	21
3. COMPARISON OF THE DIGITIZATION OF JUSTICE IN KENYA AND RWANDA	24
3.1. VIRTUAL COURTS	24
3.2. E-FILING SYSTEMS	24
3.3. E-SERVICES	24
3.4. CASE MANAGEMENT SYSTEMS	25
3.5. TOLL-FREE HELPLINES AND SMS PLATFORMS	25
3.6. E-PAYMENT SYSTEMS	27
3.7. GOVERNMENT SUPPORT OF DIGITIZATION OF JUSTICE	29
4. RESEARCH FINDINGS & ANALYSIS	31
4.1. SOCIAL DEMOGRAPHIC INFORMATION OF RESPONDENTS	31
4.2. ACCESS TO JUSTICE ICT TOOLS	33
4.3. FAMILIARITY WITH COURTS' ICT REQUIREMENTS AND PROCEDURES	37
4.4. SATISFACTION LEVELS WITH ICT IN DELIVERY AND ACCESS TO LEGAL SERVICES	39
4.5. IMPACT OF JUSTICE DELIVERY ON BENEFICIARIES USING ICT PLATFORMS	41
4.6. CAPACITY TO DELIVER JUSTICE SERVICES USING ICT PLATFORMS	43
4.7. ICT AND JUSTICE SERVICE DELIVERY DURING COVID-19	44
4.8. ADVANTAGES OF USING ICT DURING COVID-19	45
4.9. DISADVANTAGES OF USING ICT DURING COVID-19	46
5. RECOMMENDATIONS	48
5.1. TRAINING AND CAPACITY BUILDING FOR JUSTICE & LEGAL AID PROVIDERS AND THE PUBLIC ON THE USE OF ICT FOR JUSTICE	48
5.2. IMPROVING INTERNET COVERAGE IN REMOTE AND MARGINALIZED AREAS	48
5.3. IMPLEMENTATION OF THE DATA PRIVACY AND PROTECTION LAWS	48
5.4. PARTNERING WITH ESTABLISHED GRASSROOT SYSTEMS	49
5.5. EXPLORING HOW ICT CAN SUPPORT ALTERNATIVE JUSTICE	49
5.6. EQUIPPING POLICE STATIONS AND PRISONS WITH SUFFICIENT INFRASTRUCTURE AND RESOURCES FOR VIRTUAL COURTS AND OTHER DIGITAL JUSTICE SERVICES	50
5.7. ENHANCING ICT INFRASTRUCTURE AND ACCESSIBILITY IN RURAL AREAS	50
5.8. STREAMLINING DIGITAL JUDICIAL SERVICES	50
5.9. CREATING A DIRECTORY LISTING OF THE AVAILABLE ICT JUSTICE PLATFORMS	50
5.9.1. ENHANCING USER EXPERIENCE FOR THE USERS ICT JUSTICE PLATFORMS	51
6. CONCLUSION	52

LIST OF ABBREVIATIONS AND ACRONYMS

AJS	Alternative Justice System
CEDGG	Center for Enhancing Democracy & Good Governance
CLK	ChildLine Kenya
CTS	Case Tracking System
DCRT	Daily Court Returns Template
EDRMS	Electronic Document and Records Management System
ECMS	Electronic Case Management System
FGDs	Focus Group Discussions
HAK	Healthcare Assistance Kenya
HIV	Human Immunodeficiency Virus
HKSDP	Huduma Kenya Service Delivery Program
HRDs	Human Rights Defenders
ICT	Information and Communication Technology
IDI s	In-depth Interviews
IDLO	International Development Law Organization
IDRC	International Development Research Center
IVR	Interactive Voice Response
IECMS	Integrated Electronic Case Management System
IVR	Interactive Voice Response
JFT	Judiciary Transformation Framework
KCB	Kenya Commercial Bank
KNCHR	Kenya National Commission on Human Rights
KIIs	Key Informant Interviews
LAF	Legal Aid Forum
LSK	Law Society of Kenya
MAJ	Maison d'Accès à la Justice
M-PESA	E-Payment Systems
MINIJUST	Ministry of Justice
MUHURI	Muslims for Human Rights
MWADO	Marsabit Women Advocacy and Development Organization
NEPHAK	National Empowerment Network of People Living with HIV in Kenya

NMG/NTV	Nation Media Group/Nation TV
NLAS	National Legal Aid Service
NPP	National Public Prosecution Authority
OB	Occurrence Book
OCS	Officer Commanding Station
RBA	Rwanda Bar Association
RDJ	Registre de Dossier Judiciaire
RIB	Rwanda Investigation Bureau
SGBV	Sexual and Gender Based Violence
USSD	Unstructured Supplementary Service Data

EXECUTIVE SUMMARY

The International Development Research Centre and Kituo Cha Sheria – (Legal Advice Centre) from Kenya partnered with Rwanda’s Legal Aid Forum (LAF) to conduct a comparative study between Kenya and Rwanda on the use of technology in enhancing access to justice for indigent and vulnerable groups. The study explores Kenya and Rwanda as case studies, with a specific focus on how the digitization of legal services has impacted both service providers and vulnerable people’s access to justice. This report thus compares how the Kenyan and Rwandese digitization of legal services has affected access to justice for indigent and vulnerable groups in both countries. It also identifies the challenges encountered while seeking or providing justice services through Information and Communication Technology (ICT), the level of satisfaction of service for both legal service seekers and service providers and the advantages and disadvantages associated with the use of technology in access to justice.

The methodology that was employed for this report involved the purposive selection of individuals who used ICT to seek and provide legal aid services in the last two years (since 2020). For the Kenyan study, 150 participants were administered structured questions in 5 Focus Group Discussions (FGDs) with a total of 95 participants responding. 13 In-depth Interviews (IDIs) and 42 Key Informant Interviews (KIIs) were also conducted. The key informant interviews were conducted with police officers, prison officers, lawyers, magistrates, chiefs and other stakeholders in the Kenyan justice system. To get more insight into practices and processes of service provision, Kenyan paralegals who were identified as key actors in the justice system were involved in the study by way of focus group discussions. Human Rights Defenders (HRDs) and court users from Kenya were also involved in this study. For the Rwandese study, a total of 102 respondents participated in the FGD, with 90 of them being vulnerable citizens that used different ICT tools while accessing justice and 12 of them being legal aid providers including professionals from the office of the Ombudsman, cyber café agents, court bailiffs and legal aid attorneys. Additionally, key informants from the Ministry of Justice (MINIJUST) in Rwanda and the Judiciary of Rwanda were also interviewed.

The main finding of this Report is that the digitization of justice services has significantly improved the administration of justice in Kenya and Rwanda. This improvement has occurred mainly through the reduction of paperwork, the increase in the accessibility of services and the enhancement of the efficiency of legal/judicial processes for users. This development happened especially during the COVID-19 pandemic when physical access to justice processes were significantly impaired. Since that time, significant progress has been made in digitally transforming the justice sectors of Kenya and Rwanda, including streamlined processes in managing and filing cases, enhanced transparency and data & information security in the justice systems. It is a fact that the digitization of justice holds the potential to transform the justice landscape by making processes more efficient, accessible, predictable and transparent.

Although significant achievements with digitization of the justice sector has been recorded in the two countries, this Report notes that several challenges are still encountered by both justice seekers and institutions offering justice. These include among others: digital illiteracy; insufficient and incompatible ICT equipment; poor ICT infrastructure consisting of poor internet and cellular network coverage and penetration; language barriers; high costs associated with initial ICT set up; and data security concerns. While challenges exist, with adequate planning, investment in technology, and a commitment to inclusivity, the justice system has the potential to leverage ICT to more efficiently address the emerging needs of the justice sector.

It is on the basis of the recorded achievements amid the notable challenges that this Report adopts the following important recommendations :

- There is need for training, sensitization and capacity building for justice service providers and the public on the use of ICT to access justice;
- There is a necessity to reduce the cost of internet in both countries;

- There is a necessity for installation of more free public wifi and other ICT related infrastructure necessary for justice access especially for the poor and vulnerable;
- Data privacy and protection need to be enhanced;
- The justice providers need to partner with established grassroots systems such as Chiefs' Camps, Cyber Cafés and Huduma Centres in communities to support use of ICT in access to justice;
- There is need for exploring the adoption of ICT in the Alternative Dispute Resolution/Alternative Justice Systems;
- Improvement of the ICT infrastructure of the major institutions involved in justice administration including the Police Stations, SGBV Desks, Prisons and Child Help Desks is called for;
- Bridging the digital gap between the rural and urban areas through improvement of ICT infrastructure need to be prioritized;
- There is need to develop an accessible directory listing justice actors and platforms.

This report therefore offers a guiding framework for policy makers aiming to ensure equitable, effective and efficient access to justice.

Introduction

The advancement and adoption of ICT is improving the performance of existing systems and presenting opportunities for creating new innovative ones that are fundamentally changing justice delivery for Kenya and Rwanda. Recently, and especially during and post COVID-19 pandemic, Kenya and Rwanda's justice sectors moved quickly to embrace various ICT related innovations in the delivery and administration of justice. Both government and civil society justice actors speedily developed innovative ICT solutions to address daunting challenges in the delivery and administration of justice services. The technological transformations in the justice system have made a significant impact on the efficiency of justice delivery to the general community, particularly to the poor and vulnerable.

This report presents the experiences of selected key justice actors who use technology to administer justice. It also presents the experiences of the vulnerable justice seekers in using ICT to access justice in both Kenya and Rwanda.

The availability of cellphones, computers, internet, social media and other technologies have improved access to various legal services. These technologies have advanced a range of needed legal interventions such as access to legal aid, assistance through call centers, access to electronic legislation and case laws, use of electronic filing systems, case tracking, cauelists, virtual court attendance and the exchange of legal documents electronically. Numerous empirical studies have shown that ICT adoption in courts in both countries has led to a more efficient and effective judicial system, improved transparency of the way the judiciary works, increase in the citizen's level of access to the courts and increase in the confidence of the citizens and businesses in the judicial processes.¹ However, concomitant to such technological improvements is the potential for generation of uncertainties and insecurities in the access to justice sector.² It is acknowledged that the ICT systems have grown more and more complex with the current software engineering and information systems design approaches which complicate service delivery. It is this reality that has led to slow adoption of technology for accessing and providing justice services in Kenya and Rwanda. The effect is that vulnerable groups, especially those in the rural areas are affected the most as their ability to access justice still lags behind.

To further understand the role of ICT in the Kenyan and Rwandese justice systems, this study explores the impact of digitization in the administration of citizens' access to justice services.

1.1. Objectives

The overall objective of this research study was to assess and compare how digitization of justice services has affected access to justice in Kenya and Rwanda, with specific focus on the experiences of justice actors and vulnerable groups.

Specific objectives of the research included:

- Assessing familiarity of self-representing court users in navigating electronic court systems and accessing legal services.
- Assessing legal aid service providers' technical capacity to use electronic court systems in legal aid provision.
- Assessing the experience of legal service providers in administering justice and the experience of vulnerable people in accessing justice using ICT during the COVID-19 pandemic.
- Assessing and measuring the impact of digitization on access to justice services.

1 "E-justice: Using Information Communication Technologies in the Court System" (Information Science Reference, 2009).

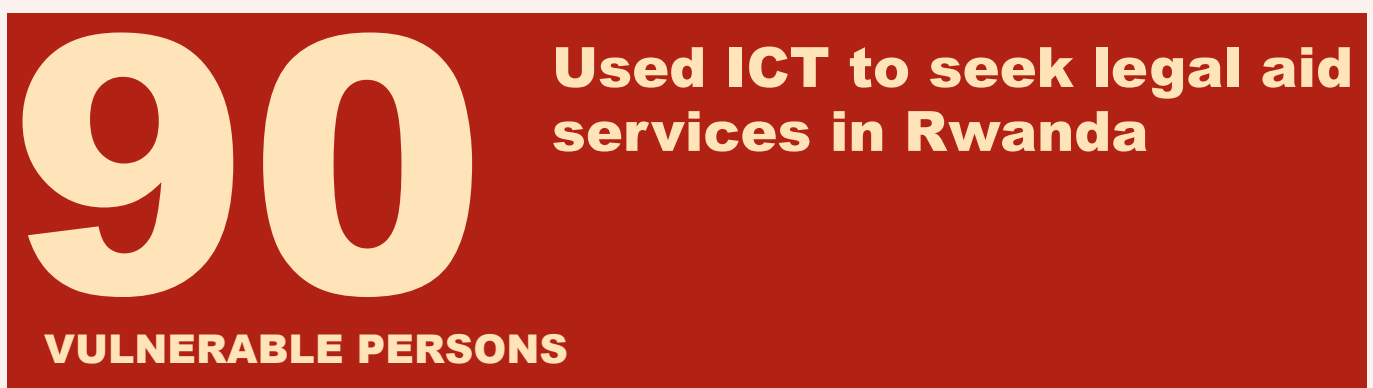
2 "E-justice: Information and Communication Technologies in the Court System," January 2008, accessed via ResearchGate, https://www.researchgate.net/publication/293184405_E-justice_Information_and_communication_technologies_in_the_court_system.

1.2. Research Methodology

The methodology that was deployed in this study involved quantitative data collection and comparative analysis of Kenya and Rwanda. Data collection activities were conducted in both countries. During the process, the sampling frame relied on was divided into two national subgroups: “users” of the justice sector, often individuals; and “providers” of justice services, often legal professionals (e.g. lawyers, Human Rights Defenders and paralegals), the Judiciary and other Government Representatives.

