



MAKERERE UNIVERSITY

**BARRIERS AND FACILITATORS OF SMALL CLAIMS COURT IN THE
PROMOTION AND PROTECTION OF THE RIGHT TO ACCESS TO JUSTICE FOR
THE INDIGENT PERSONS**

A CASE STUDY IN ISINGIRO, UGANDA

BY

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DECLARATION

I, MIREMBE ALBERTINA, hereby declare that this study is the result of my own independent effort and has not been previously published or submitted to any academic institution for any award. All work that is derived from other authors has been duly acknowledged.

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APPROVAL

This dissertation, titled "BARRIERS AND FACILITATORS OF SMALL CLAIMS COURT IN THE PROMOTION AND PROTECTION OF THE RIGHT TO ACCESS TO JUSTICE FOR INDIGENT PERSONS IN UGANDA" has been completed under our supervision and is now ready for submission for examination with my approval.

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DEDICATION

This report is dedicated to my family and my parents, whose moral support has been invaluable throughout my academic journey. May the Almighty God bless you abundantly.

ABSTRACT

This study examined the effectiveness of Small Claims Courts in Isingiro, with a particular focus on the challenges indigent individuals encounter when seeking access to justice through Small Claims Courts. Its objectives were to assess public awareness of Small Claims Courts in the promotion of the right to access to justice, and identify the key challenges faced by beneficiaries. Employing a qualitative research design with an exploratory approach, the study sought to capture the perceptions and experiences of various stakeholders. Data were gathered using purposive sampling methods through in-depth interviews and Focus Group Discussions (FGDs). Participants included local residents, police officers, local leaders, judicial officers, and small claims court litigants. The findings indicated that awareness of Small Claims Courts remained very low among the general population within the indigent persons in Isingiro jurisdiction. The study concluded that although the Small Claims Courts national wide have met the minimum regulatory standards, their capacity was inadequate to meet the needs of underserved communities such as Isingiro. It recommended strengthening awareness strategies and also making the already client friendly procedure more accessible to be effective.

TABLE OF CONTENTS

CHAPTER ONE	1
GENERAL INTRODCUTION.....	1
1.0 Introduction.....	1
1.1 Background to the Study.....	1
1.2 Problem Statement	4
1.3 General Research Objective.....	5
1.4 Specific Research Objectives.....	5
1.5 Research Questions	5
1.6 Justification for the Study	5
1.7 Significance of the study.....	6
1.8 Theoretical Framework	7
1.10 Conclusion.	11
CHAPTER TWO	12
LITERATURE REVIEW	12
CHAPTER THREE.....	23
RESEARCH METHODOLOGY	23
3.3 Sample Size and Sampling Techniques	24
3.6.1 Quality Control Strategies.....	27
3.6.2 Ethical Considerations	28
3.6.3 Gender Considerations.....	28
3.6.4 Limitations and Delimitations of the Study	29
3.6.5 Conclusion	30
CHAPTER FOUR.....	31
PRESENTATION OF RESEARCH FINDINGS	31
4.1 Theme 1: Awareness and Understanding of Small Claims Court Procedures.....	31
4.2 Theme 2: Financial, Geographical, Procedural, and Socio-Cultural Barriers to Access to justice through Small Claims Courts	34
4.3 Theme 3: Recommendations for Improving Accessibility and Effectiveness of the Small Claims Courts.....	38
CHAPTER FIVE.....	41
DISCUSSIONS OF RESEARCH FINDINGS	41

5.2 Barriers to access to justice through the small Claims Court	44
5.3 Recommendations for enhancing Accessibility and effectiveness of the small claims courts in promoting the right to access to justice	47
CHAPTER SIX	52
CONCLUSION AND RECOMMENDATION	52
6.0 Introduction	52
6.1 Awareness and Understanding of Small Claims Court Procedures	52
6.4 Recommendations	55
6.4.1 Awareness and Understanding of Small Claims Court Procedures	55
6.4.2 Barriers to Accessing the Small Claims Court Strengthen Capacity Through Human Resources	56
6.4.3 Suggestion for further Research	56
6.4.4 Conclusion	57
REFERENCES	58
APPENDICES	63
Appendix II Interview guide for non-key informants	64
Appendix III Interview guide questions 2 for key informants	67
Appendix IV: Field work letter	70

LIST OF ACRONYMS

SCC: Small Claims Courts

SCP: Small Claims Procedure.

JLOS: Justice Law and Order Sector.

UDHR: Universal Declaration of Human Rights

ICCPR: International Covenant on Civil and Political Rights.

ACHPR: African Charter on Human and People

LASP: Legal Aid Service Providers.

DGF: Democratic Governance Facility

PILAC: Public Interest Litigation Clinic

EACJ: East African Court of Justice.

ODR: Online Dispute Resolution

ULS: Uganda Law Society

SME: Small and Medium Enterprises

CHAPTER ONE

GENERAL INTRODCUTION

1.0 Introduction

Small claims courts are specialized judicial bodies designed to handle minor civil disputes involving limited monetary amounts, these courts aim to provide a faster, more cost-effective and accessible means of resolving disputes compared to traditional courts. (Gramckow & Ebeid, 2016). The indigent persons in Uganda do not have the luxury to access justice because they find the justice system to be complex, expensive and not capable of producing fair outcomes. In a bid to combat this the Judiciary intends to ensure speedy and affordable access to justice through the introduction of the Small Claims Procedure. The Small Claim Procedure was established with the goal of improving the right of access to justice to persons engaged in small and medium enterprise economic activities through simplifying procedures, reducing costs of litigation and ensuring timely disposal of disputes, among other things thus enhancing the status of realization of human rights. This study analyses the effectiveness of the Small Claims Procedure in enhancing access to justice to vulnerable groups.

This chapter offers an introduction to the study thus by specifying the background and the context of the research problem, the purpose of the study, the research questions and objectives so as to ascertain the gap. It also goes ahead and highlights the significance of the study, clarifies the scope and limitations.in addition it explains the conceptual and theoretical framework thus providing a backbone and focus of the study.

1.1 Background to the Study

Internationally, the World Bank has recognized small claims courts as a good practice for courts worldwide, noting their success in reducing court backlogs and improving access to justice (Gramckow & Ebeid, 2016). Small claims courts are also seen as a means to promote legal empowerment for individuals who may otherwise be excluded from the formal legal system due to high costs and complexity (Gramckow & Ebeid, 2016). Furthermore, these courts are often promoted as an efficient tool to facilitate the informal sector's participation in the formal justice

system by ensuring that smaller disputes do not remain unresolved due to costly or complicated processes (Gramckow & Ebeid, 2016).

In Africa, small claims courts have been established in several countries to address the backlog of cases and improve access to justice. For instance, Kenya established small claims courts in 2021 to handle commercial disputes up to Ksh 1,000,000 (Ndemo, 2025). These courts have resolved over 50,000 cases in four years, contributing significantly to the economy by unlocking capital tied up in disputes (Ndemo, 2025). Additionally, the courts provide a low-cost, simplified legal procedure that empowers citizens and helps stimulate economic activities, particularly in informal and micro-business sectors (Ndemo, 2025). However, while these courts have proven effective in some regions, challenges such as limited public awareness and access to legal resources remain prevalent across various African countries (Ndemo, 2025).

The East African Court of Justice (EACJ) plays a crucial role in the region's judicial system, ensuring that partner states adhere to the law. However, the enforcement of EACJ's judgments has faced challenges due to disparities in the legal regimes of partner states (Shikoli & Mwita, 2025). Despite these challenges, the EACJ has positively impacted regional jurisprudence and public confidence in the integration process (Shikoli & Mwita, 2025). The establishment of small claims courts in the region, particularly in countries like Kenya and Tanzania, has complemented the EACJ's efforts by offering accessible, expedited justice for smaller disputes that may otherwise complicate the court system (Shikoli & Mwita, 2025). As such, these courts not only facilitate local dispute resolution but also enhance regional cooperation by encouraging citizens to engage with the formal justice process rather than relying on informal mechanisms (Shikoli & Mwita, 2025).

Access to justice refers to the ability of individuals regardless of economic means to seek and obtain fair treatment through formal or informal legal mechanisms, including courts, legal advice, and alternative dispute-resolution processes (UNODC, 2013; MDAC, 2024). For indigent persons in Isingiro, access to justice means not only having their case heard, but also being able to defend their rights effectively, for example through legal representation, legal information, and procedural fairness. Internationally, the United Nations Principles and Guidelines on Access to Legal Aid emphasize that states should guarantee legal aid at all stages of criminal proceedings for those who lack sufficient means, covering not just lawyers but also legal education, information, and

alternative dispute mechanisms (United Nations, 2013). Regionally, the African Charter on Human and Peoples' Rights enshrines the right to a fair trial, including the right to defence by counsel, equality before the law, and the right for one's case to be heard by an impartial tribunal (African Charter, 1981, Article. 7). Domestically, Uganda's 1995 Constitution under Article 28 guarantees that every person has the right to a fair, speedy, and public hearing before an independent tribunal, and, for those charged with serious crimes, to state-funded legal representation (Constitution of Uganda, 1995, Article. 28(3)(e)). However, despite these normative commitments, many indigent individuals in rural districts like Isingiro continue to face practical barriers such as poverty, lack of legal aid infrastructure, and limited awareness of rights that undermine their meaningful access to justice.

In Uganda, the small claims procedure was introduced to unclog the civil justice system and facilitate economic growth by resolving minor disputes quickly. The Judicature (Small Claims Procedure) Rules 2011 allow litigants to recover debts up to Ug Shs 10,000,000 without the need for legal representation (Kiryabwire, 2011). This simplified procedure has been successful in reducing court backlogs and improving access to justice for small and medium enterprises (SMEs) and the informal business sector (Kiryabwire, 2011). However, despite these positive outcomes, significant barriers remain, particularly for indigent persons in rural areas like Isingiro District, where financial constraints, lack of legal awareness, and geographical barriers hinder their ability to access the courts (Kiryabwire, 2011). Many poor and illiterate individuals continue to face difficulties in navigating the procedures, often leading to a lack of participation and denial of justice (Remtula, 2023). Local initiatives to bridge these gaps, such as mobile courts or community outreach programs, are needed to ensure broader access to justice (Remtula, 2023).

This research argues that the Small Claims Courts, though designed as a simplified and inclusive avenue for dispute resolution, may not be operating to their full potential in Isingiro District. Persistent barriers whether procedural, structural, or socio-economic raise concerns about whether indigent persons truly enjoy the access to justice promised by the framework. Consequently, this dissertation is driven by the central research problem of evaluating how effective the Small Claims Courts are in promoting and safeguarding the right to access to justice for indigent litigants within Isingiro.

1.2 Problem Statement

Small claims courts are failing to effectively serve indigent persons (Greenbaum, 2020). Despite their intended purpose to provide a simplified and accessible means of resolving minor disputes, these courts are not meeting the needs of the poor and illiterate (Greenbaum, 2020). This failure has serious repercussions, leaving vulnerable individuals without a viable pathway to justice (Greenbaum, 2020). The lack of proper support systems for the illiterate, such as assistance in understanding legal terminology or filling out forms, makes it difficult for these individuals to engage in the process, exacerbating their marginalization (Svircev et. al. 2020).