In Kenya, particular attention was paid to stakeholders in the justice system such as government representatives (national and county), legal professionals actively engaged in legal processes, including lawyers, advocates, paralegals, the judiciary, prison officials and incarcerated individuals, police, NLAS (National Legal Aid Service), Human Rights Defenders, Legal Aid Groups, and community organizations/beneficiaries of the Justice System. The selection of these stakeholders was based on their roles and involvement in the administration of justice. In Kenya, respondents were drawn from the counties of Nairobi, Nakuru, Tana River, Marsabit and Kakamega. Kenya’s interviews were physically conducted.

In Rwanda, 90 vulnerable individuals who used ICT to seek legal aid services in the last two years (since 2020) were selected to answer open-ended questions using telephone interviews. Two (2) KIIs were conducted with key government representatives from the Ministry of Justice in Rwanda (MINIJUST) and the Judiciary of Rwanda with selection being based on their roles in exercising judicial authority in the country. Trained and certified cybercafé agents, professional court bailiffs and legal aid attorneys were also selected to participate in the FGDs because of their roles as essential agents of the administration of justice services to citizens.



Incorporating these justice sector actors into the sampling frame allowed for an assessment of various aspects, including the mapping of ICT-enabled services within the justice sector, the familiarity of indigent court users with digitized court processes and the preparedness of legal empowerment programs in adopting e-systems. The impact of digitization on access to justice and the process of access to justice within correctional facilities and indigent communities were also assessed. Furthermore, the recommendations for a functional ICT response strategy took into account the short, medium, and long-term effects of COVID-19 on access to justice. The diverse inclusion of these stakeholders ensured comprehensive coverage and enabled a E examination of the use of technology in accessing justice, ultimately contributing to a comprehensive understanding of the subject matter.

This research also aimed to collect opinions, perceptions, and experiences of respondents who used different means of technologies while accessing justice including those that used Integrated Electronic Case Management System (IECMS), call-in and SMS based services.

1.2.1. Training of Enumerators

The Kenyan data collection team consisted of staff researchers from Kituo Cha Sheria and a representative from Sauti East Africa. Training on the data collection tools was conducted prior to the commencement

of the study. The Rwandese research team including hired enumerators were also equally adequately trained on the use of recorders as data collection tools to capture audio and how to transcribe those audios.

1.2.2. Data Collection

In Kenya, one facilitator and one note taker were involved in the data collection. Both notes and session recordings were taken. The data collected was then transcribed and coded for analysis.

A total of 150 respondents participated in the Kenyan study split into Focus Group Discussions (FGDs), In-Depth Interviews (IDIs) and Key Informant Interviews (KIIs). On the other hand from the Rwandese study, a total of 104 respondents participated in the study by way of in-depth interviews, KIIS and FGD.



To ensure comprehensive coverage of the research objectives, the questionnaires were divided into three distinct categories, specific to respondents' roles in the justice sector, namely: Justice Sector Non-ICT Representatives, Legal Empowerment Organizations and Justice Sector ICT Representatives. A total of 12 questions were designed specifically for each of these categories to gather insights on their perspectives, experiences, impact and effectiveness of their legal aid programs and assess the readiness and utilization of ICT infrastructure within the justice system. The 12 questions also reflect the areas of discussion in this study, which include:

- The familiarity of court users with ICT requirements and procedures
- The satisfaction levels in the use of ICT to deliver and access justice
- The impact of service delivery on beneficiaries
- The capacity to deliver justice using ICT
- The advantages and disadvantages of using ICT to deliver and access legal services
- The delivery of legal services using ICT during COVID-19
- The challenges that are still being faced when using ICT to access justice

The identification of the research sample was based on the unique role that each agency played in relation to access to justice. This process involved conducting desktop reviews of the agencies at both national and subnational levels. Additionally, a snowballing technique was applied, whereby initial participants were asked to recommend other individuals or organizations relevant to the study.

In Rwanda, remote data collection was performed whereby 3 qualified enumerators interviewed selected respondents and asked them open questions about their opinions, perceptions, knowledge, and testimonies on access to justice using technologies via mobile telephones. Data collectors recorded responses onto a programmed digital survey tool via google drive, which helped the research team to access the collected data directly at any time for compilation and reporting.

For the Rwandese study, data was collected using phone interviews where open-ended interview guides were used as data collection tools. A purposive sampling method was thus adopted, and 90 respondents participated in this research. Respondents included citizens that have used ICT while seeking legal services from the five Provinces of Rwanda. Self-representing court users that used ICT while seeking justice services during the period from January 2021 to August 2022 were purposely selected to participate in

this research to share their different experiences on the use of ICT in accessing justice. The Judiciary of Rwanda and Ministry of Justice as potential Key Informants Interviewees (KII) were also consulted in this study. In addition, one Focus Group Discussion (FGD) was conducted, which consisted of selected Cyber café agents, professional court bailiffs, and legal aid lawyers from within the city of Kigali.

1.2.3. Data Processing and Analysis

In both countries, the data collected for the study was processed and analyzed using a thematic analysis approach which involves identifying, analyzing, and reporting patterns or themes within the data³. In cases where recordings were taken, the scripts were transcribed and analysed. The research team engaged in repeated readings and review of the transcribed data to gain an in-depth understanding of the content and context. Insights into the respondents' perspectives, ideas, and the emerging themes were therefore achieved.

1.2.4. Ethical Considerations

In both countries informed consent was administered either verbally or signed and all the study participants were made aware of their rights and obligations in the study including their rights to withdraw from the study.

1.2.5. Pre-Validation Workshop

A Pre-Validation workshop was also held in Kigali, Rwanda between July 6-7 2023 at the M-Hotel to discuss the preliminary findings and recommendations with stakeholders. The two-day workshop brought together representatives from the office of the Ombudsman, Ministry of Justice, Rwanda Bar Association, Legal Aid Forum, Kituo Cha Sheria, Representatives of the Cyber Cafe Agents, beneficiaries of Rwanda's ICT justice systems and the research consultants.



Stakeholders during the research validation workshop in Nairobi, Kenya

3. E. Sebastião, W. Chodzko-Zajko, and A. Schwingel, "The Need to Modify Physical Activity Messages to Better Speak to Older African American Women: A Pilot Study," *BMC Public Health* 15, no. 1 (2015): 1-10, doi:10.1186/s12889-015-2317-x.



Participants during the pre-validation workshop in Kigali on the 6th of July 2023.

CHAPTER TWO

2. BACKGROUND INFORMATION ON DIGITIZATION OF THE KENYAN AND RWANDESE JUSTICE SECTORS

While the UN Charter considers access to justice as a fundamental right and a precondition to the enjoyment of other rights,⁴ the combination of the concepts “*access to justice*” and “*digitization*” in developing countries is still grossly under-researched.⁵ Access to justice is understood as a basic principle of the rule of law. Basically, it describes the citizens capacity and ability for equal access to justice, particularly the poor and vulnerable. Access to justice goes far beyond access to lawyers and courts. As a component of the rule of law, it connotes the ability of individuals and communities with legal needs to know where to go for help, obtain legal assistance and easily navigate the system that offers justice.

The concept of access to justice therefore implies that people have the knowledge and ability to understand the law, and the ability to easily access information about legal solutions. The absence of access to justice implies that people are unable to have their voices heard, exercise their rights, challenge discrimination or hold decision makers accountable.⁶

At a practical level, access to justice requires a people-centered approach, one which focuses on understanding the needs of the poor, vulnerable and marginalized people and transforming justice institutions and services to meet their needs. The people-centered approach prioritizes putting the poor, marginalized and vulnerable at the centre by improving justice systems and resolving their needs. The people-centered approach also requires that some of the ways of addressing challenges in access to justice should include gathering more people-centered data and knowing about what “generally” works to provide access to justice for all.⁷

Digitization is a crucial pillar in the context of access to justice. Where digitization is deployed, it refers to the use of digital technologies and tools to enhance and improve the efficiency, effectiveness, and inclusivity of the justice system and the delivery of justice. It involves the integration of digital platforms, online tools, electronic communication, data management, and automation into various aspects of the justice system to make it more accessible, transparent, and user-friendly.

The digitization of justice refers to the process of integrating digital technologies and tools into various aspects of the justice system, with the aim of improving accessibility, transparency, and overall efficiency in the administration of justice.

The embrace of the digitization of access to justice in Kenya was first catalyzed by the COVID-19 pandemic. In Kenya, before the COVID-19 breakout, access to courts involved physical court appearances, physical filing of paper documents at the court registry and payment of fees through the bank. However, physical court appearances and the physical filing of documents were largely restricted at the onset of the pandemic. This prompted the Kenyan Judiciary to embrace technological alternatives and to adopt interventions such as virtual court appearances and the e-filing of documents. Due to the pandemic, these processes became fast tracked since the Judiciary had already started running a pilot project on the digitization of court which only involved the recording of advocate representations.⁸

4. UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (June 2013).

5. Rule of Law and Access to Justice in Eastern and Southern Africa: Showcasing Innovations and Good Practices (April 2013).

6. United Nations, “Access to Justice,” accessed September 10, 2023, <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>.

7. Hague Institute for Innovation of Law (HiIL), “How to Figure Out What Works in People-Centered Justice: Policy Brief” (May 2022), <https://www.hiil.org/research/how-to-figure-out-what-works-in-people-centred-justice-policy-brief-2022-05/>.

8. CMS, “CMS Expert Guide to Digital Litigation: Kenya,” accessed September 10, 2023, <https://cms.law/en/int/expert-guides/cms-expert-guide-to-digital-litigation/kenya>.

In the Rwandese case, the Judiciary of Rwanda had invested in the Rwanda IECMS even before the pandemic. When COVID-19 emerged, the IECMS served as the backbone for facilitating case filing and follow-up, including case registration, adjudication, and judgment execution, and new features for online auctioning. During the total lockdown, adapting to the new reality did not face any challenges since litigants continued to file and follow up on claims and cases online through the IECMS.⁹

The next section continues with a landscape mapping of Kenya's and Rwanda's digital justice services implemented, or in development.

2.1. Case Management Systems

Kenya: Kenya's Electronic Case Management System (ECMS) was adopted on July 1, 2020. This system, which is yet to be fully adopted by all the courts in all cases, supports electronic filing of documents, electronic search of cases, electronic payment and receipting and electronic request for extraction of orders. The system has two interfaces: the user interface which is accessible to litigants, and the court interface which is accessible to judicial officers.

The ECMS portal allows for registration of law firms, organizations, self-represented parties, and the state which enables them to file both existing and new matters and serve documents via the portal.

Rwanda: The IECMS is an integrated electronic case management system integrating institutions of the entire Rwanda justice sector i.e., the Judiciary, Ministry of Justice, National Public Prosecution Authority, Criminal Investigation Department (Police) and the Rwanda Correctional Services. It was launched for the first time in Rwanda on 31st December 2015, and first used on 1st January 2016.¹⁰

IECMS was established to replace the paper-based case records and static spreadsheets and workflows within the justice sector in order to enable full reproduction of cases along with case proceedings when lost or physical damage to the case file occurs. The IECMS was an initiative of the whole justice sector based on a needs assessment conducted by the Judiciary of Rwanda and it has a fully integrated process in criminal matters, from investigations to Correctional Services.

2.2. Electronic Payment Systems

The Judiciary is a receiver of revenue on behalf of the National Government. Its revenue comprises court fees, fines, forfeitures. Both countries have adopted electronic payments. In Kenya for example, the Judiciary has adopted a policy on non-collection of cash hence all revenue is received in all court stations through cashless systems mainly by direct banking, M-Pesa (mobile money) and through agency banking.¹¹ These avenues have minimized the risks associated with the handling of cash and boosted revenue collections and accountability. The Rwandese Judiciary has also availed convenient options for the electronic payment of court fees online including the use of Visa, Mastercard and mobile money.¹²

9. Synisys, "Online Access to Justice: How Rwanda Uses Digital Tools to Mitigate COVID-19 Challenges," accessed September 10, 2023, <https://www.synisys.com/news/online-access-to-justice-how-rwanda-uses-digital-tools-to-mitigate-covid-19-challenges/>.

10. Government of Rwanda, "About IECMS" (Kigali: Judiciary of Rwanda, n.d.), https://www.judiciary.gov.rw/fileadmin/IECMS_Info/About_IECMS_Final.pdf.

11. The Judiciary of Kenya, "State of the Judiciary and the Administration of Justice Annual Report, 2018 - 2019" (March 2019), available at https://ncaj.go.ke/wp-content/uploads/2020/01/SOJAR-REPORT-2018_-2019.pdf.

12. Rwanda Judiciary, "Tweet on the Judiciary of Rwanda's Official Twitter Account," Twitter, March 12, 2019, <https://twitter.com/rwandajudiciary/status/1105471970836131846?lang=bn>.

2.3. Video Conferencing Systems

During the COVID-19 pandemic, both countries' judiciaries embraced "online court" or virtual litigation where parties appear in court virtually. The virtual court has revolutionized the delivery of justice to parties and enabled the flexibility, safety, and cost effectiveness of litigation for many litigants. By current practice, anyone with access to the virtual court links can access the courts online. One of the great strides from the judiciary perspectives is that there has been injected a great deal of flexibility and safety especially to those judges and magistrates who deal with sensitive cases.

In Kenya, the most commonly used platform for online court proceedings is Microsoft Teams.¹³ To access the platform one must have access to a smartphone or computer, and a reliable and stable source of internet.

Virtual court proceedings have come with a range of benefits to the users. One notable benefit is that parties no longer have to travel to court for attendances as they can access court from anywhere, reducing the overall cost of accessing justice both for lawyers and litigants. Further, virtual courts save time and offer convenience to litigants who can focus on other tasks as they wait for their matters to proceed online. During virtual court proceedings there are minimal interruptions from parties and the judge is able to retain more control of court proceedings.



The bench conducting a hearing by videoconference in Kigali: April 2020 (Photo/ SC)

2.4. Electronic Filing Systems

Kenya: The development of the first Kenyan e-filing prototype application was completed towards the end of 2017, and the review on the improvement of the application continued until February 2018. At that time it was intended that the main functionalities of the e-filing system would be: e-case registration, automated fee assessment, and e-payment. Upon its advent, the Kenyan e-filing system was designed to prepare and submit case documents electronically to the registry, either for a new case, or subsequent filing of documents for an existing case, and to make electronic payments. The e-filing system enables legal practitioners to file cases remotely from the initiation to the completion stage. The solution was under pilot phase at the Commercial and Tax Division in Milimani where 333 cases have been filed online and payment of Ksh 1.9 million made through the KCB Mpesa solution. More than 14 law firms are participating in the pilot project. The project has incorporated various service providers and stakeholders which include the Law Society of Kenya (LSK), advocates, the Milimani Business Court Users Committee, Kenya Commercial Bank (KCB), Safaricom, and eCitizen to develop an environment for an e-filing process.¹⁴

13. Cliffe Decker Hofmeyer, "The Future of Litigation in Kenya: Virtual or Hybrid?" Dispute Resolution Alert (2021).

14. The Judiciary. (2019)

Rwanda: Rwanda's IECMS system provides a shared space for the Judiciary and litigants to carry out electronic filing and also follow up on cases. IECMS was developed to address issues pertaining to delays in service delivery and transaction costs associated with judicial case processing.¹⁵ The IECMS tool enables an individual to access features such as electronic filing of a case, issuing of summons, receiving notifications, and reminders of any deadlines regarding case processes via email, text messages, and system notifications on the personal computers, tablets or mobile phones. It allows for further filing of pleadings and other documents online .

2.5. Case Tracking Systems

Kenya: The Case Tracking System (CTS) is a Management Information System that tracks all activities in the lifecycle of a case from case initiation to final disposal. CTS has the following key features: electronic case registration, court fees management, case activity management, cause listing, daily court returns template (DCRT), and reporting modules that automate the key functions of the court registries. The pilot test of CTS was completed in September 2017 at the Milimani High Court, Commercial and Tax Division. Thereafter, the solution was deployed at registries in Nairobi and Mombasa, Supreme Court, Milimani High Court, Milimani Environment and Land Court, Employment and Labour Relations Court, Milimani Chief Magistrates Court, and Mombasa Law Courts in November 2017.¹⁶

Rwanda: Rwanda's justice system's way of tracking developments in cases is done through the IECMS. In court, defendants and their lawyers have access to both the investigation and the prosecution case through IECMS. Once court proceedings are completed and a judgment is rendered, it is forwarded automatically to Rwanda Correctional Services in prisons and to professional court bailiffs for execution with all supporting documents in the criminal process chain. The system also keeps track of the whole criminal record of the accused through all appeals including all the corresponding decisions from all the institutions. It is also impossible for court files to get lost. The system helps track unnecessary adjournments and other delays and also assists in compiling reports.

2.6. E-Service (Website) Systems

Kenya: In Kenya, the need for digitization of court records encouraged the judiciary to consider the testing of an online CTS that enables online filing, digital file searches, status of the case and cause listing, among others.¹⁷ The cause list is an online listing of cases to be heard by the courts on the respective days.¹⁸ It must be available for each court on each working day. The cause list gives details of the case such as the court number, the name of the presiding judge dealing with the cases and case details like the case number, petitioner or respondent's names and respective advocates.¹⁹

The cause list's legal resource information system is available on the internet. Any person with a smartphone can access this information. Other alternatives on access to the causelist are available through the court station's notice board, the customer care desk at the court station, or on the legal resource website [Kenyalaw.org](http://kenyalaw.org)- all of which require physical attendance or internet access..

Rwanda: In Rwanda, the web service used by the judiciary is *Sobanuzinkiko*, which is an electronic platform that was developed by the Judiciary of Rwanda in collaboration with Transparency International Rwanda in 2018, to enable citizens to file their complaints regarding legal services. This tool was established to supplement the already existing IECMS tool and other different mechanisms which were already in place to ensure that those who seek justice services access them easily and also other justice sector institutions easily follow up courts functioning. Through this ICT-based tool, citizens - especially the

15. IECMS Rwanda Judiciary user manual. Version 1.0

16. The Judiciary. (2019)

17. The Judiciary of Kenya. (2019)

18. [Kenyalaw.org](http://kenyalaw.org), accessed September 10, 2023, <http://kenyalaw.org>.

19. Office of the Auditor General. (2021)

poor and marginalized - submit injustice related cases to courts and tribunals via the website <http://sobanuzainkiko.gov.rw/> or by sending a free SMS to the toll free number 2040.

In particular, citizens record cases of corruption or complaints about poor service and conduct that may involve corruption in a particular case, and a unique code is allocated to the person providing such information or filing for review to enable them follow up on their case. On the platform, citizens are also able to file an application for review where the appeal process has been exhausted but the litigant is convinced there was injustice in the process and determination of their case.

On the other hand, the Judiciary of Rwanda, the Office of the Ombudsman, NPPA, RBA, and other responsible institutions use this tool to handle complaints submitted to them by citizens. This has made easy the provision of legal services to the general population, more so the poor and marginalized who may not have the means to travel long distances to submit their claims to responsible legal aid providers.²⁰

2.7. Legal Aid Toll-Free Helplines and SMS Platforms

Kenya: The toll free child helpline 116 is a government phone service that links children in need of care and protection to essential legal services and resources. During the year under review, the Department began the process of transiting operations of the two helplines from ChildLine Kenya (CKL) to the Department. This was designed to take place in two phases: Phase one in 2018-2020 and the second phase in 2020-2022. In order to improve service delivery to clients, the child helplines are also being upgraded so as to receive more calls, process data faster and give feedback in real time.²¹

The toll-free helpline 1195 Rapid Response System was developed by a local non-profit called Healthcare Assistance Kenya (HAK) in partnership with the Ministry of Public Service and Gender. It is staffed 24-hours a day by trained counselors who stay on the line with callers until help arrives, whether in the form of the police, an ambulance, a village elder, or a child protection officer. Callers can report incidents anonymously while the counselors arrange for health care, security, or legal aid.²²

In 2020, Kenya's former Chief Justice David Maraga, directed that legal service provision through Facebook, Twitter, WhatsApp, Telegram or any other mobile phone enabled messaging applications be made legally recognized to ensure that legal services continue to be provided amidst COVID-19. This order came into effect during the COVID-19 pandemic when the courts closed due to risks posed by COVID-19. However, it is currently untested in the court whether proceedings will accept arguments served on court orders on WhatsApp, Facebook or Twitter. At the same time, some government agencies have no official social media accounts.²³



20. Sobanuzainkiko User Manual, accessed at https://www.judiciary.gov.rw/fileadmin/SC_Info/Basic_info/User_Manual_-_Sobanuzainkiko.pdf.

21. The Judiciary.(2019)

22. "Here's Where to Seek Help If You Experience SGBV During Election," Nation, accessed September 10, 2023, <https://nation.africa/kenya/news/gender/here-s-where-to-seek-help-if-you-experience-sgbv-during-election-3907194>.

23. "You Will Now Be Served Court Orders Through WhatsApp," Standard Media, accessed September 10, 2023, <https://www.standard-media.co.ke/article/2001368699/you-will-now-be-served-court-orders-through-whatsapp>.

Kituo Cha Sheria's SMS Platform

In 2015, Kituo Cha Sheria developed an SMS based *MHaki* platform through their dedicated mobile number (0700777333) which enables the public to text legal questions to be answered by Kituo lawyers and volunteer advocates without the need to travel to their offices. Thus, this reduced the logistical costs of accessing justice and saves the client's time. Through the platform, Kituo cha Sheria was able to handle 239 legal inquiries during COVID-19.

The *MHaki* platform's SMS technology, which is supported by the Ministry of Foreign Affairs of the Kingdom of Netherlands, makes justice more accessible and cheaper for Kenyans who cannot afford legal fees by disseminating legal information remotely. The legal questions handled on the *MHaki* platform include land rights and succession issues, labour rights, refugee rights and forced migration, housing and evictions. A report released by Kituo Cha Sheria in 2021 states that the public's engagement with the *MHaki* platform grew progressively with a 70% increment in messages being sent to the platform by the public during a social media sensitization exercise where information on services offered by the institution and citizens rights were being posted.

Other State and Non-State actors in the justice sector have also developed alternative means of being reached by justice seekers including the registration of office numbers and also sharing their personal contacts with the community members for easy access and communication. This has been mostly efficient but facing the challenges of non-institutional monitoring and dependence on the officers' presence.

Rwanda: In Rwanda, LAF implemented ICT based solutions to expand access to justice with platforms like 845, 1022 toll-free lines and a call center, as mechanisms that are being used in providing legal services to the community. All these ICT-based platforms were designed to address legal issues and concerns that the general public were facing, including:

- Lack of awareness on rights and laws that affect the general public;
- Long distances that citizens have to travel to seek legal services;
- Affordability of services;
- Length of time it takes to process legal problems in the community;
- Provision of legal services during COVID-19 (2020 & 2021).

Rwanda's 845 toll-free platform

Provision of Legal aid is essential in guaranteeing equal access to justice to citizens especially to the poor and marginalized groups. LAF's ICT based platform known as "845" was established to broadly extend legal services to many people via simple cell phones by simply dialing 845. With this platform, beneficiaries dial 845 on their simple mobile phones and access legal advice or book an appointment to directly talk to a legal officer. Since 2018, this platform has served over 2,977,892 people through its IVR system and more than 614,694 people through the USSD platform.

Rwanda's 1022 toll-free Helpline

Additionally in 2018, LAF established a toll-free legal aid helpline (1022) that aimed at connecting the Rwandese population to convenient, cost-free and impartial legal aid information and services. This platform helps all people seeking legal advice free of charge with the assistance of LAF's legal officers. Through this legal aid toll-free helpline, beneficiaries speak in confidence to LAF Lawyers and are provided with the following services;

- General information on the range of legal aid services available to eligible beneficiaries and how to apply for legal aid at LAF;
- Free legal advice and information on different legal matters;
- Referrals to other programs and services that provide legal aid services;
- Update on beneficiary's case status;
- Lastly, beneficiaries who qualify for legal aid services are provided with other legal aid services such as: Legal assistance and representation in courts.

It is worth noting that since the establishment of the platform in 2018, more than 7,407 people have called 1022 and have been provided with legal assistance from LAF.

More so, the Rwandese judicial sector has also invested more in creating toll free lines where the local citizens especially the poor and vulnerable easily access legal services (legal advice and referrals) at the comfort of their places all over in the country. The most actively used toll free lines include:

- The Ministry of Justice's toll free line: 3936
- The National Public Prosecution: 3677 and 3935
- The Judiciary of Rwanda: 3670
- The Office of the Ombudsman: 199



The Kenya research team meeting with research participants from Rwanda in Kigali

3. COMPARISON OF THE DIGITIZATION OF JUSTICE IN KENYA AND RWANDA

While some justice and legal services in Kenya and Rwanda were digitized before the emergence of COVID-19, the pandemic laid bare and gave impetus to the need for change in how justice and legal services are administered and accessed especially for the marginalized and vulnerable community members. It is COVID-19 that prompted the fierce urgency of deploying digital access in the justice sector in the midst of the pandemic. In effect, the digitization presented the potential of dramatically improving the efficiency of the justice system beyond the pandemic period.

Kenya and Rwanda's positive take up of digitization in the justice system can be seen in their adoption of e-services, e-filing systems, toll-free helplines, electronic case management systems and video conferencing tools. Findings of this study have shown that Kenyan and Rwandese courts have leveraged similar diverse applications and digital tools which have empowered them to reengineer and optimize legal and justice processes. There are also a few differences in the offerings of ICT platforms used in both countries' justice systems. These differences are explained below.

3.1. Virtual courts

Both countries have implemented virtual courts in their judiciaries. Virtual courts have helped bridge the geographical gaps, allowing citizens from remote areas to participate in legal proceedings seamlessly. During the pandemic, both countries' virtual court systems helped reduce the spread of COVID-19 by enabling litigants/defendants to access and appear in courts online. Virtual courts in Kenya and Rwanda have empowered the poor and vulnerable citizens to seek legal aid without the need for travel or the need to pay high fees for representation.