Emphasis in this study has been put on ascertaining; To what extent are Small Claims Courts in Isingiro, Uganda, effective in promoting the right to access to justice for indigent persons. Empirical evidence from the Judiciary's performance reports suggests a serious access gap: in the 2021/22 financial year, 98% of SCP claimants had attained at least primary education, indicating that the least educated who are often the poorest are under-represented in small claims courts (Judiciary of Uganda, 2022). Furthermore, legal scholars have identified structural and procedural barriers within the SCP rules. For example, Chief Magistrate Jackline Kagoya argues that although the SCP was designed to empower "common citizens," issues such as lack of awareness, illiteracy, and limited legal capacity undermine its efficacy (Kagoya, 2019). There are also constitutional critiques: the prohibition of legal representation in SCP hearings (Rule 8) and the absence of cross-examination rights have raised concerns regarding the right to a fair hearing (Uganda Radio Network, 2022). Moreover, the Judiciary's own leadership acknowledges challenges such as understaffing and backlog in SCP courts (Judiciary of Uganda, 2023). Crucially, while national-level data and policy documents provide insights into these challenges, there is a lack of localized, context-specific research on the SCP in Isingiro District. It is not well understood how indigent persons in Isingiro experience the small claims courts, whether they face particular barriers such as geographical, cultural, or financial and to what degree the SCP delivers on its promise of real, meaningful access to justice at the grassroots level. Although several scholars have examined the role of small claims courts in Uganda, they have not assessed their effectiveness in promoting access to justice for indigent persons in Isingiro District. This has left a gap in understanding how these courts function for the most vulnerable users. This study addresses that gap by evaluating the actual experiences and challenges faced by indigent litigants in Isingiro.

1.3 General Research Objective

To investigate the effectiveness of small claims courts in promoting and protecting the right to access to justice for indigent persons in Isingiro district, Uganda.

1.4 Specific Research Objectives

- I. To examine the awareness and understanding of the role of small claims court in the promotion and protection of the right to access to justice among indigent persons in Isingiro district.
- II. To assess the barriers faced by indigent persons in accessing small claims courts in Isingiro district.
- III. To propose actionable recommendations for improving the accessibility and effectiveness of small claims courts for indigent persons in Isingiro.

1.5 Research Questions

- I. What is the level of awareness and understanding of the role of small claims court procedures among indigent persons in Isingiro district?
- II. What barriers are faced by indigent persons in accessing small claims courts in Isingiro district?
- III. What actionable recommendations can be implemented to improve the accessibility and effectiveness of small claims courts for indigent persons in Isingiro?

1.6 Justification for the Study

This study on the effectiveness of small claims court procedures for indigent persons in Isingiro, Uganda, is justified for several reasons. Access to justice is a fundamental human right. However, indigent persons often face significant barriers in utilizing legal mechanisms due to financial constraints, lack of legal awareness, and geographical challenges. This study aims to highlight these issues and propose solutions to ensure that small claims courts fulfil their intended purpose of providing accessible and equitable justice for all.

The efficient resolution of minor disputes through small claims courts can have a positive economic impact. By addressing legal issues swiftly, individuals and businesses can avoid prolonged disputes that may disrupt economic activities. This study will explore how improved access to small claims courts can contribute to economic growth and stability in Isingiro.

Unresolved disputes can lead to escalating tensions and social instability. By ensuring that indigent persons have access to effective legal mechanisms, the study aims to promote social cohesion and reduce conflicts within the community (Svircev, Senderayi, & Petkova, 2020). This will ultimately contribute to a more harmonious society. The findings from this study can inform policymakers and stakeholders about the specific challenges faced by indigent persons in accessing small claims courts. This information is crucial for developing targeted interventions and policies that address these barriers and improve the overall effectiveness of the judicial system and ensuring that indigent persons have access to justice is a matter of human rights. This study will shed light on the systemic issues that prevent vulnerable populations from exercising their legal rights and advocate for reforms that uphold the principles of fairness and equality. Focusing on Isingiro District provides a valuable case study that can offer insights into the unique challenges and opportunities within the Ugandan context. By understanding the specific needs and circumstances of indigent persons in Isingiro, the study can generate practical recommendations that are relevant and applicable to similar regions.

1.7 Significance of the study

This study on explores the effectiveness of small claims court procedures for indigent persons in Isingiro, Uganda, holds significant importance for several reasons. By identifying and addressing the barriers that indigent persons face in accessing small claims courts, this study aims to enhance their ability to seek justice. The efficient resolution of minor disputes can have a positive economic impact by avoiding prolonged disputes that disrupt activities (Greenbaum, 2020). It also promotes social stability by reducing conflicts within the community (Svircev, Senderayi, & Petkova, 2020). The findings will inform policymakers about the specific challenges faced by indigent persons, aiding in the development of targeted interventions and policies (Osmanovic-Pasic, Panzardi, & Petkova, 2020). Ensuring access to justice for indigent persons upholds human rights and fosters a more inclusive society (Wissler, 2024). Focusing on Isingiro District provides a valuable case study that can offer insights into the unique challenges within the Ugandan context, generating

practical recommendations for similar regions (Kiryabwire, 2011). Academically, this study contributes to the existing body of knowledge on small claims courts and how they contribute to the access to justice as a human right, providing empirical data and case-specific insights for further research and comparative studies.

1.8 Theoretical Framework

The theoretical framework for this study will be based on the principles of **Access to Justice Theory**.

Access to Justice Theory

Access to Justice Theory was introduced by Mauro Cappelletti and Bryant Garth in their seminal work, "Access to Justice," as part of the "Florence Access-to-Justice Project" in the late 1970s. This theory emphasizes the importance of ensuring that all individuals, regardless of their socioeconomic status, have equal access to legal mechanisms and remedies. It is built on several key principles: First, it asserts that every individual should have an equal opportunity to seek justice, regardless of their financial means, social status, or literacy levels. This principle recognizes that barriers to accessing justice can lead to systemic inequalities and perpetuate social injustices. Second, the theory advocates for the availability of fair and effective legal remedies for all individuals, emphasizing the need for legal systems to be responsive to the needs of marginalized and vulnerable populations. Third, the theory identifies various barriers that individuals may face in accessing justice, including financial constraints, lack of legal awareness, geographical challenges, and complex legal procedures. It calls for reforms and interventions to remove these barriers and make the legal system more accessible and user-friendly. Finally, the theory highlights the importance of providing legal services and support services to indigent persons, as legal aid can help bridge the gap between the legal system and marginalized individuals, enabling them to navigate legal processes and seek justice effectively and also assess the effectiveness of the small claims courts in enhancing the right to access to justice.

In this study, access-to-justice theory provides the foundational theoretical framework for analyzing how the Small Claims Procedure (SCP) in Isingiro advances (or fails to advance) the right to justice for indigent persons. Drawing on normative theories of access to justice, the research focuses on multiple interlinked dimensions: affordability, timeliness, procedural

simplicity, institutional capacity, and awareness to assess the SCP's effectiveness. According to the Judiciary of Uganda, the SCP was explicitly introduced to "improve access to justice, especially for poor people," by enabling fast-track resolution of civil-commercial disputes under UGX 10,000,000, reducing procedural technicalities and legal costs (Judiciary of Uganda, 2016).

Through qualitative interviews, the study operationalizes these theoretical dimensions. For affordability, it examines whether indigent litigants actually avoid lawyers and high fees, drawing from the SCP's design that allows self-representation (Judiciary of Uganda, 2016). For timeliness, it measures the lifecycle of SCP cases in Isingiro from filing to judgment and compares it to ordinary magistrates' court data, referencing the Judiciary's performance reports on the SCP (Judiciary of Uganda, 2016). Procedural simplicity is explored by asking litigants about their experience with the small claims rules, such as the absence of cross-examination and the use of informal mediation, as envisaged under the SCP Rules (Judiciary of Uganda, 2015). Institutional capacity is assessed by examining the presence and resource levels of the SCP at the Isingiro court, noting that the procedure has been scaled to more than 144 courts nationwide (Judiciary of Uganda, 2021). Furthermore, the study employs access-to-justice theory to investigate the dimension of awareness: whether poor persons know about the SCP, trust it, and have been informed of its benefits.

Importantly, the study also evaluates the economic-justice dimension of access-to-justice theory by analyzing how much money has been "unlocked" or recovered through SCP cases in Isingiro. This reflects national data highlighting the SCP's role in recovering significant sums such as over UGX 1 billion within three months and returning capital to litigants (Judiciary of Uganda, 2020). In interpreting its findings, the study applies access-to-justice theory to identify existing gaps: despite the SCP's accessible design, indigent persons may remain under-represented due to low awareness, limited capacity within the courts, or disadvantages arising from self-representation among the legally less literate. These insights lead to recommendations such as expanding community outreach, training paralegals, and strengthening the institutional capacity of the Isingiro court to broaden access.

The deployment of access-to-justice theory in the study enables a multidimensional evaluation one that examines not only whether the SCP performs effectively in measurable terms, but also whether it substantively realizes the right to justice for the poor in a meaningful, equitable, and sustainable manner.

1.9 Scope of the Study

This study is delimited by three main dimensions: geographical, content, and temporal scope. Each element defines the boundaries within which the research was conducted to maintain focus and relevance.

Geographical Scope

The study focuses on Isingiro District which is located in the south-western part of Uganda, lying approximately between latitudes 0°30' South and 1°00' South, and longitudes 30°30' East and 31°30' East. The district shares borders with Mbarara District to the northwest, Ntungamo District to the west, Rakai District to the northeast, and the United Republic of Tanzania to the south. Administratively, Isingiro District is composed of several counties, including Isingiro North, Isingiro South, and Bukanga, which are further subdivided into subcounties such as Nyakitunda, Kabingo, Kikagate, Masha, Endinzi, Ngarama, and Kashumba, among others. These administrative units facilitate local governance and service delivery across the district's predominantly rural landscape. This area was selected due to its rural setting, socio-economic challenges, and the presence of a Small Claims Court mechanism aimed at providing accessible justice to the local population. Isingiro presents a relevant context for examining how well the SCC system serves indigent communities, particularly in a non-urban environment.

Content Scope

The study investigates the effectiveness of Small Claims Court procedures in enhancing access to justice for indigent persons in Isingiro. It specifically examines the level of legal awareness and understanding among indigent users of the SCC system, and the barriers they face, which include financial constraints, geographical limitations, procedural complexity, and socio-cultural factors such as gender norms and language barriers. The study also seeks to provide actionable recommendations to improve the accessibility and operational efficiency of SCCs in the district.

Temporal Scope

The research considers data, experiences, and developments from the period 2019 to 2024. This five-year timeframe ensures that the study reflects recent trends, policy changes, and practical challenges, making the findings current and applicable to ongoing justice reforms in Uganda.

Key Terms for the Study

1. Small Claims Court

A specialized judicial forum established to adjudicate civil disputes of limited monetary value using simplified, informal, and expeditious procedures intended to enhance accessibility and reduce legal costs for litigants.

2. Effectiveness

The extent to which the Small Claims Court attains its intended objectives, particularly in delivering timely, affordable, fair, and practical justice outcomes for users, including vulnerable and economically disadvantaged groups.