3.2. E-filing systems

The e-filing systems in Kenya and Rwanda serve the same purposes with a few different features noted. In Kenya e-filing has enabled court users to file their pleadings online by going through four simple online steps: creation of user account, uploading documents, and payment and assignment of case registration details. The system has reduced the number of days it takes to file and serve a case from 40 to 7. In Rwanda, e-filing of cases with the courts is done through IECMS which also enables users to automatically receive feedback through email or SMS which has reduced instances of missed case appearances and it has also helped citizens who might not have access to the internet at all times to keep tabs with their cases.

Both countries' incorporation of the e-filing system in their court processes have seen them being recognized as the most impactful solutions in the access to justice. The e-filing systems used in Kenya and Rwanda have helped to reduce the quantity of paper that courts use, it has lowered costs and environmental impact, and significantly reduced logistical challenges associated with the need to submit physical documents. Court users and operators can file and access necessary documents remotely and at their convenience – not just during normal hours of the court's operation.

3.3. E-services

Rwanda's Judiciary seems to have the best clearly outlined web-based Integrated Electronic Case Management System. The Online Cases Division clearly outlines the purpose of the Integrated Electronic Case Management System, benefits, account creation, case filing and follow up, a self-service user manual and video recording on how to access the system. Access to these online services is outlined on Rwanda's Judiciary website. The *Sobanu zinkiko* website enables citizens to submit cases to courts and tribunals without the need to appear physically in the courts.

The Judiciary of Kenya also gives provision of an e-filing system with a complete court users guide. This provision allows for e-case registration, e-payments, automated fee assessment, e-calendar, e-case search

and e-services. Kenya has e-services for most government services accessible to the public. E-Judiciary was instituted to speed up judicial processes and enhance delivery of services while reducing paper-based backlog. Causelists are also another web-based service provided by the Kenyan government institution of law reporting known as Kenya Law which has enabled the access to information on court proceedings online. The information collected based on the ongoings of court cases plays an important role in research and the education of interested parties. While the chances of poor and vulnerable members of the community checking the status of cases online may be low, efforts can be made to limit barriers affecting their inability to do so e.g. increasing access to smartphones, adoption of ICT platforms that are not internet reliant and more sensitization and training.

Both countries' fully operational e-services systems in their government or affiliated web portals give the public online access to public services offered by various government departments. The Kenyan and Rwandese justice systems through web portals have made it easier for the public to access judicial services and legal information. The legal services being offered through the Kenyan and Rwandese web portals have also enabled seamless transitions from physical to virtual consumption of legal information for those that cannot travel long distances for court appearances.

3.4 Case management systems

Both countries have adopted case management systems which have helped litigants, advocates, judges and administrators to track cases, and enabled individual citizens and citizen advocacy groups to monitor the progress of specific cases. Kenya's Electronic Case Management System has transformed litigation by providing digital services for filing, serving documents and requesting court orders. Rwanda's Integrated Electronic Case Management System has enabled the electronic access to documents and the integrated processes for tracking the progress of, and taking actions related to, cases throughout their lifecycle.

3.5 Toll-free Helplines and SMS Platforms

Both Kenya and Rwanda justice systems have made it easier for citizens to report incidents and make legal enquiries through toll-free helplines. Cases like violence, theft and corruption can be shared in confidence on calls and SMSs at no cost to the reporter. This has increased confidentiality, confidence and trust among citizens when accessing justice services. Both justice systems have supported access to justice by availing a number of toll free telephone and SMS services that enable citizens be assisted in emergency situations and virtual legal consultation.

In Rwanda, Legal Aid Forum has developed a toll-free legal aid helpline 1022 to enable the vulnerable community members get legal assistance from lawyers or to listen to legal aid information. They have also developed and operationalized a legal aid call center which is providing round the clock legal aid in addition to a USSD (*845#) based legal information platform supporting those with simple feature phones to access legal information. Additionally, the Legal Aid Forum has an Interactive Voice Response (IVR) with prerecorded legal information, which has enabled citizens that do not have the ability to read with access to dramatized legal content. The use of these ICT tools have enabled LAF to support millions of Rwandese with legal information and legal aid.

In Kenya, legal aid providing institutions like Kituo Cha Sheria have also developed legal services and information platforms like the *MHaki* platform which uses SMS technology to provide legal aid to clients. Other institutions like the Police, CAJ among others have also made available toll free numbers to the public which has greatly enhanced their interaction with the public.

More awareness, however, must be created by all institutions in the justice sectors of both countries (especially among the poor and vulnerable communities) to ensure citizens are well acquainted with the justice services that are accessible through toll-free helpline services in their areas. The study observed that while these services and numbers were available, most members of the public were not aware of their existence or the kind of services they could receive.

Case Study 1: Legal Aid Forum's ICT Based Legal Support Center Inclusively Providing Easy Access to Legal Information

This case study highlights how LAF's legal support centre has streamlined the process of enquiring and receiving legal information by ensuring that the services are accessible to everyone including the poor and marginalized communities.

Access to legal aid and advisory in real time is an integral aspect of justice. There have been many initiatives through the physical legal clinics, toll-free helplines, mobile applications and SMS-based systems aimed at providing legal information and aid to the vulnerable members of the community.

While internet-based systems are quite popular amongst the urban and peri-urban populations, the rural and poor communities still find it a challenge to access these internet-based systems. Their inability to access these systems have further exacerbated their vulnerabilities to injustices and access to justice. In order to bring these legal and justice services closer to these rural and poor communities, systems that are not internet or high technology dependent have been developed to enhance access to legal information and aid by the rural poor.

Kituo Cha Sheria's SMS-based *MHaki* platform enables justice seekers to send legal questions to *MHaki's* dedicated SMS number (0700777333) to which responses are sent within 24 hours. Through this platform, justice seekers without internet access are able to have their legal concerns addressed. Additionally, there have been call-in services (toll free numbers) that have also been created to support access to justice. These numbers are unique to different justice sector players including the security, Human Rights Associations and Defenders, Child Welfare Associations, the Judiciary and many more.

While Kenyan systems are making good progress in bringing legal support closer to the people, Legal Aid Forum, Rwanda has established a more robust toll-free helpline. Through the toll-free helpline, users can call in to speak to a lawyer in real time to help solve their legal issues or listen to prerecorded dramatized legal information. These ICT systems have also greatly supported people living with disabilities. Through these robust ICT platforms, LAF has been able to support these vulnerable communities without the need to have them travel long distances. Users have also been able to speak with the LAF lawyers via the toll free number and get the requisite legal education and get the legal assistance virtually. This has made legal access by the vulnerable people more accessible and affordable. With an established fully manned call centre, justice seekers are able to access legal services and aid more quickly and in a cheaper way. Additionally, the different platforms including USSD (*845#), Interactive Voice Response (IVR) and directly speaking with a lawyer (1022) have provided different alternatives for accessing legal aid for different categories of people. These systems also work with simple feature phones mostly used by the poor.

The ICT support provided by LAF is worth adoption considering its versatility and adaptability. While most systems in the Kenyan space are dependent on human interaction, often times faced with delays in responses, the LAF system use of prerecorded and prepopulated legal information greatly ensures that users have adequate information about their concerns even before choosing to directly speak with the lawyers available. Ensuring real time access to information on different ICT based platforms available and accessible to the poor is a huge milestone worth further exploration by the Kenya's justice systems

3.6 E-payment Systems

Fast, efficient and reliable options to settle fees or fines associated with courts can alleviate the workload on administrative staff and make it easier for court users to engage with courts and comply with court orders. The use of M-PESA (mobile money) by Kenyans and the use of Visa, Mastercard and mobile money by Rwandese to electronically pay for court fees has minimized the burdens that come with using cash-based systems. The e-payment platforms have automated court revenue collection in Kenya and Rwanda and helped citizens navigate previously complex court fee payment processes, while ensuring transparency and accountability because of the digital records that are obtained with each payment made.

In closing, one significant issue to note is that most judicial processes in Rwanda are digitized while in Kenya only some processes are digitized with the flexibility to handle some legal processes using paper-based and manual systems. The complete digitization of justice services in Rwanda through the IECMS serves as a roadmap that Kenya should consider taking in the digitization of its judicial processes for the purposes of enhancing access to justice. While it is acknowledged that the Kenyan justice sector is making notable progress in the digitization of its processes, most of the systems are stand-alone systems that do not speak with one another. There are different institutions in the Kenyan justice ecosystem that are directly involved in the development, processing and execution of judicial cases e.g. the Police, Prisons and Judiciary. However, these institutions do not have a central system where they can share data concerning cases for a more integrated flow of information from one agency to the other.

The digitization of the entire case life cycle with Rwanda's IECMS from filing to hearing, judgment, appeal, closure, and execution in civil and criminal matters has made case processing to be faster and less prone to errors. IECMS has also helped data move more seamlessly from one institution in the justice system to another. The Kenyan justice sector needs to develop an integrated system similar to IECMS. This would be instrumental in simulating information and data between all institutions and agencies involved in the justice system (such as registration of cases, investigation, evidence gathering, prosecution, judgment and correctional services).



Group photo of Kituo staff and stakeholders after the Research Project inception meeting

Case Study 2: Integrated Electronic Case Management System (IECMS) interconnecting institutions of the justice sector and citizens in Rwanda

This case study highlights how the effective and efficient digital integration of legal services across Rwandese justice institutions is done using one tool, the Integrated Electronic Case Management System (IECMS).

As part of Kenya's Judiciary digital strategy, the Kenyan Judiciary, with support from International Development Law Organization (IDLO), rolled out an e-filing system to improve the courts' efficiency, reduce case backlog and yield faster results for users.

Launched in 2020, the system aimed at simplifying procedures for both the judiciary and court users by enabling citizens to file, pay court fees and access their cases remotely through online processes.

While the system is working well and particularly lauded for speed, efficiency and accountability in courts and improvement in the operations of Court Registry, the system unfortunately does not integrate other institutions in the justice sector.

These stand-alone systems by Kenya's justice sector mostly implemented with donor financing often fail due to capacity constraints or as a consequence of short-term, project-based funding. Each justice sector player, from the investigations to correctional services, within the justice system is determined to automate, albeit independently, often with the hope of obtaining financial aid from donors willing to fund their digitization vision.

However, with the interdependence of the justice space, with systems from different sectors unconnected, the desired impact of digitization would still remain a pipe dream. This could be improved through a government initiative that develops an integrated system which links all the justice sector institutions for purpose of streamlining and centralizing access to justice services.

Rwanda has overcome these pitfalls and developed an Integrated Electronic Case Management System (IECMS). Rwanda's IECMS was developed and implemented by the Ministry of Justice of Rwanda from 2015-2016.

The IECMS serves as the single point of entry for all justice sector institutions involved in managing cases. The system records all judicial case information from the time a plaintiff files a civil case, or in criminal matters, from the time of arrest through sentence execution, efficiently sharing that information among all relevant justice sector institutions. The IECMS automates the existing workflow processes of the justice sector and provides each institution with a configured interface to perform their specific functions, restricting access based on user roles, permissions, and case status.

Through the IECMS, the Ministry of Justice Rwanda has brought together five key institutions within the Rwandese justice sector that are directly involved in the development, processing, and execution of judicial cases. These institutions require a detailed level of data sharing to efficiently execute their respective missions. These institutions include the National Police, National Public Prosecution Authority, the Judiciary, Rwanda Correctional Services, and the Civil Litigation Service. With IECMS, there is a clear flow of information from one agency to the next, and this makes the integrated sector approach both intuitive and necessary. The National Police are responsible for registering complaints, investigating crimes, and gathering evidence.

The National Public Prosecution Authority takes information gathered by the police and prosecutes cases within the judiciary, of which convictions are handed over to Correctional Services for supervising sentence execution. These activities form one coherent and logical ICT based workflow process in which many actors representing many agencies must participate. All this information is now being held in one information system which has greatly improved communication between the different justice agencies.

The IECMS development was a government-driven process which ensured long term funding and sustainability, as donor funded projects are often short-term and independently executed.

The IECMS tracks individuals separate from cases, so that authorized users can access an individual's profile to see their relevant case histories. If the police create a case file on an individual, for example, they will instantly have access to the individual's full case history across all justice sector institutions. This includes comprehensive access to legally authorized police, court, and prison records.

The digitization of Rwanda's entire case life cycle from filing to hearing, judgment, appeal, closure, and execution in civil and criminal matters ensure effective and speedy case processing and enable data-informed decision-making in addition to the other benefits of reduced missing records. The seamless flow of information, associated with an integrated system, from one justice sector institution to another has also improved communication between agencies and significantly reduced processing errors and time.

3.7 Government Support of Digitization of Justice

Governments play a vital role in ensuring that there is an appropriate business and regulatory environment for digitally enabled justice systems. This includes partnering with businesses to promote a dynamic ICT ecosystem, actively collaborating in the networked system of justice actors, and investing in the platforms and human capital required for digital justice services.

Although the Kenyan and Rwandese governments have made efforts to train legal practitioners and the public on ICT tools used to access justice, there are still populations that lack awareness of these tools and how to operate them. There is limited public sensitization on access to justice through ICT and training of the general public on how to use ICT tools to access justice. A training and sensitization model that involves working together with the local administration and leadership to create awareness on the ICT tools at the justice sector disposal is also limitedly adopted especially by the Kenyan government.

The Rwandese government has demonstrated how fostering partnerships with local ICT service providers can bring services closer to people for those with limited digital skills. The Ministry of Justice Rwanda for example has partnered with Cyber Café Agents to support filing of cases using IECMS to address the limited internet accessibility or lack of knowledge on internet use. With the help of Ministry's trained and accredited cyber cafe agents, members of the public can register for IECMS and file cases. This has greatly supported the 100% transition to IECMS.

Kenya on the other hand has Huduma Centres where government e-services can be obtained. It is evident that most Kenyans are still not able to access the Huduma centres either because they are very few or because they are always busy. Adding more of these centres across the country and providing justice and legal services at Huduma centres would help decentralize legal service provision. However, the more effective intervention would be the Kenyan justice sector partnering with cyber café agents to offer training on the justice ICT systems, accrediting and incentivising them to help local citizens access e-justice services.

Case Study 3: Cyber Café Agents Supporting access to justice in Rwanda

This case study highlights how the Rwandese government's partnership with Cyber Café Agents has made it possible for community members (especially those in rural areas) who do not have smartphones or access to the internet to receive legal assistance without having to travel to courts.

The digitization of the justice sector has mostly been internet reliant. Among many poor Kenyans and the rural communities, access to the internet still remains a challenge. There are still very many barriers including cost, lack of skills and limited-to-no-internet coverage in some areas which have made the rural communities and the poor particularly unable to access government digital services including justice.

In Kenya and Rwanda, private business people have established cyber café kiosks supporting local communities to access internet related services. Within these kiosks, there are attendants who are internet savvy and able to help the local communities access the internet.

Considering that these local cyber café kiosks are centers already helping the communities to access the internet, the ministry of justice Rwanda has partnered with them to help the communities to file their cases via the IECMS and also access other IECMS services. The agents are trained by the Ministry of Justice on the IECMS. To prevent the exploitation of the citizens by the agents by charging exorbitantly, the ministry has also regulated the rates for accessing the IECMS services at the cybers. This method has supported the 100% transition of filing of cases from paper to digital even in the rural areas. Through the cyber café agents, Rwandese citizens have also been able to virtually appear in courts.

In the Kenyan case, the Kenyan government launched the Huduma Kenya Service Delivery Programme (HKSDP) which has the mandate of transforming Public Service Delivery into an efficient, effective and citizen-centric service provider through One-Stop-Shop platforms. These shops are present in all the 47 counties. Among the services they provide is the access to government E-citizen services. To enable further access to the judiciary services, the judiciary partnered with the Huduma Centers to establish Judiciary Desks at the Huduma Centres to enable citizens access courts virtually and other court services from the Huduma Centres. This initiative was aimed at ensuring that filing of cases electronically became successful.

While this was announced in 2021 by the Chief Justice, not so much has been seen in terms of implementation. If implemented, the Judiciary Desks at the Huduma Centres, just like the cyber café agents in Rwanda, would have brought the judiciary services closer to the citizens.

While the Judiciary Desks establishment at the Huduma Centres is commendable, the country's coverage by Huduma Centres still remains small averaging one per county and always only available at the county headquarters.

This will still not be convenient for the rural communities who may still be forced to cover long distances to access the Huduma Centres at the county Headquarters.

To complement the Judiciary Desks at the Huduma Centres, it might be helpful if the judiciary also partnered with the cyber cafés who are present in most centers in the country including very remote regions in the country to cascade judiciary services to the local populations. The judiciary and other justice sector players including the Legal Aid Organizations can provide the requisite training and commensurate incentives to the cyber café agents to enable them support access to especially digital justice services by the marginalized and vulnerable members of the society.

4. RESEARCH FINDINGS

4.1. Social Demographic Information of Respondents

The figure below shows that most of the respondents in Kenya (60 percent) were male while a smaller proportion (40 percent) were female.

Figure 1: Distribution (%) of respondents by Gender in Kenya



As illustrated in figure 3 below, most of the respondents in Rwanda (70 percent) were female while a smaller proportion (30 percent) were male.

Figure 2: Distribution (%) of respondents by Gender in Rwanda



All the Kenyan and Rwandese respondents that participated in this study were above 18 years of age.

Below is a summary of the interviews conducted across the five counties and the participants that were involved in interviews.

Table 1: Summary of Focus Group Discussions

Focus Group Discussions	County	Males	Females
Court users/paralegals/human rights defenders	Marsabit County	7	7
Paralegals and human rights defenders	Tana River County	3	5
Paralegals and human rights defenders	Kakamega County	6	6
Legal empowerment organizations such as, paralegals, lawyers and law firms offering <i>pro bono</i> services and legal aid clinics	Nairobi County	5	5
Kibera paralegals	Nairobi County	8	7
Kamukunji community members	Nairobi County	4	6
Paralegals	Nakuru County	7	5
Community members	Nakuru County	6	8

Table 2: Summary of Key Informant Interviews

Key Informant Interviews	County
<ul style="list-style-type: none"> ● Office of the Director of Public Prosecutions ● Area Assistant Chief ● County Government of Marsabit ● Ministry of Gender ● Catholic Justice & Peace Department ● Pro-bono Advocate - Marsabit ● Marsabit Women Advocacy & Development Organization (MWA-DO) ● OCS Marsabit ● Judiciary Magistrate ● Marsabit GK Prisons: Male interviewee, no laptops, no virtual courts because of lack of facilities ● Marsabit Court ICT Office 	Marsabit County
<ul style="list-style-type: none"> ● Deputy County Commissioner - Tana River ● Area Assistant Chief ● OCS Garsen Police Station ● Kenya Community Support Centre (KECOSCE) ● Child Welfare Society of Kenya - Garsen ● Children's Sub County Office - Garsen ● Muslim Human Rights Organization (MUHURI) ● NTV Reporter and HRD Tana River 	Tana River County

<ul style="list-style-type: none"> ● Deputy County Commissioner ● County Government - Department of Gender ● Kakamega GK Prisons - Officer in Charge ● Kakamega GK Prisons - ICT office ● Kakamega GK Prisons - Inmate Paralegals ● National Empowerment Network of People Living with HIV in Kenya (Nephak) ● Judiciary ICT and Data Liaison Office (Kakamega) ● Assistant Chief- Khwisero Kakamega ● Probation Officer 	Kakamega County
<ul style="list-style-type: none"> ● FGD Community Members, Kibera Justice Centre ● Paralegals, Kibera Justice Centre ● Area Chief, Kibera ● National Legal Aid Service (NLAS) ● Transparency International ● Kenya National Commission on Human Rights (KNCHR) ● Lawyer ● Advocates ● Judiciary Magistrate ● Court user ● Ombudsman 	Nairobi County
<ul style="list-style-type: none"> ● Pro-bono Advocate (Human Rights and Legal Aid Advocate) ● National Legal Aid Service (NLAS) ● Paralegal ● OCS Nakuru ● Center for Enhancing Democracy & Good Governance ● Judiciary – ICT 	Nakuru County

4.2. Access to Justice ICT Tools

The movement restrictions that were imposed by the Kenyan and Rwandese government during COVID-19 increased the need for use of digital platforms to continue service delivery while maintaining physical distance in the justice system. Even beyond the pandemic, there was still a need to accelerate the digitization of the handling of cases and the use of audio and video communications between court users and professionals in the justice sector. This section presents findings on the types of ICT tools that were being used by Kenyan and Rwandese respondents to access and provide legal services digitally.

This study found that in some cases, the same justice services were being provided by the Kenyan and Rwandese justice systems albeit with different types of digital platforms. Another finding was that the Rwandese IECMS is able to solely carry out several different functions that a number of Kenyan platforms carry out individually e.g. case-tracking, e-filing, case management etc. Lastly, IECMS functions as a unifying platform that connects all institutions belonging to the Rwandese Justice, Reconciliation, Law and Order Sector, while the Kenyan digital platforms were found to operate as stand-alone systems across institutions in the Kenyan justice sector.

4.2.1. Kenya

Many court proceedings and virtual consultations take place via video conferencing or phone calls which are now enabling legal aid providers to reach individuals in distant locations without having to spend

money on transport. E-filing of court cases has also streamlined the storage, production, organization, and retrieval of legal documents. The case tracker has helped to facilitate easy access and retrieval of information between the prosecution and the courts, allowing for ease of access to information regarding the progress and statuses of criminal cases. Administration of justice for criminal cases has also been performed remotely as bail and plea taking have been conducted with prisoners on video conferencing platforms.

The Kenyan research reveals that the different ICT platforms that are commonly used by the legal aid providers and public users in the Kenyan justice sector include:

- Virtual courts
- Causelists
- E-payment systems (mobile money)
- Electronic Case Management System (ECMS)
- Electronic Filing (e-filing) System
- Case Tracking System (CTS)
- Legal aid toll-free helplines

Most of the Kenyan respondents reported to have used or still use simple mobile telephones to access legal services via toll-free helplines made available by the different justice players. It was also evident that some justice and legal aid institutions shared private numbers with the members of the public through which they could be reached. Additionally, they reported to be using Kituo Cha Sheria's SMS based *MHaki* platform (0700777333) to get legal information. Others used smartphones to report incidents and receive legal information via WhatsApp while others used smartphones and computers to attend virtual court sessions via video conferencing tools such as Zoom and Microsoft Teams.

A National Legal Aid Service (NLAS) officer in Nairobi opines that the introduction of ICT tools in Kenya has revolutionized the legal empowerment landscape:

"ICT has allowed for more efficient and widespread access to legal services and information. With the increasing penetration of mobile phones and the internet, even though a little slow and can be improved, ICT-based solutions such as legal helplines, mobile apps, online legal resources, and virtual legal clinics have emerged to complement traditional methods and enhance access to justice for marginalized communities."

Different justice actors shared the different ICT tools that are available to them in the Kenyan justice system and also how and what they use these tools for.

A local administrator based in Kakamega shared how they use WhatsApp and SMS to serve the local communities:

"Earlier people used hard copy letters to deliver messages which took a long time to reach the targeted people. Now we communicate through Whatsapp and phone based-sms to coordinate justice issues. We are able to even take photos as evidence in court. We also have a Whatsapp group called Usalama Kwisero comprising of relevant stakeholders like the police, NIS, DC, and D.O through which we streamline our communications on security, justice and other relevant programs including access to government services"

A Gender Officer in Kakamega equally opined on the different ICT platforms currently being used in the access to justice including the use of WhatsApp, virtual courts and hotlines:

"ICT has changed the way justice can be accessed and made it easily accessible. With smartphones, tablets and computers, we are able to virtually attend court sessions and engage with justice seekers and other actors without the need to be present physically. Even for those that don't have smartphones, there are

other ICT alternatives like hotlines and SMS which equally enable communication and service delivery.”

Different justice actors have also developed customized ICT solutions to help them deliver on their mandates. The Center for Enhancing Democracy & Good Governance (CEDGG), a global human rights organization dedicated to promoting, protecting and defending Indigenous Peoples’ rights in Nakuru stated they have developed a digital platform which they use to internally track cases.

A CEDGG representative shared how they handle cases using the electronic case-tracker:

“We have trained paralegals in the Sub-Counties on our electronic case tracker. Paralegals are able to input the case details on the e-case tracker and all interested parties can access the information. In some cases we forward the cases to NLAS or report to courts”

This is just one of the inhouse ICT solutions that different entities have developed to support access to justice by ensuring that access to real time justice information is made possible and information sharing is fast-tracked.

However, most respondents were concerned about the low level of awareness and uptake among the public of ICT tools used in the justice system. Lack of funding for the sensitization of the public on platforms like the e-filing system was raised by respondents as a possible reason why the uptake and awareness levels are low.

A Marsabit Women Advocacy and Development Organization (MWADO) representative in Marsabit shared how they use WhatsApp:

“We have a WhatsApp group in which we give each other information on Gender-Based Violence but the rest are not aware unless we tell them. People reach out to me through the same platform”

A Senior Police Officer from Marsabit corroborated the statement that the MWADO representative made concerning the need for training on the use of virtual courts and other ICT tools among community members:

“Most poor and marginalized people are not well-versed with ICT. When for example, we present convicts in court virtually, you can tell that they don’t know what is going on and we have to do a lot of explanations. Unfortunately, even our own officers lack the ICT skills and it could get messy especially considering that even the equipment we are using are mostly improvised and fail more times than they work as expected”

The study also revealed that even in some places where ICT infrastructure exists, technical skills and knowledge needed to operate the digital tools is lacking. There were a few respondents who expressed issues faced by justice actors and justice seekers posed by limited skills in navigating ICT platforms.

Because of the limited internet knowledge by most of the poor, the use of these tools including the Judiciary E-filing portal, judiciary public information kiosk and even the virtual courts has been low. This is a challenge experienced by paralegals and Human Rights Defenders and even some officers of the court. A paralegal from Kakamega mentioned the personal challenges that affect and limit their use of some of the ICT tools:

“I won’t say I’m confident in using these platforms. I definitely require training to be able to maneuver the platforms. This though is not my challenge alone. Many other paralegals and Human Rights Defenders are also facing similar challenges.”

While it was evident that many tools including toll free lines, SMS, WhatsApp, mobile apps and websites

for example *MHaki*, Kenya Law and even the Judiciary Website have been developed to enhance access to legal information and aid, most marginalized communities are unaware of these developments. For the very few who are in the know, they don't seem to have the skills and technologies that can enable them access the information.