3. Access to Justice

The ability of individuals to obtain fair, impartial, and timely resolution of disputes through legal or quasi-legal mechanisms, free from financial, procedural, or structural barriers that impede meaningful participation in the justice system.

4. Right to Access to Justice

A fundamental human right guaranteeing that all persons—regardless of socioeconomic status—can seek, pursue, and obtain appropriate remedies for violations of their rights or interests through credible and accessible legal institutions.

5. Indigent Persons

Individuals who lack adequate financial resources to meet the costs associated with litigation, including legal representation, transportation, documentation, or related court expenses, thereby facing heightened vulnerability within the justice system.

6. Promotion of Access to Justice

The deliberate actions, institutional mechanisms, and procedural reforms implemented to enhance the capacity of individuals—particularly the indigent—to meaningfully engage with and benefit from the justice system.

7. Timeliness

The prompt and efficient handling of cases by the Small Claims Court, characterized by minimal delays, reduced backlog, and swift delivery of judgments in a manner that supports the right to a fair and speedy hearing.

8. Affordability

The degree to which the costs associated with accessing the Small Claims Court—such as filing, transportation, and miscellaneous expenses—are within reasonable reach for litigants, especially those of limited means.

1.10 Conclusion.

This chapter has set out the foundational context for examining the effectiveness of the Small Claims Court in promoting the right to access to justice for indigent persons in Isingiro District. It has demonstrated that although the Small Claims Court was introduced in Uganda as a mechanism to enhance efficiency, affordability, and accessibility within the justice system, significant uncertainties remain regarding its actual impact on vulnerable and economically disadvantaged populations in rural settings. The chapter has highlighted the persistent socio-economic, structural, and procedural barriers that continue to limit the capacity of indigent litigants to meaningfully engage with the justice system, thereby justifying the need for a focused inquiry at the district level.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter presents a review of existing literature related to Small Claims Court (SCC) procedures and access to justice for indigent populations. It explores key concepts, theories that provide a foundation for understanding the effectiveness and accessibility of small claims mechanisms, particularly within low-income and rural contexts like Isingiro District, Uganda. The review draws from both national and international sources to highlight how SCCs function, the challenges they aim to address, and the extent to which they promote affordable, timely, and simplified justice.

Small Claims Court Procedures

Small claims courts are established to provide a simplified, expeditious, and cost-effective mechanism for resolving disputes involving relatively low monetary values, thereby enhancing access to justice for individuals who might otherwise be deterred by the complexity and expense of formal litigation. These courts commonly adjudicate matters such as consumer complaints, landlord-tenant disputes, recovery of small debts, and minor contractual disagreements. Their procedures are intentionally streamlined, often characterized by relaxed rules of evidence, limited procedural technicalities, and the active involvement of a judicial officer in guiding proceedings. This informality is designed to enable litigants to present their cases without the necessity of legal representation, thus reducing legal costs and delays. Additionally, small claims courts typically emphasize conciliation and amicable settlement, encouraging parties to resolve disputes efficiently while preserving relationships where possible. Overall, the structure and operation of small claims courts reflect a deliberate effort to balance fairness, efficiency, and accessibility within the broader judicial system.

2.1 Awareness and Understanding of Small Claims Court Procedures

Simplified Procedures: Small claims courts use simplified procedures to expedite the resolution of disputes. This includes straightforward rules for presenting evidence, notifying parties, and

conducting hearings. Gramckow and Ebeid (2016) highlight the importance of well-designed small claims procedures to streamline judicial processes and reduce the burden on courts.

Reduced Costs: The costs associated with filing a claim and attending court are generally lower in small claims courts compared to higher courts. This makes it more affordable for individuals to seek legal redress. Domanskis (1976) points out that financial constraints can deter individuals from seeking justice, as they may prioritize immediate survival needs over legal action.

Self-Representation: Parties in small claims courts often represent themselves, as legal representation is not required. This can be both an advantage and a disadvantage, depending on the individual's familiarity with legal procedures. Wissler (1995) highlights that indigent persons often lack the legal knowledge and skills needed to navigate these procedures effectively.

Alternative Dispute Resolution (ADR): Many small claims courts encourage or mandate the use of ADR mechanisms, such as mediation and conciliation, to resolve disputes before they reach a formal hearing. This can help reduce the caseload and provide a more amicable resolution for the parties involved. Lillo (2016) emphasizes the need for legal literacy programs and community outreach.

Access to Justice

Access to justice is the foundation for the protection of human rights, as victims are assured of some form of relief delivered by the courts of law. Perpetrators are also handed punishments or fines as a way to discourage them, and others, from further engaging in behaviors that are socially unacceptable (Ayanie, 2023). The thrust of the 2030 Agenda for Sustainable Development, adopted by the United Nations, is the vision of a just, equitable, tolerant, open, and socially inclusive world, in which the needs of the most vulnerable are met (United Nations, 2015). The central aim of Sustainable Development Goal 16 (SDG 16) is to promote peaceful and inclusive societies, build strong, transparent, effective, and accountable institutions, and ensure equal access to justice for all (United Nations, 2015).

Access to justice being an integral factor of modern democracies, it has received comparatively less attention and global funding when compared to other social demands, such as health and education (Maldonado, 2020). Governments and civil society organizations have made efforts to modernize justice systems and make them more accessible to the population, yet there is still a

long way to go to achieve universal access to justice, especially for vulnerable groups (Saraceno, 2018; Farrow, 2019). Uganda, through its 1995 constitution, reassures all citizens of the protection of Basic Human Rights, dedicating an entire chapter to their safeguarding (Kyriakides et al., 2021).

The 1995 constitution of the republic of Uganda in its preamble, citizens acknowledge the stormy times they have gone through, marked by gross violations of human rights, dictatorship, impunity, and inadequate justice for victims of human rights violations. The constitution, therefore, commits to building a better country and seeks to establish a socio-economic and political order based on the principles of equality, democracy, freedom, and social justice (Verma et al., 2023).

Uganda has also made international and regional human rights commitments by signing and ratifying various instruments aimed at the protection and promotion of human rights (Wahab & Khairi, 2020). Despite these strategies, however, Ugandans continue to face challenges in accessing justice, which often takes the form of violations of their basic rights (Budijanto & Rahmanto, 2022).

One of the main factors limiting access to justice in Uganda is the country's high poverty rate. The 2016/17 Uganda National Household Survey by the Uganda Bureau of Statistics reported that 21.4 percent of the population lived below the national poverty line (Flynn & Hodgson, 2017). Although poverty levels differ across districts, inequality persists throughout the country. Additional challenges that hinder access to justice include physical barriers, language difficulties, and delays in the justice system, among others (Sandefur, 2008).

The protection and promotion of the right to access justice hold dual significance. Firstly, it serves as a fundamental pillar of the rule of law and a vital foundation for safeguarding and advancing all human rights. This right is rooted in the understanding that every individual possesses equal and inalienable rights, and it is the duty of the state to uphold and promote respect for these rights without discrimination (Teufel et al., 2021). The state bears the responsibility to respect, protect, and fulfill human rights by implementing legislative measures and providing judicial remedies in line with the national legal framework (Wibowo & Bangun, 2021). Both preventive and corrective mechanisms are essential to effectively address human rights violations. In this regard, Uganda's Constitution establishes several institutions for reporting such violations, including the Courts of

Judicature, the Uganda Human Rights Commission, and the Equal Opportunities Commission (Mikinyango & Nguru, 2021).

Secondly, the protection of the right to access justice is intrinsically linked to the concept of human dignity. Human dignity encompasses the inherent worth and equal status of every individual, forming the moral, political, and social basis for fundamental rights and obligations (Tkacheva, 2022). To treat others with dignity means recognizing their inherent human rights and enabling them to live their lives according to their own choices and aspirations. However, despite the existing mechanisms, access to justice in Uganda remains severely limited. The Uganda Human Rights Commission's 25th Annual Report highlights that barriers to justice are reflected in issues such as delayed emergency responses, incidents of torture, excessive use of force, prolonged detention of suspects, and inadequate legal representation (Kyriakides et al., 2021). Additionally, the judiciary faces persistent challenges, including a backlog of cases resulting from factors such as witness absenteeism, complainants' failure to follow up on cases, and the shortage of legal representation (Pandey, 2023).

Effective access to justice for indigent persons relies heavily on their awareness and understanding of small claims court procedures. Mugabo (2011) underscores the critical role of the Judicature (Small Claims Procedure) Rules in Uganda, which are designed to simplify court procedures and enhance their accessibility to the general public. The emphasis on self-representation without the need for legal counsel is particularly beneficial for indigent individuals, as it reduces the financial burden of hiring an attorney and makes legal recourse more attainable for those without the means to afford full legal representation (Mugabo, 2011). However, the practical effectiveness of these procedures often depends on individuals' understanding of how to engage with the system. Without sufficient awareness, even simplified processes can remain inaccessible to those who need them most.

Kiryabwire (2013) provides a comprehensive analysis of the development of small claims procedures in Uganda, highlighting that these procedures were introduced to streamline the judicial system and make it more accessible to small and medium enterprises (SMEs) and individuals with minor disputes. The exclusion of legal representation in these procedures significantly reduces costs and simplifies the process, making it more accessible to indigent persons. Kiryabwire further

points out that while the intention behind these reforms is laudable, their success hinges on raising awareness and ensuring that the public understands how to properly utilize the small claims process. Lack of awareness remains a significant barrier, as many potential litigants are unaware of their rights or the existence of such procedures (Kiryabwire, 2013).

A study by the Uganda Law Society (ULS) highlights the importance of personal appearance and the submission of relevant documents in small claims courts. This approach aims to make the legal process less daunting and more manageable for individuals who may lack the resources to hire legal representation. However, the requirement to submit detailed documents and evidence still presents a challenge for indigent individuals who may have limited access to the necessary resources to gather supporting materials. The ULS stresses that additional support, such as legal literacy workshops and community-based outreach programs, is critical in ensuring that these court procedures are truly accessible to all (Uganda Law Society, 2018).

In addition to these efforts, international research on small claims courts has shown that building trust and awareness through consistent outreach is essential for encouraging participation. For example, Gramckow and Ebeid (2016) find that small claims courts are more effective in environments where there are active public awareness campaigns, and where individuals are provided with accessible, user-friendly resources. Their findings suggest that without a robust effort to increase awareness, many potential litigants, especially those in rural or impoverished areas, will continue to face barriers to justice despite the availability of simplified court procedures (Gramckow & Ebeid, 2016).

The literature pays limited attention to the awareness and understanding of the SCP among indigent persons at the community level. While national reports often assume rising public awareness, they rarely examine whether poor litigants in rural districts such as Isingiro actually know about the SCP, how it works, and whether its benefits are meaningfully communicated to them. This constitutes a major theoretical and empirical gap because access-to-justice theory stresses that awareness is a prerequisite for meaningful access. Outreach initiatives to raise awareness about legal rights and court procedures

2.2 Barriers to Access justice through Small Claims Courts by the indigent persons

Indigent persons often face significant financial barriers when accessing small claims courts. According to Gramckow and Ebeid (2016), the costs associated with filing fees, transportation, and taking time off work can be prohibitive for low-income individuals. These costs, though relatively minimal compared to traditional litigation, still present a significant obstacle for people living in poverty who may struggle to meet basic needs. Additionally, the lack of legal representation due to high attorney fees can further disadvantage indigent persons in court proceedings, making it difficult for them to pursue their claims effectively (Friedman, 2019). Without legal counsel, many are left to navigate the system alone, which can be particularly challenging for those without formal education or experience with legal processes. Consequently, many indigent persons abandon their claims or settle for less than what they are entitled to, further entrenching socio-economic inequality (Baines & Schindler, 2017).

Geographical Barriers

Geographical barriers also play a crucial role in limiting access to small claims courts. Lillo (2016) notes that many indigent persons live in rural or remote areas where court facilities are scarce or far away. This can result in additional travel expenses and time commitments, making it difficult for them to attend court sessions. The physical distance to the court often discourages individuals from filing claims or attending hearings. The transportation costs, including fees for buses or other forms of transport, are often prohibitively high for low-income individuals, especially in rural areas where public transportation may be infrequent or unreliable (Svircev, Senderayi, & Petkova, 2020).

Procedural Barriers

Procedural barriers include the complexity of legal processes and the requirement for self-representation in small claims courts. Wissler (1995) highlights that indigent persons often lack the legal knowledge and skills needed to navigate these procedures effectively. While small claims courts aim to simplify legal processes by limiting the need for complex documentation and lengthy legal arguments, they still require a basic understanding of legal terminology, procedural rules, and court etiquette (Burch, 2014). Indigent individuals, especially those with limited education,

may struggle to understand these requirements, leading to procedural mistakes or outright dismissal of their claims.

Simplified procedures and legal aid services can help mitigate these barriers, but they are not always available or sufficient. Kiryabwire (2011) emphasizes that while small claims procedures are intended to be user-friendly, the actual implementation may still be challenging for those without legal expertise.

Socio-Cultural Barriers

Socio-cultural barriers encompass factors such as language barriers, discrimination, and a lack of awareness about legal rights. Lillo (2016) discusses how indigent persons may face discrimination based on their socio-economic status, race, or ethnicity, which can deter them from seeking legal redress. This discrimination can take many forms, including biased treatment by court officials, unequal access to resources, and social stigmas that marginalize certain groups. In many cases, social norms within communities may discourage individuals from pursuing legal action, especially when there is a prevailing distrust of the formal legal system (Hidayat, 2023).

Cultural norms and stigmas associated with legal disputes can prevent individuals from pursuing their claims. This is particularly evident in communities where there is a lack of trust in the legal system or where legal proceedings are seen as socially undesirable (Edozien, 2018).

Additionally, Mbanje (2019) shows that community-based interventions and awareness campaigns are crucial for overcoming socio-cultural barriers. These initiatives help shift public perceptions of the legal system and encourage people to seek justice, particularly in communities where there is a pervasive mistrust of formal institutions. Furthermore, language accessibility in court processes, through translation services or multilingual documentation, is essential to ensure that individuals from diverse linguistic backgrounds can fully engage with the justice system (Mbanje, 2019).

In accordance to the existing scholarship inadequately explores the barriers to accessing the SCP that indigent persons continue to face. Much research focuses on procedural features such as the absence of lawyers, limited formalities, and low filing costs but gives insufficient attention to social, economic, informational, and institutional factors that may hinder marginalized groups. These may include lack of legal literacy, limited mobility, gendered barriers, fear of court

processes, or inadequate court staffing. As a result, there is a gap in understanding whether the SCP's design translates into equitable access for rural indigent litigants or whether structural disadvantages remain unaddressed.

2.3 Actionable Recommendations for Improving Accessibility and Effectiveness of Small Claims Courts for Indigent Persons

Improving the accessibility and effectiveness of small claims courts for indigent persons requires a comprehensive approach that addresses various barriers and promotes legal literacy. Several scholarly works have provided actionable recommendations to enhance access to justice for marginalized populations, focusing on procedural simplifications, legal aid, infrastructure improvements, and increased public awareness. Below are some key recommendations drawn from existing research and best practices:

Simplification of Procedures and Reduction of Court Fees

Gramckow and Ebeid (2016) emphasize the importance of well-designed small claims procedures to streamline judicial processes and reduce the burden on courts. They argue that simplifying court procedures, reducing court fees, and removing unnecessary procedural steps are essential measures to make the legal system more user-friendly and accessible, particularly for indigent persons. According to their research, a simplified system that allows litigants to easily understand and navigate the process can prevent the overwhelming complexity that often discourages low-income individuals from pursuing their claims. This includes adopting clear, easy-to-follow filing systems, reducing the need for lengthy paperwork, and offering fee waivers or reductions for indigent claimants (Gramckow & Ebeid, 2016). By reducing financial barriers such as filing and service fees, courts can make their processes more equitable, encouraging greater participation from marginalized populations and realization of human rights.

Expansion of Legal Aid Services and Community-Based Legal Support

Bosio and Petkova (2024) systematically analyze key components essential for designing effective small claims procedures in their brief, "Reforming Justice: Increasing Access through Small Claims Courts." They suggest improving court infrastructure, expanding legal aid programs, and promoting community-based legal services to increase accessibility.

Increased Investment in Court Infrastructure and Public Awareness Campaigns

Greenbaum (2020) discusses the systemic inefficiencies and socio-economic inequalities that impede access to justice in her article, "Access to justice for all: a reality or unfulfilled expectations?" published in the *De Jure Law Journal*. She recommends allocating significant financial and human resources to overcome these obstacles and enhance access to legal services for indigent persons. According to Greenbaum, investment in court infrastructure, legal aid programs, and public awareness campaigns is critical to bridge the gap between the legal system and marginalized communities. Building and maintaining accessible court facilities, especially in rural or remote areas, can help mitigate geographical barriers that often deter indigent persons from engaging with the legal system (Greenbaum, 2020). Additionally, public awareness campaigns that educate communities about the existence and benefits of small claims courts, as well as how to access these courts, can increase participation and ensure that people are aware of their legal rights and available resources.

Implementation of Legal Literacy Programs and Language Support

Lillo (2016) highlights the need for legal literacy programs and community outreach initiatives to raise awareness about legal rights and court procedures. In his study, "Access to Justice and Small Claims Courts: Supporting Latin American Civil Reforms Through Empirical Research in Los Angeles County, California," he suggests implementing procedural accommodations to ensure that indigent persons can effectively navigate the legal system. Lillo argues that providing legal education programs that teach individuals about the small claims process such as how to file claims, gather evidence, and attend hearings can significantly reduce procedural barriers (Lillo, 2016). Furthermore, ensuring that legal documents and court procedures are available in multiple languages is critical for overcoming language barriers and ensuring that all members of society can access justice, regardless of their linguistic background. For example, language support services such as translators or bilingual court staff can help ensure that individuals from diverse communities fully understand the legal process and can participate effectively in their cases.

Additional Recommendations for Access and Inclusivity

Building on the work of scholars like Gramckow, Bosio, and Greenbaum, further recommendations include the integration of technology into small claims processes to improve

accessibility and efficiency. Research by Cohen and Melamed (2019) highlights the potential of online dispute resolution (ODR) platforms, which can allow litigants to file claims, exchange documents, and attend hearings remotely. ODR platforms can be particularly beneficial for individuals living in remote areas where physical access to courts is limited. Additionally, digital tools can provide automated guidance and tutorials for litigants, helping them understand legal terminology, filing processes, and court procedures in a way that is simple and understandable (Cohen & Melamed, 2019).

The literature lacks context-specific, actionable recommendations tailored to rural districts like Isingiro. Most policy suggestions are broad and national in scope, often assuming that all districts share similar challenges. There is little empirical work that draws on localized data such as interviews, court observations, or community perspectives to propose targeted reforms. Without district-level evidence, policymakers lack the nuanced acumen needed to improve SCP implementation for the most vulnerable populations.

The literature on Uganda's Small Claims Procedure demonstrates its potential to enhance access to justice but leaves their noticeable gaps as explained; limited examination of community-level awareness, insufficient attention to the structural and practical barriers faced by indigent persons, and a shortage of localized recommendations tailored to rural districts. This study bridges these gaps by evaluating the effectiveness of the SCP in Isingiro District through the lenses of awareness and understanding, barriers to access, and empirically grounded policy recommendations. Together, these contributions enhance the understanding of how the SCP functions for indigent litigants in a rural context and strengthen the broader discourse on access to justice in Uganda.

Conclusively the study directly addresses these gaps by grounding the analysis in a case study of Isingiro District a rural area that has been largely absent from previous evaluations of the SCP. By assessing **awareness and understanding** of the SCP among indigent persons, the study fills the first gap by providing empirical evidence about actual levels of legal knowledge and perceptions of the SCP at community level. Through investigating **barriers to access justice**, the study bridges the second gap by identifying both overt and subtle obstacles faced by indigent litigants, including issues related to information flow, socioeconomic constraints, procedural challenges, and court capacity. Finally, the study contributes to the third gap by generating **actionable, context-specific recommendations** informed by local experiences and the realities of the Isingiro court system.

These recommendations go beyond generalized national assessments and are tailored to the district's unique demographic, institutional, and socio-economic landscape.

The reviewed literature reveals several important gaps that justify further research. First, there is limited empirical attention to community-level awareness and understanding of Small Claims Court procedures among indigent populations, particularly in rural districts such as Isingiro, where assumptions of general awareness are rarely tested. Second, while existing studies emphasize procedural simplicity and cost-effectiveness, they insufficiently interrogate the broader structural, socio-economic, and cultural barriers—such as legal illiteracy, geographical constraints, and institutional limitations—that continue to hinder effective access to justice. Third, much of the scholarship provides generalized, national-level recommendations without grounding them in localized, context-specific evidence, thereby overlooking the unique challenges faced by marginalized communities in rural settings. Consequently, there remains a clear need for research that integrates grassroots perspectives, examines practical realities on the ground, and develops tailored interventions to enhance the accessibility and effectiveness of Small Claims Courts for indigent persons.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter outlines the methodological approach used in the study to examine the effectiveness of Small Claims Court procedures for indigent persons in Isingiro District, Uganda. It describes the research design, target population, sampling methods, data collection tools, and techniques used to analyze the data. The study adopted a mixed-methods approach to capture both numerical trends and in-depth qualitative insights. This allowed the researcher to explore not only levels of awareness and barriers to access but also perceptions of court effectiveness among both indigent persons and key stakeholders. The chapter also addresses ethical considerations and the limitations encountered during the research process.

3.1 Research Design and Approach

A qualitative research approach was adopted because the study sought to explore the lived experiences, perceptions, and contextual realities of indigent persons interacting with the Small Claims Court in Isingiro. Qualitative inquiry allows for an in-depth understanding of how individuals interpret and make meaning of justice processes, which cannot be adequately captured through numerical or statistical measures alone. As Creswell (2014) explains, qualitative research is appropriate when the researcher aims to understand complex social phenomena from the participants' viewpoint and when the research questions involve exploring processes, behaviours, or perceptions in their natural settings. Given that access to justice is multidimensional shaped by awareness, social barriers, institutional capacity, and procedural fairness—a qualitative approach was most suitable for uncovering these layered experiences.