A local administrator from Tana River County mentioned how they work around limited uptake of technology among the poor and vulnerable in their region:

"In my opinion, not everyone has a phone or computer to enable them to access this information. The best way to get the information is through local administrators for those without technology even as we explore ways increasing the uptake of technology"

A National Legal Aid Service (NLAS) officer in Nakuru equally stated that while they provide legal information through their toll number, some clients still prefer to visit their offices:

"...We have a toll free number; 0800720640 but the clients do not like using it . They do not like virtual sessions; they want physical meetings because of course they trust physical engagements more and also issues to do fear of calls failing to be picked among other issues."

Results also reveal that other legal service providers still rely on radios in addition to community meetings to provide legal information to members of the community especially in the rural counties. A paralegal from Marsabit county shared how much they rely on radio to relay legal information in local languages:

"We use local radios like 'Radio Jangwani' to disseminate information. Radio is very popular here. The radio helps a lot of people who speak the local languages Rendile, Borana and Samburu."

An ICT officer from Marsabit Women Advocacy and Development Organization (MWADO) also shared how community members are more trusting of radios as the safest medium to report incidents:

"People will rather call radios to report. So we are trying to say radio is not the place. Call the necessary offices...."

Some respondents shared that due to lack of proper infrastructure and resources, they have embraced a hybrid approach in delivering justice, which involves using both ICT and non-ICT systems to provide legal aid services.

A Representative from the National Empowerment Network of People Living with HIV in Kenya (NEPHAK) in Kakamega shared that they use both WhatsApp and manual forms to record cases:

"We usually fill a manual form when we have a case then we bring it back to the office. But of course we also use Whatsapp, SMS and calls to engage with the communities. The paralegals from all the sub-counties formed WhatsApp groups through which they are able to engage with justice seekers."

A Probation Officer in Kakamega stated that they use both digital and manual tools for filing and court sessions:

"We are both manual and digital in our work. There are some of our services which are very manual while some have been digitized. We use both to do filing and court sessions. We are yet to fully digitize. For example, while it is recommended to file cases electronically, manual filing is still admissible."

4.2.2. Rwanda

Since June 2017, all court users in Rwanda have been accessing court services electronically.²⁴ This points to the possibility that ICT tools are a necessity for every court user to access legal services in Rwanda. Digitization of the justice sector can be divided into three categories based on (1) technological complexity, (2) actors and activities involved (3) level of adoption. In this report ICT tools used by individuals who solicited any kind of legal service were highlighted to be basic technologies such as simple mobile telephones, smartphones, tablets, computers, for legal aid service beneficiaries.

From collected data, analysis revealed that different ICT platforms commonly used by the legal aid providers and public users in the Rwandese justice sector include:

- Integrated Electronic Case Management System (IECMS)
- *Sobanuzwinkiko* platform,
- *845# and 1022 toll-free helplines

Majority of Rwandese citizens reported to have used or still use simple mobile telephones to access legal services via toll-free helplines and other SMS/USSD based legal aid services. A few others reported that they had used computers to access their IECMS accounts and even attend court hearings via skype and other video conferencing platforms.

An FGD participant shared how LAF's toll-free helpline has enabled them to access justice services remotely:

“I had to go to LAF's offices first to obtain more information on what to do as far as my case was concerned. After listening to me and advising me on steps to take, they gave me their toll-free line to call in case I need further guidance without necessarily coming back in person to their office. Since then, I have been calling a lawyer from LAF for more help using my small phone.”

Another FGD participant shared their experience using LAF's toll-free helpline :

“I do not have a phone, but I borrowed my friend's simple phone. Then, I called at LAF for advice on the issue I had, and they advised me very well.”

Due to illiteracy, many respondents reported that they were not able to use the digital tools by themselves, instead they rely on others to help them. An FGD participant mentioned how they are not able to get legal aid via IECMS without assistance from someone else:

“I have no knowledge on how to use technology at all and it is very difficult for me. If I need to send or check the progress of my case in the IECMS, it is always with the help of my friend. I didn't know how to use this IECMS system.”

Another FGD participant reported a similar experience:

“I do not know how to read and write. Even when a message or notification from court comes on my phone, I have to wait for my son who is in secondary four to return from school and read it for me”

4.3. Familiarity With Courts' ICT Requirements and Procedures

Most vulnerable citizens still find it hard to access justice services online because they lack the skills and knowledge to use the digitized justice systems whenever a legal aid provider does not assist them. This

24. “The Judiciary of Rwanda Strategic Plan 2018-2024,” accessible at www.judiciary.gov.rw.

section presents findings on the level of familiarity that the Kenyan and Rwandese respondents of this study have with courts' ICT requirements and procedures.

4.3.1. Kenya

In assessing court users' familiarity with the ICT platforms available for accessing justice, most justice actors were aware of the digital tools used in the Kenyan justice system and acknowledged the efficiency and reliability of these technologies in providing access to legal services. Unfortunately, most citizens especially in the rural areas were unaware and were surprised at the existence of such systems. From the responses, it was clear that not much effort has been directed to sensitizing the public on the ICT transformations in the Justice sector. Some people who attended court virtually from prison mentioned that while they appreciated the convenience the virtual courts offered, they were not familiarized with the system and that everything came to them as a shocker.

With e-payment of court levies and fees, respondents seemed to be familiar with how to securely and efficiently do electronic transactions using MPESA.

A paralegal in an FGD in Marsabit shared how they were able to take advantage of the convenience that MPESA brings in making fast payments. They mentioned that MPESA payment of court fees has provided assurance of receipt of payments and with the MPESA payment notifications, they have evidence of payments and can trace the payments and provide proof of payment if need be.

"I have a son going to university and he needed a stamp from the Magistrate. That day, I was given an MPESA paybill to pay instead of going to the bank. It eased my work because of the distance between courts. So it saved time and energy. I saw there was accountability because the bank account is for court."

Another paralegal in the same FGD contributed their thoughts:

"With MPESA payment for court fees, I have confidence the money has gone to the right recipient and I have proof of payment through the MPESA statement and messages."

Most respondents also expressed familiarity with using toll free numbers and other SMS/USSD that certain institutions like Kituo Cha Sheria, police and others have availed to enhance access to their services. This of course can greatly be attributed to their experience with cell phones.

A paralegal who participated in an FGD in Tana River shared their familiarity with using toll-free numbers to contact the authorities:

"Mostly, it's phones. We use them to call the police, DCC, KECOSCE. We also have an alert number which we call KECOSCE through and also we have the children's toll free number for children issues."

It is important to note that some of the ICT platforms are region specific and familiarity does not transcend the regions and populations for which they target.

Despite some respondents being aware about the different ICT tools at their disposal for accessing justice, most respondents mentioned that they lack the skills to navigate the web based platforms. The lack of internet knowledge use is a factor that affects peoples desire to make attempts at familiarizing themselves with the technology innovations in the justice sector. It is notable that digital illiteracy and limited sensitization about the ICT tools was highlighted as the main reason for lack of familiarity with the ICT tools. Training and sensitization was thus recommended as the best interventions for this anomaly.

A Human Rights Defender participating in an FGD Tana River opined that high illiteracy levels and lack

of awareness among community members about ICT tools contributes to their lack of familiarity with operating the tools:

“The community members are not aware that one can use ICT, so there’s a need for sensitization of the community. The people here are illiterate. They don’t know how to use ICT. They don’t own smartphones. If physical delivery of justice is hard, what about ICT? The illiteracy level is very high and that makes it impossible for the poor to use these tools.”

This therefore calls for improved efforts on sensitization and training of the general population, especially people in the rural areas on use of digitized justice systems . Creating systems that can equip citizens with skill sets for basic use of technology would be handy in supporting access to justice via technology.

4.3.2. Rwanda

In Rwanda, most respondents mentioned that they lacked the skills to navigate the internet-based ICT justice platforms. They however mentioned that they get satisfactory assistance from legal aid providers like Legal Aid Forum (LAF) and cyber cafe agents with e-filing of cases and accessing IECMS. While knowledge of the existence of technologies like IECMS was high, courtesy of massive radio campaigns by the ministry of justice popularizing the platform, the respondents mentioned that usage of IT technology has been only on a needs basis.

In assessing the familiarity of the self-representing court users, with the digitized and electronic court systems, some respondents mentioned that they are still faced with knowledge inadequacy on the use of technology.

An FGD participant stated that they depend on assistance to access justice services due to lack of familiarity with technology:

“I am not familiar at all with the technology requirements needed and processes in order to access e-court services. The lawyer assigned to me by LAF does everything in the system for me.”

Another FGD participant shared a similar sentiment:

“Before seeking help from LAF, I didn’t understand what I was supposed to do to file my case in court since everything was said to be done in the system. I even had no idea what that system was, but when I went to LAF, their lawyer explained to me the requirements like having an IECMS account, email and other things before filing the case on my behalf.”

It was therefore noted that there are some people who still find it hard to access justice because they lack knowledge to use the digitized justice systems whenever they do not have access to a legal aid provider or lawyer. This therefore calls for improved efforts on training the general population, especially people in the rural areas, on the digitized justice systems requirements, functions, operations, and navigation of the services.

4.4. Satisfaction Levels With ICT in Delivery and Access to Legal Services

Assessing the levels of satisfaction in using ICT platforms could increase the responsiveness of justice actors towards improving service delivery using ICT. This section presents findings on the Kenyan and Rwandese’ satisfaction levels in relation to the digital tools supporting access to justice.

4.4.1. Kenya

Most of the Kenyan respondents were satisfied with the use of ICT in seeking or delivering justice. Respondents that gave a high ranking in levels of satisfaction with the use of technology were content with the ICT's efficiency in service delivery, ease of use to access justice, reduced cost in accessing justice and speediness of the processes.

There is a general consensus among the population and justice actors that ICT deployment in the justice sector is long overdue and while it promises to revolutionize justice access, there is much more that still needs to be done to bridge the digital gap between the urban and rural counties as well as between the rich and the poor.

The study observed that many people were still not aware of the ICT-based interventions in the justice space. Additionally, the notable gap in institutional preparedness in the use of ICT was also noted as a factor reducing satisfaction levels. For instance, while the courts have the ICT infrastructures, the prisons and the police stations who are expected to produce the accused in court virtually have very poor institutional infrastructure. In practice that has greatly hampered the efficiency of the system considering the crucial roles of these institutions in the administration of justice.

A prisoner who is also a trained paralegal at Kakamega prisons shared their negative experience using virtual courts while appealing their case virtually:

“The laptop being used here is very small and when many people are appearing virtually in court, you can not even see the magistrate or the prosecutor and you can not even tell if they are seeing you. Sometimes you can not even hear what is being said because the laptop's sound system is very low. We should also be provided with large screens like the ones we see at the court.”

Respondents from the rural counties, often considered marginalized, also noted that the adoption of ICT in the justice space by itself was an injustice to them now that they are still struggling to access even the very basic infrastructure including physical courts, electricity or internet/mobile phone networks. Transitioning the processes to ICT based systems in their areas would disadvantage them even further and deny them justice. They suggest that before a conversation on using ICT in the justice system, there is an urgent need to improve the infrastructure of these regions and build their skills on ICT.

An FGD participant in Marsabit was not satisfied with the limited access to ICT resources in their community:

“Do you know that there are some parts of Marsabit where residents have to travel to certain spots to access cell phone networks? In some of those places, the most sophisticated technology they have access to is radio and solar lamps.”

A representative of the National Empowerment Network of People Living with HIV in Kenya (NEPHAK) in Kakamega said his satisfaction comes from knowing how to navigate ICT tools. He however observed the need to add local languages on ICT platforms since language is a barrier for some justice seekers he works with:

“Yes I am satisfied at like 80-85% because I know how I can maneuver the system. I know how to use computers. I think the people I work with are not fully satisfied. Like for some of them you have to explain to them about the tools in the local language. I think the tools should also be presented in other languages like Kiswahili apart from English alone.”

4.4.2. Rwanda

Research findings reveal that the majority of the Rwandese respondents were satisfied with the use of

ICT in access to justice. The respondents who accessed justice services using ICT and received favorable outcomes in their cases ranked their levels of satisfaction very high and lauded the convenience ICT brought. On the other hand, few respondents reported their low level of satisfaction with the use of ICT in the justice sector especially in courts and claimed that they did not trust that the judicial officers would give due attention to their case as it would do in the manual court processes.

A respondent from the City of Kigali shared why they were satisfied with the ICT tools used in the justice system:

“ I truly appreciate the use of technology in the justice sector, and I rate my satisfaction at 90% simply because one is able to navigate through the legal proceedings at the comfort of your home. The fact that someone does not have to line up every day to look for legal services but rather send every requirement to court by email, is the most exciting thing.”

4.5. Impact of Justice Delivery on Beneficiaries Using ICT Platforms

The degree of impact that digital justice service provision has had on the vulnerable and marginalized was assessed to determine the extent of change in quality and efficiency of justice services over time. This section presents findings on the Kenyan and Rwandese’ perception of the impact that ICT platforms have made in the delivery of justice to the vulnerable and marginalized populations.

4.5.1. Kenya

The respondents observed that the use of ICT has significantly reduced the cost of access to justice. Through the online justice services, they mention that they no longer need to travel long distances, which are mostly expensive and risky to access justice services. Marsabit and Tana River respondents mentioned that with the virtual courts, they are able to appear in court free of any stress as compared to previous times before when court appearances required many kilometers of travel in the face of security threats along the roads.