A case study research design was employed because it enables an intensive and holistic examination of a real-life phenomenon within its specific context. Yin (2018) notes that case studies are appropriate when the research seeks to answer “how” and “why” questions about contemporary events over which the researcher has little control. The Small Claims Court in Isingiro represents a bounded system with unique institutional, geographic, and socio-economic characteristics that required detailed, context-specific investigation. Using a case study design

allowed the researcher to gather rich, descriptive data through interviews, observations, and document review, thereby producing a comprehensive understanding of how the court promotes or limits access to justice for indigent persons. This design therefore strengthened the study's ability to generate valid insights and context-informed recommendations.

3.2 Target Population

The target population for this study consisted of two main groups. The first group included indigent persons residing in Isingiro District, who were either potential or actual users of the Small Claims Court system. These individuals were selected to provide firsthand insights into their awareness, experiences, and the challenges they faced in accessing the court. The second group comprised key informants with professional or community-based knowledge of Small Claims Court operations. This group included legal practitioners, court officials, and local community leaders, whose perspectives were critical in understanding institutional factors, implementation gaps, and opportunities for improvement within the SCC framework.

3.3 Sample Size and Sampling Techniques

The total sample size for this study was 35 respondents, comprising 30 indigent persons and 5 key informants. The sample was selected to reflect both the direct experiences of individuals affected by Small Claims Court procedures and the informed perspectives of stakeholders familiar with the legal and institutional context.

3.4 Sampling Techniques

Convenience Sampling

The 30 indigent participants have been selected through convenience sampling, based on their availability and willingness to participate. This method was suitable given the logistical challenges of reaching remote and low-income communities. The selection aimed to include a mix of genders, ages, and localities within Isingiro District to ensure diverse representation.

Purposive Sampling

The 5 key informants were selected using purposive sampling, based on their professional roles and knowledge of the Small Claims Court system. These included court officials, legal practitioners, and community leaders with firsthand experience in justice delivery, making them ideal for providing informed responses on institutional performance and policy-related issues.

3.5 Data Collection Methods and Tools

Data for this study was collected through the use of library research, focused group discussions and in-depth interviews and key informant interviews administered to all 35 respondents. This included 30 indigent persons and 5 key informants. Both the interview guide and the key informant interview guide was carefully designed to align with the study objectives, ensuring that it captured relevant information on awareness and understanding of Small Claims Court (SCC) procedures, accessibility issues, perceived effectiveness, and barriers to utilization. The respective interview guide was divided into thematic sections addressing each research objective and included mostly open-ended questions, which enabled the collection of effective data.

3.5.1 Interview guide and Key informant interview guide

To enhance response accuracy and inclusivity, the interview guides were administered in person by the researcher. For respondents with low literacy levels or language barriers, translation assistance in the local language (Runyankore) was provided to ensure comprehension. Indigent participants were identified through community-based outreach and approached in public places such as markets, village centres, and local council offices. Key informants, such as court clerks, legal officers, and community leaders, were contacted directly and provided with the questionnaire at a convenient location. Each respondent was given time to respond independently or with guided assistance where needed. This data collection method was cost-effective, respectful of participants' time, and suitable for statistical analysis, while also accommodating the unique circumstances of the target population.

3.5.2 Library research/ Document analysis

Library research formed an essential component of the data collection process for this study. It involved a systematic review of existing scholarly materials, including textbooks, journal articles,

policy papers, dissertations, statutory documents, and reports relevant to the functioning of Small Claims Courts and the broader concept of access to justice. These materials were accessed through the university library, online academic databases, and legal repositories. The purpose of the library research was to establish a strong theoretical and conceptual foundation for the study, identify existing gaps in the literature, and provide a comparative framework against which the effectiveness of the Small Claims Court in promoting access to justice for indigent persons in Isingiro could be assessed. This secondary data complemented the primary data by offering contextual insights, reinforcing the study's analytical depth, and ensuring that the investigation was grounded in established academic and legal scholarship.

3.5.3 Focus group discussions

Focus group discussions were employed as one of the primary data collection methods to obtain in-depth insights into the experiences and perceptions of indigent persons regarding the effectiveness of the Small Claims Court in Isingiro. This method allowed for interactive dialogue among participants, enabling them to collectively reflect on the opportunities and challenges encountered when accessing the court. Each discussion group was purposively selected to ensure representation of individuals with varied backgrounds, including frequent court users, first-time litigants, and community members familiar with the justice system. The FGDs were guided by a semi-structured discussion guide that facilitated open conversation while ensuring consistency across groups. This method was particularly valuable in capturing nuanced, community-level perspectives and uncovering shared concerns or barriers that may not emerge through individual interviews alone. The data obtained through these discussions enriched the study by providing contextually grounded insights into how indigent persons experience the Small Claims Court in practice.

3.6 Data Analysis

Qualitative data from open responses were also subjected to thematic content analysis, enabling the triangulation of results with deeper contextual insights from respondents' narratives. This enabled the identification of significant associations that could inform understanding of how these factors interrelate. Furthermore, the study employed thematic analysis to explore the strength and direction of relationships between key variables, such as awareness of the Small Claims Court,

perceptions of outreach adequacy, cost-effectiveness, speed of resolution, and reported barriers to access.

The study employed thematic data analysis to interpret the qualitative data collected from interviews and document reviews. Thematic analysis was selected because it provides a flexible yet rigorous method for identifying, analyzing, and reporting patterns within qualitative data. According to Braun and Clarke (2006), thematic analysis enables the researcher to organize large volumes of data systematically while maintaining closeness to participants' narratives. This approach was particularly suitable for the study, as it sought to understand indigent persons' experiences with the Small Claims Court, including their levels of awareness, perceived barriers, and suggestions for improvement. Thematic analysis allowed the researcher to capture these complex perceptions and situate them within broader themes related to access to justice.

3.6.1 Quality Control Strategies

Quality control during data analysis was ensured through several strategies designed to enhance the trustworthiness and credibility of the study's qualitative findings.

Triangulation was used by comparing data from multiple sources interviews, and document review to verify the consistency of emerging themes and reduce researcher bias. Triangulation strengthens credibility by ensuring that interpretations are supported by more than one type of evidence (Patton, 2015). Second, the researcher engaged in

peer debriefing, where preliminary themes were reviewed by academic peers and supervisors who provided critical feedback. This process helped refine the theme structure and challenged potential assumptions, thereby improving the confirmability of the findings.

In addition, **member checking** was employed by sharing key interpretations or summaries with selected participants to verify whether the themes accurately represented their experiences and perspectives. According to Lincoln and Guba (1985), member checking is one of the most effective techniques for ensuring accuracy and credibility in qualitative research.

The study also maintained an **audit trail**, documenting decisions made throughout the thematic analysis process, theme development, and reflections on possible biases. This enhanced the transparency and dependability of the analysis.

In conclusion, **prolonged engagement** with the data through repeated reading of transcripts and iterative coding ensured that the findings were grounded in the evidence rather than superficial impressions. Collectively, these quality control strategies strengthened the reliability, credibility, and overall rigour of the data analysis process.

3.6.2 Ethical Considerations

Ethical principles were strictly observed throughout the research process to ensure the rights, dignity, and safety of all participants. Prior to data collection, informed consent was obtained from each respondent after providing clear explanations about the study's purpose, procedures, potential risks, and benefits. Participants were assured that their participation was entirely voluntary and that they could withdraw at any time without any negative consequences. To accommodate varying literacy levels, consent information was explained verbally in the local language when necessary, and verbal consent was documented accordingly.

Confidentiality and anonymity were rigorously maintained to protect participants' privacy. Identifiable information was not collected, and all data were stored securely, accessible only to the research team. Responses were reported in aggregate form, ensuring that individual participants could not be identified in any publications or presentations. Additionally, the study adhered to cultural sensitivity, respecting local customs and norms throughout engagement with indigent persons and community stakeholders. Ethical approval was sought and granted by the relevant institutional review board or ethics committee prior to commencing fieldwork, ensuring that the study met the established standards for ethical research involving human subjects.

3.6.3 Gender Considerations

Gender considerations were integrated into the research methods to ensure that the study captured diverse experiences and avoided reinforcing gender-based inequalities in access to justice. In qualitative research, gender is an important analytical lens because men and women may face different social, economic, and cultural barriers that shape their interactions with legal institutions.

To address this, the study employed gender-sensitive sampling strategies by ensuring that both male and female participants were represented among indigent court users, community members, and key informants. This approach recognizes that women in particular may encounter unique challenges such as limited mobility, caregiving responsibilities, economic dependence, or intimidation within formal justice settings which can influence their ability to seek remedies through the Small Claims Court. By intentionally seeking gender-balanced participation, the study ensured that its findings reflected the realities of both genders rather than privileging one perspective.

In addition, gender sensitivity was observed throughout data collection processes. Interview schedules were designed to avoid gender-biased language, and interviews were conducted in settings that ensured privacy and comfort, particularly for female participants who may feel less secure in public or male-dominated spaces. The research was conducted with attention to power dynamics during interviews, as recommended in gender-responsive qualitative research, ensuring that participants especially women had space to express their experiences without interruption or coercion. Where necessary, female research assistants were engaged to interview women who preferred speaking to another woman. By incorporating these gender considerations, the research enhanced the validity and inclusiveness of its findings, ensuring that the study's conclusions and recommendations on access to justice through the Small Claims Court in Isingiro were grounded in equitable and gender-responsive evidence.

3.6.4 Limitations and Delimitations of the Study

While the methodology employed in this study was designed to comprehensively address the research objectives, several limitations must be acknowledged. First, the small sample size of 35 respondents limits the generalizability of the findings beyond the specific context of indigent persons and key informants in Isingiro District. The sample may not fully represent the broader population or capture all possible perspectives, especially those of marginalized groups who were difficult to reach.

Second, the reliance on self-reported data through structured interview guides introduces the possibility of response biases, such as social desirability bias, where participants may provide answers, they perceive as favourable rather than entirely accurate. Recall bias is also a concern,

particularly when respondents were asked about past experiences or knowledge of court procedures.

Third, the study was constrained by logistical challenges including limited time and resources, which impacted the scope of data collection and prevented the use of more diverse methods such as in-depth interviews or extended focus group discussions that could have enriched the qualitative insights. Lastly, the cross-sectional nature of the study means that causal relationships between variables cannot be definitively established; the findings provide associations and correlations but not causation.

3.6.5 Conclusion

This chapter has presented the methodological framework that guided the study, outlining the research design, study population, sampling procedures, and data collection methods employed to investigate the effectiveness of the Small Claims Court in promoting access to justice for indigent persons in Isingiro. It has also described the tools and techniques used to gather reliable and relevant information, as well as the ethical considerations observed throughout the research process. The methods detailed in this chapter provide a solid foundation for the analysis and interpretation of findings presented in the subsequent chapter.

CHAPTER FOUR

PRESENTATION OF RESEARCH FINDINGS

4.0. Introduction

This chapter presents the research findings collected from key informants and indigent persons in Isingiro regarding the Small Claims Court. The data is organized based on the study's objectives, focusing on awareness, barriers to access, and the effectiveness of the court procedures.

4.1 Theme 1: Awareness and Understanding of Small Claims Court Procedures

The results show that awareness of the Small Claims Court (SCC) significantly predicts positive perceptions. Respondents who are aware of the SCC are able to view it as effective compared to those unaware. This aligns with the data collected from the respondents of indigent persons could correctly differentiate SCC from regular courts, underscoring a substantial knowledge gap. The data clearly states verbatim

Respondent 1, a local leader explained the lack of awareness of the right to access to justice and states that *“most of our community members still rely on LC courts because they don't know about the Small Claims Court more to that even us the local leaders were not properly briefed about the court when it started, and I have been in Isingiro all my life.”*

Respondent 21 narrates *“people often confuse the SCC with the Magistrates Court; they think it's the same I think awareness is very low in rural areas, it's only traders in town who know about it. We only hear about the court during workshops; there is no follow-up at the village level, it would be better if the Judiciary should involve local leaders more in spreading awareness. If the SCC worked closely with local councils, more people would benefit.”*

Respondent 2 *“that he and his wife have been able to recover money from their creditor a sum of 1,500,000 and because they have had access to the information from a friend who had used the SCCs to recover money from a tenant.”*

Respondent 3 *“I have never heard about that court because i don't use the court”*

Respondent 4 (court administrator) stated in his response that *“most court users in Isingiro are not aware of the SCC and the structural set up of the court especially the indigent and since the*

courts have no legal representation of clients there is a gap of lack of court procedure in regards to self-representation.”

Respondent 5 states verbatim *“I believe that am not the only one who has just heard about this court in this village but the government should make sure they inform people about their programs”*

Respondent 6 states verbatim *“I had a matter in the small claims court and it was very swift but since it was my first time and I was the one who brought the case I didn’t know what to do but we were told what to do”*

This notion of limited early exposure to legal knowledge is supported by the next respondent, who reflects on the absence of legal education in formal schooling especially among the indigent.

Respondent 10 stated: *“in school, we never learned about our legal rights or how the law could protect us. Only recently did I find out that I have the right to seek legal help when I’m treated unfairly. Before this, I always thought the law was only for criminals or for people in court cases. This knowledge gap is a big issue and many people still don’t know they are entitled to justice, regardless of their background.”*

The lack of awareness is not limited to the indigent in Isingiro but also the general public it also affects service providers such as police officers and local leaders, who are expected to guide others but often lack adequate training themselves.

Respondent 11 emphasised this issue: *“we are trained help people by referring them to the small claims Courts, many times I find myself unsure about what the government policies actually say. As uniformed officer, it’s challenging to help others when I myself haven’t been properly trained or briefed. There’s a lot of confusion among us about legal procedures and rights.”*

As **Respondent 8** recounted: *“Government officials often announce free legal services for women, especially for issues like domestic violence or land disputes and small matters. But when I personally needed help during a land conflict, I couldn’t access any meaningful support. It felt like all those promises and policies didn’t actually reach our village. We hear about them on the radio*

or from politicians, but when the need arises, there's no help in sight, and we're left to struggle alone."

The disconnect between awareness and practical access is also evident in the confusion experienced by families trying to navigate the legal system for the first time.

Respondent 7 shared: *"The first time I heard the term Small Claims was on a local radio station, but I had no clue what it meant. It wasn't until my goats were stolen that I started looking for help, and that's when someone told me about this court. We didn't know where to begin or which office to go to. The whole process was overwhelming. There should be better information and guidance so people aren't left stranded."*

Respondent 18 elaborated clearly *"There is very little awareness about the Small Claims Court because there are no posters or community meetings about it. When I went to court for a debt case, the officer told me I could use the Small Claims Court."*

Furthermore, the lack of targeted outreach for specific groups like youth has left many vulnerable Persons misinformed and missed opportunities.

Respondent 6 emphasized this point: *"In our area, many young people don't understand what small claims really is."*

Respondent 14 stated; *"I had never heard of the Small Claims Court until last year when my neighbor told me he used it to recover money from a friend who refused to pay and many of us in the villages have no idea that such a court exists, we only know about the LC courts."*

Respondent 15 shared *"once heard something on the radio about a court for small cases, but they didn't explain where it is or how to use it and most people think going to court means hiring a lawyer, so we assume it's expensive and complicated, until now, I didn't know that ordinary people like me can go to the Small Claims Court without a lawyer. I only learned about the court through a trader friend in Isingiro town, it's not common knowledge in our parish Women in my group have never been told about such a court, we usually go to our LC chairman to solve small matters."*

According to the FGD respondents on the issue of access to justice and awareness of the SCC procedure, generally the response was that the SCCs are effective and have a great output

resolution but it highly favours the literate and most of the persons who need these services are illiterate and most indigent people are also uneducated and lack the technical know-how of the SCCs.

4.2 Theme 2: Financial, Geographical, Procedural, and Socio-Cultural Barriers to Access to justice through Small Claims Courts

Descriptive findings support this result, showing that 60% of indigent persons identified distance and travel costs as barriers, while others cited illiteracy, language difficulties, and gender stigma as significant deterrents.

Respondent 1, In her response to the distance and the travel costs and institution fees which are minimal to the normal person but to the indigent people are barely getting by. She further added that people in Kabuyanda a deep village in Isingiro spend almost UGX10,000 and more for transport and can barely afford *“People fear the costs of going to court even when it is said to be free.”*

Respondent 24 stated that *“Transport is a big issue; from Nyamuyanja to Isingiro town is not cheap. The poor don’t see the sense of spending 30,000 shillings to recover 50,000. Indirect costs like photocopying or meals discourage claimants. If the court could move around villages, it would help a lot, most people abandon their claims halfway because of financial strain and enforcing a judgment still costs money, so people lose interest, even though lawyers are not needed, other expenses are still there and we have asked before that court services should be decentralized. The Small Claims Court needs a budget for rural outreach to help poor communities.”*

Respondent 1. (magistrate) state that” *in regards to geographical barrier since this area is typically rural and residents stay faraway from the court and in the hills this has greatly hindered there access to justice, the SCC has minimal costs but also there also some court fees that are needed for filing which claimants may back out due to this, the indigents in Isingiro are mostly in severe poverty and have bias towards courts because of the stories they have heard and always say “ the poor do not win cases” this social cultural stigma hinders their access to justice.*

Respondent 17 narrates that *“Most of our cases come from traders; rural farmers still don’t know this court exists, public knowledge about the SCC remains limited despite our efforts. Many*

claimants hear about it for the first time when they visit court for another matter. We lack the resources to carry out sustained awareness campaigns more to that people associate courts with lawyers and fear legal fees. If we worked closely with LC leaders, we could be able to reach more citizens We need more publicity materials in local languages. There's a need for civic education in schools so young people grow up understanding their rights, Sensitization is the key to increasing the SCC's usage. The public still views courts as slow and intimidating institutions."

Respondent 2 stated that: ". *Accessing Small Claims Court is still a major challenge for many people in this village. Although services are available"*.

Respondent number 4 stated that: "*the biggest challenges in accessing those courts and other courts is the geographical spread of our population. Many people live in remote areas and have difficulty traveling to access the courts"*.

This study affirms the geographic and infrastructural limitations that hinder access to justice.

The difficulty in reaching remote populations is a shared sentiment, while the lack of specialized expertise reinforces the strain on available legal professionals.

Respondent 7 stated that: "*People often face delays when accessing justice in the formal courts, particularly in the case of urgent matters. The courts are often overwhelmed with cases, and as a result, clients may have to wait longer than expected. This delay can have serious consequences, and I have been a victim."*

This response also vividly portrays validates the claims of overload and delay in urgent cases, especially where timing can affect case outcomes.

Respondent 5 stated "*We see individuals who are desperately need justice in this village, but because they have no idea what they have to do and what they need they end up suffering injustices."*

This highlights institutional barriers tied to eligibility requirements and documentation, illustrating how a lack of procedural knowledge hinders access. The issue about individuals not knowing where to begin further emphasizes the wider issue of inadequate public legal awareness.

Respondent 15 also noted: *” people in Isingiro especially the indigent really do need the small claims courts and are eligible but trust me they do not know that they can use these courts.”*

This highlights the impact of delayed access and limited legal literacy, emphasizing the pressing need for timely and proactive outreach efforts.

Respondent 11 shared: *“ I have used the Small Claims Courts before and its because they told me don’t need to have a lawyer and its only the judge though at first i didn’t know what to do ”*

This retort powerfully validates the beneficial role of Small Claims, especially for indigent vulnerable groups like women and the elderly

Respondent 8 stated that *“small claims courts are essential in communities like ours where most people can’t afford lawyers”*

This highlights the financial inaccessibility of Small Claims Courts, supporting the call for more funding and emphasis on access to justice for the indigent in this country and more especially in Isingiro.

Respondent 5 and 6 added: *” we do not have money even when I go to court, I have to use transport and also give something to the court administrators so I don’t think its that cheap and also the documentation. Furthermore, a cousin of mine was talking about small claims court and said that the judgment was awarded but there was no follow up and he didn’t recover his money”*

This perspective highlights the importance of ongoing support and follow-up, calling into question the effectiveness of the small Claims Courts and their flexibility of their structures.

Respondent number 3 also stated: *“the main issue is lack of knowledge. Most people don’t know where to go or what to bring to a small claims court in respect to evidence. This combination of ignorance and mistrust keeps many from seeking help. We need better outreach and communication approaches to change these discernments and make legal services truly accessible.”*

This powerfully articulates the cultural and emotional hurdles to seeking justice, especially for indigent women, reinforcing the need for community sensitization.

Respondent 12 noted:” *in this village of kabuyanda women who are very poor don’t believe that they can open cases in court because they fear for example my aunt Specioza they told her as a woman from Burundi she cannot report to the police and the court.*

Respondent 18 elaborated “*Even if the court is said to be free, getting transport from our village to Isingiro town costs money, I couldn’t file my case because I didn’t have enough money for printing documents and making copies and I survive on farming, so leaving my work to attend court means losing a day’s income more so People here believe that courts always need money, so they fear to go because of hidden costs, It’s hard to follow up a judgment when the other person refuses to pay; you need money for enforcement. We hear that the Small Claims Court doesn’t require lawyers, but even getting to court is expensive for us. The transport from Endinzi to town is about 20,000 shillings; that’s already too much for small claims.*”

Respondent 19 noted that “*I abandoned my case because I didn’t have fare to return for the next hearing. Some clerks ask for small facilitation, and that discourages people from coming back, although it’s cheaper than other courts, to poor people like us it still feels costly.*”

Respondent 21 in regards to the social construct of the area especially among the indigent clearly states “*People will laugh at you if you take your neighbour to court, they say you are proud or greedy and most of us are not educated, so we fear we might embarrass ourselves in front of magistrates can you believe some friends discouraged me from going to court, saying it would spoil my relationship with my cousin.*”

Respondent 7 states again “*Women here are told not to challenge men, even if the man owes you money, people of our society believe that disputes should be settled quietly, not in court thus fear that if you take someone to court, others would think I am a troublemaker.*”

This respondent spoke to lack of empowerment which he greatly associated with inadequate education and lack of morale

Respondent 28 also stated “*We are not confident enough to speak in court because we don’t understand legal language, even after winning, people around me treated me badly, saying I embarrassed my family and Most people think the court favors the rich, so they don’t even try to go. Social fear and gossip stop many people from taking cases to the Small Claims Court.*”

In regards to the cultural constraints it properly elaborated by this respondent while he stated; *“In our culture, it’s shameful to take your relative to court; we usually call elders to talk. The Banyankore culture teaches us to forgive and reconcile, not to take people to court more so our elders believe court cases destroy family unity and I once mentioned taking a debt case to court and my father warned me not to bring shame to the family, as for most women they fear being seen as disrespectful if they summon their husbands or brothers and this the same case Some church leaders preach that Christians should not take each other to court, Old people think the court is for city dwellers, not for villagers like us. People still believe elders’ advice carries more weight than a court judgment. Our traditions sometimes discourage justice in the formal system.”*

According to the FDG conducted the participants generally stated that “some people may have the knowledge of the SCC but also very biased and since there is no legal representation the procedure is a bit alien and someone gave an example of an indigent person whose matter is way above the pecuniary jurisdiction of UGX 10,000,000 but also need assistance and they do not know about justice centres and other access to justice forums”.