A Marsabit resident opined on the impact of virtual courts and M-PESA:

“North Horr to Marsabit Court is over 150 km and the roads are not safe. Before virtual courts came, we would always wait on the mobile courts which would take long before coming and because of that we would resort to our local wazees to solve our issues. With technology, at least I don’t need to travel for days for court appearances. It’s a lot cheaper and with the reduction of distance, the cases are also now being dispensed with faster. I also don’t have to carry cash for long distances like in the past. Now I safely pay required fees through MPESA”

The police and the prisons also noted that with the virtual court systems, the risks associated with physically producing convicts in court have greatly been minimized as the convicts can safely appear virtually in court from the prisons and police stations.

A prisons officer/Paralegal in Kakamega mentioned how virtual courts have helped to promote safety while traveling with convicts:

“Many things can happen on the road while producing convicts in court. Imagine traveling with a convict from Kakamega prison to appear in court in Kisumu. With the virtual courts, it’s safer both for the accused in custody and the security team presenting him in courts”

A child officer from Tana River reported the impact of WhatsApp and toll-free helplines to report incidents during the pandemic:

“During COVID-19 and when we were unable to move to the field as much, phone calls and whatsapp enabled us to keep tabs with child cases in the communities and enabled us to get reports and collect evidence in the form of photos.”

Advocates also pointed out that with e-justice processes, the cost of court processes have also significantly reduced making access to justice cheaper. With the physical court processes the advocate was expected to travel with the litigant who had to bear the accommodation, meals and transport costs. However, with virtual appearances, these costs have been eliminated or at least reduced to the bare minimum. Additionally, with e-filing of cases, the costs of printing and photocopying of files have been reduced. These are costs that significantly stretch the costs of justice and make it unreachable to the poor.

An advocate based in Marsabit also shared their opinion on the impact of virtual courts in their community:

“As an advocate, I charge less when it’s a case I can handle without necessarily traveling to the court. To get me from my office to go and physically represent you in court in a place 100 KM away will require you to organize transport, food and accommodation which would add to the legal fees. With virtual courts, such costs are not included, making it cheaper for the litigants.”

While the ICT innovations in Kenya’s justice system promises to revolutionize access to justice services including sharing, access and retrieval of information, a lot still however needs to be done to create even more awareness regarding their existence and how they can be used to support access to justice.

4.5.2. Rwanda

When asked to describe the ICT transformation in access to justice particularly for the vulnerable and the marginalized communities in Rwanda, the Inspector General of Courts at the Rwandese Judiciary explained that initially, the justice sector of Rwanda was solely relying on unintegrated systems. Now, IECMS has enabled the smooth integration and electronic administration of justice by all institutions that are involved in the Rwandese justice sector.

Just like in Kenya, ICT has significantly reduced the cost of access to justice for the poor and marginalized. With technologies like the LAF call center platforms and SMS/USSD solutions, even the poor without advanced technologies are able to access legal services virtually including remote access to lawyers without the need to travel. Justice seekers commented that they have now been able to dispense with their cases to their satisfaction without ever physically meeting with their lawyers. It is apparent that in Rwanda all the processes right from filing of cases, engagement with lawyers to court appearances can now be conducted virtually which has brought significant convenience.

A participant at the Prevalidation workshop in Kigali who was also one of the respondents shared the impact of the LAF toll-free helpline, IECMS and virtual courts:

“I have never physically met my lawyer. I called the LAF number and they connected me to a lawyer and all the other processes were also conducted using technology. Through IECMS, my lawyer was able to file my case and am also able to track the status of my case through SMS I regularly receive. We also appeared in court using a computer and everything. It was strange for me but my lawyer assured me that the system was efficient.”

4.6. Capacity to Deliver Justice Services Using ICT Platforms

Since the services of professionals in the justice system are needed to perform certain duties in aid to the vulnerable and marginalized citizens, assessing their competences and skills to operate ICT platforms was imperative. The study also sought to assess whether the different institutions involved in administering justice were equipped with enough ICT infrastructure to be able to deliver legal services electronically. This section presents findings on the capacity for the Kenyan and Rwandese respondents of this study to deliver legal services using ICT platforms.

4.6.1. Kenya

In Kenya, many justice actors reported limited capacity in the delivery of services using ICT tools. Police stations and prisons for instance, did not have ICT departments to support the use of ICT in linking the courts to these institutions during the court proceedings. Concerns regarding power outages and lack of communication and training on the available ICT solutions were also mentioned as some of the challenges limiting their capacities to deliver justice and being unable to better evaluate and improve their capacities. Limited skills and knowledge to operate ICT platforms was also raised as a concern among some respondents who felt that they needed adequate capacity building and training to administer justice with ICT.

A Prisons officer in Kakamega county also shared the manifestation of limited infrastructure in the prisons department:

“We don’t even have laptops or wifi here. The one laptop we have is very slow and sometimes freezes even in the middle of a session. Without reliable internet and equipment, we are sometimes forced to even use our phones for this. Sometimes even lights go out in the middle of court sessions”

A local government officer working very closely with the community on issues of law enforcement in Tana River acknowledged his limited training and capacity to operate the e-filing system:

“To be honest, I don’t have adequate knowledge on e-filing and I have never been trained on the same. I’m capable, I just need adequate training. It is important that resources are adequately allocated to the ICT departments of the major justice actors to enable them to improve their capacities to use ICT to deliver justice. Some institutions reported even cutting back on their ICT services because of resource constraints.”

A children officer in Tana River shared:

“We had a toll-free number for reporting.. Unfortunately, we could not sustain it despite the fact that it was very convenient and cheap for the residents. Right now, they can only call directly on my number,”

4.6.2. Rwanda

Most Rwandese respondents were of the opinion that the Ministry of Justice has developed adequate training and capacity to deliver justice using ICT. The Ministry has equally fostered partnerships including with the cyber cafe agents to enhance the ministry’s capacity to offer justice using ICT. The Ministry has also conducted training to the Justice actors to build their capacities to use ICT to support access to justice.

While these initiatives are lauded by the respondents in the study, it was observed that more continuous training (refreshers) were still required both for the Court staff and cyber cafe agents. Additionally, suggestion for continuous engagement with the public through radios and legal aid forums was made to ensure that the public was regularly informed on the developments in the justice system, particularly the application of ICT in access to justice.

A cybercafé agent who participated in the FGD shared that one training was not enough for agents to completely grasp the use of IECMS:

“Since IECMS was introduced in Rwanda, we were trained only once on the use of this platform, yet we are expected to assist citizens filing their cases using this platform. It is still a challenge for us to use IECMS especially when it comes to issues related to the formulation of court order where our expertise and skills are really limited.”

4.7. ICT and Justice Service Delivery During COVID-19

Since COVID-19 led to movement and assembly restrictions, a number of physical justice and legal services were either restricted or stopped. The deployment of ICT in the justice processes therefore ensured continuous justice access even in the midst of the pandemic. Most of the respondents reported that amidst restrictions imposed during the pandemic such as lockdowns and travel bans, respondents were able to report incidents, track cases, access legal information, use toll-free helplines, and appear virtually in court. All this progress occurred on the heels of the ICT interventions that were developed to help cope with the impact of COVID-19 on access to justice. This section presents findings on delivering legal services during COVID-19 using ICT platforms among the Kenyan and Rwandese respondents of this study.

4.7.1. Kenya

Most legal aid actors had positive feedback about how digitization of justice has affected their delivery of legal services. They mentioned that ICT made it easier for legal aid providers to continue with their provision of services in the face of imposed restrictions like lockdowns, curfews and travel bans. Handling proceedings and meetings virtually reduced financial, workload and communication burdens.

A local administrator in Nakuru shared his experience integrating ICT during the pandemic:

“My first virtual meeting was conducted during the COVID-19 time. I resisted it at first. After the first meeting I embraced the use of technology because I realized that it was cost-effective. During the peak of the COVID-19 pandemic, there were lockdowns and curfews and were it not for the use of ICT the access to justice services would have come to a standstill. Arresting criminals was scary because no one wanted to go into the field. But it propelled us to a different level.”

A gender chief officer from Kakamega highlighted that the benefit he got from using virtual courts during the pandemic was a reduction in workload from not having to deal with an accumulation of cases:

“During that time the court proceedings continued virtually, which was positive instead of exacerbating the case backlog that has always been there.”

In other cases, there was some resistance and unwillingness from community members to adapt to using ICT in the pandemic period. A local administrator in Marsabit stated how the community members he was working with during the pandemic were not receptive of technology for communication as they were more trusting of physical engagement:

“Communication was not effective. Many preferred to see you personally, not on the phone. It was also risky due to community tribal clashes. Our work didn’t stop but did not continue as we would have loved. Mostly we used phones. We still used to continue with Kangaroo courts.”

4.7.2. Rwanda

A majority of the Rwandese respondents reported that even amidst the pandemic, they were able to

appear before courts, follow up on their cases and even accessing legal aid and information due to the use of IECMS, LAF's toll free lines and virtual Courts.

In the words of one respondent:

"I pleaded online, surprisingly, nothing prevented us from doing so with the use of IECMS...I did not believe that I would be granted fair justice when I was not physically present before the judge. I finally won the case, and I am very happy that I obtained justice even amidst the restrictive measures of the pandemic"

4.8. Advantages of using ICT during COVID-19

There were benefits and new opportunities found when the justice system leveraged ICT platforms in the administration of justice during COVID-19. The study found out the general functioning of different technologies used in the justice sector, and the level of effectiveness of these technologies to assist in handling justice matters. This section presents findings on the advantages of using ICT platforms to deliver justice during COVID-19 among the Kenyan and Rwandese respondents.

4.8.1. Kenya

A majority of Kenyan respondents reported that the use of ICT has eased access to courts and legal services, and brought the justice services a lot closer to people. They also acknowledged that ICT has immensely cut the time of accessing justice services considering that justice seekers have the option of virtual redress and may not necessarily need to travel long distances to physically access services including filing of cases, court appearances, tracking cases, accessing legal information or even speaking to legal aid providers. Respondents were also of the perception that the use of the electronic/mobile money as a means of paying for court fees and other e-government services has also enhanced transparency, confidence and accountability.

A Prisons warden in Marsabit acknowledged the impact ICT tools like virtual courts and emails has had on them.:

"ICT has already helped us because long ago, we had to transport people from Marsabit but now it is virtual. It has really helped us. Secondly, we have persons who do petitions and appeals through emails. Our workload has lessened. It has saved time, especially traveling time. Our security has improved in dealing with high-risk prisoners. It has lessened congestion in prisons."

A community member who participated in an FGD in Kibera shared her satisfaction with the digital mobile payment system's secure features when doing transactions:

"Right now, with any payment I make I am sure it's going directly to the government, and nobody is touching my money. The system also shows me how much the service costs which means that nobody then can extort any monies from me."

4.8.2. Rwanda

When both seekers and providers of legal services in Rwanda were asked to highlight advantages of using ICT for providing and accessing justice services, they reported that several barriers were broken down including delays connected to judicial proceedings, lack of necessary information, money wasting, unequal access to legal services, lack of transparency and physical barriers and exclusion of people with disabilities among others.

One of the respondents shared the conveniences in using IECMS:

"Initially, we used to spend a lot of money on traveling and food while going to courts to submit cases...But now, we no longer travel to courts to file cases, we simply use IECMS and go to court when it is necessary in case, we have been called on to plead."

An officer from the Judiciary of Rwanda shared sentiments on how virtual courts have helped reduce the risks of corruption:

“The use of ICT in providing legal services like digital processes and virtual hearings has improved access to justice services and has demonstrated a significant positive impact on quality and legitimacy. Additionally, increased transparency was achieved by making information more accessible, securing legal documents, and reducing the risk of corruption”.

4.9. Disadvantages of using ICT during COVID-19

While ICT introduces new opportunities for improving citizens’ access to justice, respondents also highlighted some challenges to ICT-related services. This section presents findings on the challenges that were faced by Kenyan and Rwandese respondents in using digital justice platforms during COVID-19.

4.9.1. Kenya

Some Kenyan respondents stated that internet and network connectivity was still low in some rural areas, which meant that they had to travel distances to access in-person justice services. Limited electrical power supply and frequent power outages in some counties also emerged as a significant limitation in using ICT to access justice. Technical difficulties with ICT-based platforms, such as audio problems and language barriers, were also highlighted as a problem inhibiting access. A few respondents also reported that digitization of the justice services requires them to have smartphones or computers to access justice which is a big challenge to the poor who end up not filing their cases in courts due to the lack of the requisite ICT resources. The costs involved with setting up and continuing to use certain ICT platforms with the internet was identified as a financial burden among both legal service providers and vulnerable community members. There were also concerns raised of digital illiteracy and also data privacy and security while using certain ICT platforms to access, input, and process personal data.

An officer from the Commission on Administrative Justice (Office of the Ombudsman) in Nairobi described how the cost of internet services and lack of equipment can be a burden to legal service providers and justice seekers:

“The biggest challenge actually is the cost of ICT infrastructure, it is not cheap, just a mere connectivity is quite expensive as well as for an institution. So I can imagine a vulnerable person out there trying to use their bundles to access court, that is quite expensive. You’d probably need good mobile phones, laptops and wifi routers and those could be a bit expensive for most people to afford.”

A Police Service Officer in Marsabit shared how some community members are not well trained to use virtual courts to obtain justice:

“Most clients are not educated and thus, not well vast with ICT. You can go to a virtual court and illiterate persons don’t see their cases because they don’t understand the court.”

A senior officer from the local government in Nakuru was concerned about certain tools being vulnerable to private information leaking to the public:

“There are issues to do with data security where confidential information is leaked to the social media platforms.”

4.9.2. Rwanda

Rwandese respondents reported challenges with poor internet connectivity in some villages which causes villagers to travel long distances to receive legal aid. A few other respondents also reported that

digitization of court services requires them to have smartphones or computers to access IECMS which is unaffordable to the poor. This especially was a challenge for those that are in areas without trained cyber cafe agents. And while the respondents appreciated the role played by the cyber cafe agents in helping them access IECMS, they pointed out concerns about their privacy with the cases considering that the agents lived with them and some of the cases they were filing were sensitive and unauthorized access was a concern. High setup costs, technical difficulties, digital illiteracy, and cyber insecurity also emerged as challenges faced by Rwandese respondents.

One respondent commented on her struggle with understanding how IECMS works:

“Technology in legal services only favours those that have means to afford and to use ICT tools effectively, however for a person like me, I find it to be a bad thing since it complicated and stressed me while I was seeking justice in court to the extent that I lost my case. I strongly believe if it wasn't for the complicated IECMS, I would have not lost my case”.

Another respondent shared concerns with cyber insecurity when original data is falsified using ICT:

“With the modern technologies of artificial intelligence and deep algorithms, original video and audio can be altered to false but convincing images, sounds, and video...”



Presentation of preliminary research findings in Kigali, Rwanda

CHAPTER FIVE

5. RECOMMENDATIONS

Although the Kenyan and Rwandese justice systems have made strides in enabling justice to be more accessible to the public and more efficient for legal service delivery, this report presents some recommendations that can help improve the delivery and access to justice using digital platforms:

5.1. Training and Capacity Building for Justice & Legal Aid Providers and the Public on the Use of ICT For Justice

While the justice system is adapting to the new way of service delivery, inclusive training and dedicated ICT departments for justice and legal service providers in the justice system should be considered. There was also a lot of emphasis by respondents on the need for further sensitization and training of the population on the existing ICT solutions in the justice system. The responses from Kenyans point to the need for the government and other stakeholders to develop capacity building initiatives that are aimed at bringing awareness to the public on existing technology that enhance access to justice.

Skills development and advancement through relevant training programs for both service providers and justice seekers on the use of technology to access justice was also recommended. Increased training and capacity building for local administration and other community-based justice actors at the grassroots including paralegals should be considered. Empowering the justice and human rights defenders and paralegals at the community levels with knowledge and skills of using the platforms could also be impactful in ensuring that first responders have the capacities. Rwandese responses also pointed out the need for improving knowledge and skills of using IECMS to ensure digital inclusion in access to justice.

5.2. Improving Internet Coverage in Remote and Marginalized Areas

Internet coverage in many of the remote areas is still poor in both countries. To ensure adequate adoption of internet based ICT solutions in justice delivery, there is an urgent need to improve the quality and coverage of the internet in these areas. Even as the coverage is improved, the high cost of internet access must equally be addressed by reducing the cost of the internet and installing more publicly accessible wifi. In Kenya, the government has already launched the installation of free wifi hotspots in public places including local markets to enhance access to the internet with over 25000 wifi hotspots expected to be installed across the country.²⁵



5.3. Implementation and Sensitization on the Data Privacy and Protection Laws

As more services are digitized and shared online, Kenyan and Rwandese respondents believe that data privacy is becoming a major concern. While both countries have developed Data Protection Laws, the respondents observed the need for the implementation of the laws and also more robust sensitization of

²⁵ Lucy Njogu “Govt to set up 25000 free WIFI hotspots’ – Ruto unleashes yet another promise” June 14th, 2023, <https://www.pd.co.ke/news/govt-to-set-up-free-wifi-hotspots-ruto-185000/>

the public on their rights and obligations under the Data Protection Laws. They mention that with the ICT based justice systems, they have no control of who can access their data and how their data is used. It is therefore important that training is conducted to ensure prudent access, custody, use and sharing of data and information by all players in the justice sector. Also, data security loopholes should be sealed and where breaches occur, and the culprits should be brought to book.

5.4. Partnership with Established Grassroot Systems in the Implementation of Digital Justice

At the grassroots levels, there are different systems that work with the local populations to bring e-justice to people. Incorporating e-justice in the services provided by grassroots establishments could bring justice services to those who would otherwise not be reached by the justice sector.

In Kenya, the justice system has the potential of establishing fruitful partnerships with various entities to bring e-justice closer to rural communities. Collaborations with Chiefs' Camps, Huduma Centres, and local cyber cafes hold promise, given their extensive networks, experience, and expertise in engaging with local communities. Some examples are given below:

Chief's Camps

Working with local administration like chiefs could support further access to e-justice by making available and accessible a judiciary desk at the Chiefs Camps. These desks could be facilitated with the requisite infrastructure including internet needed to access the justice e-services. Through these desks, community members can attend courts virtually and also access the online justice services including e-filing and causerlists.

The Chiefs camps are already being used as Alternative Dispute Resolution Centres in Kenya and working with the administrators to bring justice to the grassroots through ICT services would ensure that many vulnerable people can enjoy the benefits of ICT in the justice sector.

Cyber Cafés

The Ministry of Justice Rwanda has partnered with the Cyber Café Agents to bring IECMS services closer to the people. Justice seekers therefore can visit the Ministry of Justice Certified Agents and file their cases or access the IECMS with the support of trained agents. Considering that Cyber Cafés are also very popular in the rural areas of Kenya, the Judiciary can consider training the agents on electronic filing and other judiciary e-services and these agents can help citizens sign-up for the E-filing, file cases and also access the other online services.

Judiciary Desks at Huduma Centres

Huduma Centres are popular in Kenya and many government services are accessed in these hubs. With over 52 Centres across the country, these centres could also work with the Judiciary and other justice actors to bring the justice services closer to people by establishing Judiciary Desks or Justice Desks. Establishing service desks at the Centres would promote access to the justice services including virtual courts, support e-filings and other justice e-services. While this was a plan conceived by the Judiciary in partnership with Huduma Kenya during COVID-19 period, it is yet to be operationalized.

5.5. Exploring how ICT can Support Alternative Justice System

There is a pressing need for further exploration of how ICT can be harnessed to support the Alternative

Justice System (AJS), also known as Alternative Dispute Resolution. Given the acceptance and adoption of mediation and AJS in dispute resolution within Kenya and Rwanda, harnessing the potential of ICT presents a unique opportunity for enhancing the efficiency and transparency of these processes, and also address the challenges of resource constraints, access to justice, and equitable legal services delivery.

5.6. Equipping Police Stations and Prisons With Sufficient Infrastructure and Resources for Virtual Courts and Other Digital Justice Services

Justice Institutions like the police stations and prisons should be provided with the resources needed to support e-justice services delivery. Resources for virtual courts attendance like ICT officers, fast and stable internet connections, large display screens, speakers, voice distortion devices and HD cameras should be provided. Additionally, dedicated rooms from which the court sessions could be conducted should be provided in these institutions. There is currently insufficient support being provided to these departments of the justice system by the government, with offices ill-equipped without the digital resources needed to support ICT based justice access. The police officers and prison officers that participated in this study observed that if granted adequate ICT resources and training, they would be better positioned to support quick and more convenient access to justice especially in areas that are very far from the physical court establishments. The strengthening of the National Council on the Administration of Justice (NCAJ) will ensure that every justice actor has at least the basic resources needed to carry out their work. The NCAJ needs to develop a spending unit to ensure that enough funds are allocated to equipping all justice actors with ICT infrastructure.

5.7. Enhancing ICT Infrastructure and Accessibility in Rural Areas

Improvement of the ICT infrastructure including electricity, network and internet coverage especially for the rural communities is also required to enable easier access to ICT platforms which tend to be reliant on their steady supply. In this study a large majority of respondents especially residents of rural regions reported poor access to justice via ICT platforms because of poor to no electricity, internet and lack of computers and phones. The results suggest that the government should consider narrowing the digital gap and reducing barriers to accessing legal and justice services in Kenya and Rwanda by improving the ICT infrastructure in rural areas.

5.8. Streaming Digital Justice Systems

The success of Rwanda's Ministry of Justice IECMS was in its ability to integrate all the justice actors in the justice system. Through this, information sharing has been easy and efficient right from investigations to correctional services. The ability of the different justice actors within the Ministry of Justice to "speak with each other" has streamlined processes making the system effective. In Kenya however, the different actors have unintegrated ICT systems. This has unfortunately affected the efficiency of ICT in the adjudication of justice with limited to no coordination between the different ICT platforms. That notwithstanding, ICT efficiency can be improved by developing an integrated system that links all the institutions within the justice sector toward streamlining and centralizing access to justice services. The complete digitization of justice services in Rwanda through the IECMS serves as a perfect template that Kenya can model its judicial digital transformations from so as to realize the enhancement of access to services in the justice ecosystem. There is a pressing need for further exploration of how ICT can be harnessed to support the Alternative Justice System (AJS) and Alternative Dispute Resolution (ADR).

5.9. Creating a Directory Listing of the Available ICT Justice Platforms

Some respondents mentioned that they were not aware of the ICT platforms that have been created by the different justice actors. This was particularly rampant among the rural respondents. While the study has shown that there are different ICT innovations already available to access justice, deliberate efforts

must be put into creating awareness of their existence and the support justice seekers can get from these platforms.

Creation of physical and digital directories of the existing ICT platforms and the services offered should be considered by administrators of justice services. The directory should have clear descriptions of how each listed platform works to support access to justice. Furthermore, to address language barrier and accommodate readers with different language proficiencies and preferences, content should be available in local languages mostly spoken in the targeted regions. These directories can then be made available through public platforms including Chiefs Camps, libraries, market notice boards, courts and other places that are easily accessible to the poor and marginalized.

5.9.1. Enhancing User Experience for the users of ICT Justice Platforms

Inadequate literacy skills among certain Kenyan and Rwandese populations hinder their ability to fully understand the content presented on justice-oriented digital platforms. This was attributed to the technical complexity of the information and content being presented mostly in English. It is useful to simplify complex legal concepts and make them as basic as possible for the average users of the ICT justice platforms. Simplifying and translating digital content to local languages would make this digital resource more accessible to those not privileged with foundational knowledge of legal concepts and education. The accessibility of the digital platforms identified throughout this study could be improved by considering the user experience of poorer and less capable populations.

Moreover, few user manuals or ‘how-to’ guides are available to new users of these digital resources. Designing and making available user manuals/guides can attract less experienced users and provide important points of reference for those with poorer digital literacy.

In some cases, respondents reported that they are using very inferior technologies that have failed them in the middle of accessing ICT based justice services (e.g. computers freezing, internet dropouts, etc). While some of the systems have been donated by development partners, others were acquired by the institutions without understanding the ideal system specifications to support ICT based justice services (e.g. virtual courts). It is therefore imperative for the development of system specification standards to guarantee technological capacity to integrate ICT-based justice services. These standards could therefore help in procurement and also inform the development partners on the kind of ICT equipment to provide to the justice institutions they support.



6. CONCLUSION

This study shows that digitalization in the justice system provides significant opportunities that are capable of enhancing access to justice for the poor and marginalized. A majority of the respondents in this study lauded the use of technology and regarded it as essential in enhancing delivery and access to justice.

Despite the profound progress, a number of challenges are still confronted by the Kenyan and Rwandese justice actors and justice seekers in implementing and using ICT to administer and access justice. Among these challenges highlighted above include poor digital literacy among rural and poor populations, the high cost of provisioning ICT infrastructure and internet, and meaningful digital harmonization between official departments.

This Report concludes that the findings of the study would greatly impact the work of policymakers, legal practitioners, civil society organizations, and the broader public in both Kenya and Rwanda. The recommendations provided offer actionable pathways for enhancing access to justice through digitization. In particular, the Report recommends:

- Training and Capacity Building for Justice & Legal Aid Providers and the Public on the Use of ICT For Justice
- Improving Internet Coverage in Remote and Marginalized Areas
- Implementation of the Data Privacy and Protection Laws
- Partnering with Established Grassroot Systems
- Exploring how ICT can Support Alternative Justice
- Equipping Police Stations and Prisons With Sufficient Infrastructure and Resources for Virtual Courts and Other Digital Justice Services
- Enhancing ICT Infrastructure and Accessibility in Rural Areas
- Streamlining Digital Judicial Services
- Creating a Directory Listing of the Available ICT Justice Platforms

Future research should continue to monitor the evolution of digital justice systems in these countries and assess the effectiveness of the recommended interventions. Additionally, a comparative analysis of similar initiatives in other jurisdictions could provide valuable insights for further improvements. Future comparative research could also explore the extent to which ethics and confidentiality is adopted in last-mile legal service provision using ICT, especially when engaging the public on sensitive matters. Future studies could also do comparative assessments of the perception of transparency and trust of digitized justice systems. Lastly, country comparisons on the extent and impact of bridging the gender digital divide in access to digitized justice services are also worth exploring.

As ICT increasingly penetrates daily life, the integration of ICT into justice services is not merely a matter of convenience but a fundamental aspect of ensuring equitable access to justice. For Kenya and Rwanda to catalyze early gains toward a more digitized justice system, the lessons learned from this study can inform policy decisions and ultimately contribute to a fairer and more accessible justice systems for all.



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