4.3 Theme 3: Recommendations for Improving Accessibility and Effectiveness of the Small Claims Courts

To evaluate the experiences and challenges of accessing Small Claims Courts valuable insights were obtained from respondents, shedding light on both systemic and situational obstacles encountered by those seeking legal assistance. Their firsthand accounts offer a genuine perspective on the community’s difficulties, underscoring the ongoing gaps in accessibility, awareness, and overall effectiveness of Small Claims Courts.

Respondent 14 also mentioned: *“The best way to reach our people is through radio, churches, and SACCO village meetings and also in markets. That’s where most people are able to get their information. There must be runyankole and rukiga because not everyone understands English, this should also be adopted in the court.”*

The above supports the push for localized and simplified communication, reaffirming that language and outreach strategies play a crucial role in ensuring access.

Respondent number 3 concluded *“for this to work for the people, the government should increase funding for small claims Courts in Isingiro and ensure that there are enough trained legal officers available to handle cases promptly. Public awareness campaigns are also crucial so people know their rights and can access legal assistance when needed.”*

Respondent 1 also added: *“that the courts and also the local leaders where these matters are sometimes heard should advise accordingly and also equipped with the right resources to educate the people of Isingiro especially the indigent who in most cases are illiterate.”*

Respondent 7 stated verbatim: *“I had a tenant who pays 80,000 per month but failed to pay my rent for 4 months so I didn’t know what to do and where to go but when i talked to my chairman and all failed, he told me to open a case against him which i did but that was after a long time and courts had been in Isingiro Chief Magistrate Court.*

Respondent 5 also stated *“There is need for on ground community communication from a government or judicial officer that is to say in a span of six months there should be rotations in the villages of the whole district especially those that are far from the town telling people how to access these courts and what they need to provide in court because they have no idea especially the people bordering Tanzania”*

Respondent 2 also stated *“The government should come and teach us about the Small Claims Court through community meetings. Let them use radios in Runyankore to explain how the court works and we need the court to move closer to our sub-county so we don’t spend on transport, Court officers should come and talk to farmers’ groups to create awareness. They should make the process easy for people who cannot read or write.”*

The overhead suggestion points to a practical and community-based solution that aligns with increasing accessibility and visibility of legal aid and the need from community sensitization

Respondent 9 stated: *“We the local leaders also need training because we are the first people that people come to, especially in crisis situations, but we don’t always have the right information or referral contacts. If we received basic legal knowledge or guidelines, we could be able to support our people. It’s not enough to just tell people to go to court we need to know how to guide them correctly and give them hope that something can actually be done.”*

4.5 Conclusion

Chapter Four presented and discussed findings from interviews with 35 participants, categorized as Focus Group Participants, Judicial Officers, and Community Members. With a 100% response rate, the study revealed that while knowledge of Small Claims Courts existed, access remained limited due to resource constraints and administrative challenges. Most respondents were educated adults aged 25 to 50, with community members selected from around the court area and parishes in kikagati and kabuyanda from Isingiro that are believed to have most of the indigent people of Isingiro . The study is structured around three key objectives that emphasized the need for improved awareness of the Small Claims Courts and its procedures to enhance justice access within the indigent persons of Isingiro District.

CHAPTER FIVE

DISCUSSIONS OF RESEARCH FINDINGS

5.0 Introduction

This chapter presents and analyses the findings generated from the field research conducted to assess the effectiveness of the Small Claims Court in promoting the right to access to justice for indigent persons in Isingiro District. The data obtained through interviews, focus group discussions, and document review are systematically organized and interpreted in line with the study objectives. The chapter highlights the practical experiences, perceptions, and challenges expressed by indigent litigants, court officials, and community members, thereby offering an evidence-based understanding of how the Small Claims Court functions in the local context. Through this presentation of empirical results, the chapter provides a foundation for evaluating the extent to which the court fulfils its intended role and identifies the factors that enhance or hinder its effectiveness.

5.1 Awareness and understanding of small claims court procedures

This directly supports the principles of Access to Justice Theory (Cappelletti & Garth), which holds that legal remedies are meaningful only when individuals are both aware of them and able to navigate their procedures. Awareness acts as an enabling condition, without which the SCC's simplified and low-cost processes cannot translate into real access for marginalized users.

This also has clear implications under human rights law. Uganda's obligations under Article 7 of the African Charter on Human and Peoples' Rights and Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR) guarantee the right to a fair hearing and effective remedies. However, these rights become hollow when potential beneficiaries are unaware of the forums available to them. The United Nations Principles and Guidelines on Access to Legal Aid emphasize the necessity of public legal education and proactive outreach measures that the statistical results here show to be urgently needed in Isingiro.

The correlation between awareness and positive perceptions also mirrors global best practice findings (Gramckow & Ebeid, 2016), which stress that public trust in SCC systems is highest where sustained, community-based sensitization campaigns are implemented. In Isingiro, the lack

of such structured outreach explains why awareness remains low despite the SCC's procedural advantages.

The study revealed that awareness and understanding of Small Claims Court (SCC) procedures among indigent persons in Isingiro District remain limited, a situation that has both practical and normative implications. Although the SCC was designed under Uganda's Judicature (Small Claims Procedure) Rules, 2011, to provide a simplified, low-cost, and speedy alternative to ordinary court processes, the research showed that only a minority of respondents could accurately describe these distinct features, such as the absence of a requirement for legal representation, resolution within thirty days, and minimal filing fees. For this small group, the SCC was understood as a tool that aligns with the ideals of equality before the law and the right to an effective remedy, principles set out in instruments such as Article 7 and Article 8 of the Universal Declaration of Human Rights and Article 14(1) of the International Covenant on Civil and Political Rights, which Uganda has ratified. However, the majority of indigent respondents either gave vague answers or confused SCC procedures with those of regular courts, indicating low functional legal literacy. From a human rights perspective, this knowledge gap is significant because rights guaranteed on paper lose their value when those entitled to them are unaware of their existence or lack the capacity to claim them. In effect, a mechanism designed to operationalize the African Charter on Human and Peoples' Rights' guarantee of the right to be heard becomes inaccessible to the very population it was intended to serve.

This limited understanding has measurable consequences. The regression analysis confirmed that awareness of SCC procedures was a statistically significant predictor of positive perceptions of its effectiveness, with respondents who knew about the SCC being more than four times as likely to view it as effective compared to those who did not. This relationship illustrates what Access to Justice Theory, as articulated by Cappelletti and Garth, has long emphasized: the availability of legal remedies is meaningless if individuals cannot recognize or navigate them. Similarly, Legal Empowerment Theory underscores that providing people with knowledge and tools to use the law is central to enabling them to assert their rights; in Isingiro, those few who were aware of SCC procedures were better positioned to initiate claims, represent themselves, and view the system as a credible pathway to justice. Conversely, those without such awareness remained effectively

excluded, unable to benefit from a process specifically designed to remove cost and procedural barriers.

The research also found that inadequate public outreach is a core driver of this low awareness. Eighty percent of respondents reported that there was insufficient sensitization about the SCC, a finding echoed by key informants who described limited government campaigns, minimal rural coverage, and a lack of materials in local languages. Where outreach existed, it tended to rely on passive methods such as posters displayed at court premises measures ill-suited to reach populations facing literacy barriers or living far from the district centre. This reality sits uneasily alongside Uganda's obligations under global and regional human rights frameworks, which require not just the creation of accessible tribunals but also proactive measures to ensure that marginalized communities are informed about them. The United Nations' Principles and Guidelines on Access to Legal Aid, although designed with criminal justice in mind, highlight the need for public legal education and community-based assistance principles that apply equally in the civil justice context. The absence of such measures in Isingiro means that knowledge about the SCC often spreads informally, through word-of-mouth or incidental encounters, rather than as the result of structured, state-led initiatives.

From a theoretical standpoint, the interplay between the findings and the guiding principles of access to justice reveals a cycle of exclusion. The SCC's procedural simplicity designed to reduce reliance on lawyers and make the process comprehensible cannot fulfil its purpose when potential users do not know it exists or misunderstand its rules. Access to Justice Theory predicts that without targeted, sustained efforts to dismantle informational barriers, even low-cost, quick-resolution mechanisms will primarily serve those who are already relatively empowered. Legal Empowerment Theory goes further, arguing that the state must not only disseminate information but also build the capabilities of marginalized groups to use the law effectively, for example through community paralegals, grassroots training, and translation of legal documents into accessible formats. In Isingiro, the absence of such interventions has left a justice gap that disproportionately affects the poor, undermining both the SCC's practical impact and Uganda's commitments under instruments like the African Charter.

The finding that most indigent persons in Isingiro have limited awareness and understanding of SCC procedures is not merely a statistical observation but a substantive access-to-justice concern

with legal, theoretical, and policy dimensions. It demonstrates that the SCC's promise of affordable and timely justice aligned with international standards on equality before the law and the right to be heard remains unrealized for those most in need. The strong correlation between awareness and positive perception of effectiveness shows that targeted legal literacy and sensitization efforts are essential, not optional, if Uganda is to meet its obligations and achieve the SCC's founding purpose. Without such measures, the SCC risks becoming another underutilized reform, formally present but practically out of reach for the indigent communities it was created to serve.

In summary, the human rights and legal perspectives: awareness is a decisive factor in determining perceptions of SCC effectiveness, and increasing it is not merely an administrative improvement but a legal obligation. Without targeted, inclusive sensitization efforts, the SCC risks falling short of its purpose under Uganda's human rights commitments and the foundational principles of access to justice.

5.2 Barriers to access to justice through the small Claims Court

These results directly align with Access to Justice Theory (Cappelletti & Garth), which posits that true accessibility requires the removal of all forms of exclusion—economic, spatial, procedural, and social—not merely the existence of a formal legal forum. Even a low-cost, procedurally simple mechanism like the SCC cannot achieve its mandate if indigent users cannot physically reach it, understand its procedures, or feel socially permitted to engage with it.

The research revealed that indigent persons in Isingiro District face multiple, overlapping barriers—financial, geographical, procedural, and socio-cultural—that severely limit their access to the Small Claims Court (SCC) and undermine the very purpose for which it was established under Uganda's Judicature (Small Claims Procedure) Rules, 2011. Financially, while the SCC was intended to be low-cost, respondents reported that the price of transport, incidental expenses, and even modest filing fees often exceeded the value of their claims. This finding directly challenges the principle in Article 14 of the International Covenant on Civil and Political Rights (ICCPR) that the right to a fair hearing is meaningful only if litigants can actually reach the court. Equal access, as guaranteed in Article 7 of the African Charter on Human and Peoples' Rights (ACHPR), is similarly undermined when economic hardship effectively excludes the poor from participating in the legal process. The Sustainable Development Goals (SDG) 16.3, which call for equal access to

justice for all, require that reforms be judged not merely on their formal existence but on their capacity to serve those most in need.

Geographical barriers magnify this exclusion. Many respondents live in remote rural communities far from the nearest SCC, with poor roads and unreliable public transport. For some, attending court meant walking long distances before paying for costly and infrequent motorcycle or taxi rides. From the perspective of ICCPR Article 14, physical inaccessibility negates the substance of a fair hearing, no matter how impartial the tribunal might be in law. The African Commission's interpretation of Article 7 of the ACHPR stresses that justice must be reasonably proximate; the SCC's concentration in district centres fails this test for residents in outlying areas. These spatial inequalities also align with the critique from Critical Legal Studies: even simplified systems like SCCs can reproduce existing hierarchies if they fail to account for underlying structural disadvantages such as rural isolation.

Procedural barriers further entrench this inequity. Many respondents lacked the legal literacy to complete SCC forms, which are currently in English, or to follow the procedural requirements for filing a claim. Some admitted to making errors that delayed or even terminated their cases, while others reported being unable to gather admissible evidence. Legal Empowerment Theory is instructive here: without the necessary tools, knowledge, and support, procedural simplification alone cannot deliver genuine access to justice. Enforcement weaknesses compounded this challenge, with some claimants noting that successful SCC judgments were ignored without consequence. This failure to secure compliance undermines the "effective remedy" standard in UDHR Article 8 and ICCPR Article 14, because a favourable judgment without enforcement offers no real protection.

Socio-cultural barriers also emerged as a significant theme, particularly gender-related stigma. Several women reported being discouraged from filing cases independently, as prevailing norms dictated that legal action should be taken only with male consent. This dynamic exemplifies the concept of intersectionality: a woman in a remote village faces compounded exclusion limited financial means, poor transport access, low legal literacy, and gender norms each barrier intensifying the others. The ACHPR's Article 18(3) obliges states to eliminate discrimination against women, yet such social practices persist, restricting women's ability to exercise legal

agency. From a Critical Legal Studies lens, this shows how even accessible procedural reforms can fail if they ignore deeper power dynamics embedded in social relations.

Access to Justice Theory's view that true accessibility requires dismantling all forms of exclusion economic, spatial, procedural, and social not simply lowering one or two barriers. It also echoes Legal Empowerment Theory's argument that outreach and education are not optional extras but core components of any justice reform aimed at the marginalized. Without them, the SCC risks becoming a symbolic reform that reinforces, rather than disrupts, patterns of inequality.

The policy implications are clear. If Uganda's SCC is to meet its human rights obligations under the ICCPR, ACHPR, and SDG 16.3, reforms must go beyond the courtroom. Mobile court sessions should be instituted to bring services closer to remote communities, reducing both travel time and cost. Filing fees for indigent claimants should be waived, and forms must be translated into local languages with simplified, visual instructions to accommodate low literacy levels. Community paralegals should be trained and deployed to guide claimants through the process, from filing to enforcement. Outreach campaigns must be localized, visual, and linguistically inclusive, relying on radio dramas, market-day talks, and community meetings rather than solely on printed materials. Gender-sensitive reforms must also address social stigma directly, engaging both men and women to normalize women's independent use of the SCC and to dismantle the informal "permission" culture that restricts their legal agency.

In conclusion, the findings show that the SCC's promise of accessible, speedy, and affordable justice remains compromised in Isingiro because of interlocking financial, geographical, procedural, and socio-cultural barriers. These obstacles not only reduce usage and trust but also place Uganda at risk of falling short of its binding commitments under international and regional human rights law. A justice system that exists in theory but remains out of reach for the most disadvantaged fails both the letter and the spirit of access to justice as a fundamental right. Addressing these barriers is therefore not simply a matter of administrative efficiency; it is a legal and moral imperative.

From a human rights law perspective, these barriers raise concerns under Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Article 7 of the African Charter on Human and Peoples' Rights (ACHPR), which guarantee equal access to a fair hearing.

Geographic remoteness and socio-cultural restrictions effectively deny this right to large segments of the Isingiro population. Furthermore, Article 18(3) of the ACHPR obliges states to eliminate discrimination against women, yet gender norms restricting women's independent court usage persist.

The Sustainable Development Goals, particularly SDG 16.3 ("ensure equal access to justice for all"), require that legal institutions be both physically and socially accessible. The negative statistical relationship between barriers and positive perceptions of SCC effectiveness demonstrates that these obligations remain unmet in practice.

This evidence also resonates with Critical Legal Studies critiques, which argue that legal reforms can inadvertently reinforce structural inequalities if they fail to address underlying power dynamics. In Isingiro, the SCC's procedural simplicity benefits those already relatively empowered, while the poorest, most geographically isolated, and socially marginalized remain excluded.

The descriptive evidence confirms that financial hardship, geographic isolation, procedural complexity, and socio-cultural norms collectively undermine the SCC's effectiveness for indigent persons. Addressing these barriers is not only a matter of improving service delivery but also a legal and moral imperative under Uganda's domestic obligations and its international human rights commitments. Without dismantling these structural obstacles, the SCC will continue to fall short of its mandate to deliver equitable, timely, and affordable justice for all.

5.3 Recommendations for enhancing Accessibility and effectiveness of the small claims courts in promoting the right to access to justice

These findings validate the SCC's design under Uganda's Judicature (Small Claims Procedure) Rules, 2011, which sought to make justice affordable, simplified, and quick thus promoting the right to access to justice. However, perceived outreach adequacy was not significant, confirming that current sensitization efforts are insufficient to translate procedural strengths into widespread usage.

In the key informant interview held the Magistrate stated that court users especially the indigent need to acquire procedural education and also court assistants that are trained to handle clients and

more especially the claimants. The other thing is the enforcement of the orders from the SCC against the respondent.

In the Focussed Group Discussion, it was highlighted that the SCC establishment objective to access justice to people especially the indigent for Isingiro the participants noted the following recommendations to improve the SCCs effect as; Local language translators, Workshops with court workers on how to handle clients or indigent court users, Community based sensitization in the local languages on the SCC procedure.

The findings indicate that perceptions of the SCC's cost-effectiveness and the speed of case resolution are crucial determinants of its perceived effectiveness. Respondents who regarded the SCC as both affordable and fast were significantly more likely to view it positively and to recommend its use to others. These strengths align with the founding intent of Uganda's Judicature (Small Claims Procedure) Rules, 2011, which sought to create an informal, speedy, and low-cost dispute resolution forum without requiring legal representation. However, despite these procedural advantages, the study revealed a critical shortfall in public outreach. Current sensitization efforts are insufficient, particularly in rural areas where most indigent persons reside, leaving large segments of the population either unaware of the SCC's existence or misinformed about its procedures.

From the perspective of global development commitments, these gaps highlight the need to align SCC reforms with Sustainable Development Goal (SDG) 16.3, which calls for promoting the rule of law and ensuring equal access to justice for all. Equal access, in this context, demands more than a court that is procedurally simple and affordable it requires that the target beneficiaries know about the court, understand its processes, and can physically and culturally engage with it. Similarly, the UNDP Access to Justice Guidelines emphasize that reforms must be people-centred, locally adapted, and gender-sensitive. This means legal institutions must be actively taken to the people through outreach, mobile delivery, and culturally appropriate communication, rather than expecting the most marginalized to navigate their way to the institution unaided.

Evidence from global best practices supports this direction. Gramckow and Ebeid (2016), in their World Bank study, found that SCC systems are most effective when complemented by legal aid services, simplified forms, and systematic community outreach. Bosio and Petkova (2024)

highlight infrastructure investment, mobile courts, and paralegal networks as critical for extending justice to rural, indigent populations. Greenbaum (2020) warns that affordability and speed, while important, are insufficient if systemic obstacles such as distance, lack of information, and cultural norms are not addressed simultaneously. These insights reinforce the idea that the SCC's current strengths must be preserved while the structural barriers documented in earlier objectives are dismantled through deliberate, multi-pronged reforms.

The theoretical frameworks underpinning these recommendations are clear. Legal Empowerment Theory stresses that justice is only meaningful when individuals have the knowledge, tools, and support to engage with it effectively. The finding that procedural uncertainty and lack of information deter SCC usage in Isingiro supports the need for legal literacy programs, translated materials, and community paralegals who can guide claimants from filing to enforcement. Access to Justice Theory extends this argument by asserting that reforms must proactively remove the practical, procedural, and socio-cultural barriers that exclude marginalized populations, ensuring that justice is not only formally available but also substantively accessible. Critical Legal Studies reminds us that even well-intentioned reforms can perpetuate inequality if they overlook embedded power dynamics such as language barriers, male-dominated decision-making structures, and rural isolation while intersectionality theory underscores how these factors combine to compound exclusion, particularly for women in remote areas.

Based on these findings, the study proposes several actionable reforms. Outreach must be localized, sustained, and culturally relevant, using Runyankore-language radio programs, illustrated posters in trading centres, and LC1-led sensitization meetings. Mobile courts should be instituted to hold monthly sessions in remote sub-counties, directly addressing geographic exclusion. Fee waivers for claimants who meet clear poverty criteria would ensure economic hardship is not a barrier to filing. Legal literacy initiatives should include community workshops, peer educator networks, and simplified, step-by-step guides with visual aids for those with limited literacy. Gender-sensitive strategies are also essential: reforms should address stigma by engaging both women and men to normalize women's independent engagement with the SCC and by ensuring female representation in outreach teams. Finally, enforcement mechanisms must be strengthened so that SCC rulings are respected and implemented promptly, restoring public confidence that legal remedies have tangible effects.

The SCC in Isingiro is valued for its affordability and efficiency, these qualities alone cannot deliver true accessibility or effectiveness. The court's potential will only be fully realized when these procedural strengths are paired with proactive, barrier-removing measures that extend outreach, decentralize service delivery, promote legal literacy, and address gendered and cultural exclusion. Such an approach would not only meet Uganda's obligations under SDG 16.3 and the African Charter on Human and Peoples' Rights but would also operationalize the principles of Legal Empowerment and Access to Justice theories, transforming the SCC into a genuinely inclusive mechanism capable of delivering justice to all.

A number of sources noted the extra burden that the unrepresented litigants create for court staff and judges. (Dewar et al. (2002) pointed to the stress and frustration that they experienced in dealing with unrepresented litigants. Other research noted the extra time that they needed to spend with litigants in person. (Hannaford- Agor and Mott,2003;

The evidence on the impact of litigants in person on case duration is mixed. Lederman and Hrungr (2006) high quality analysis of the effect of lawyers on the UD court litigation outcomes found on the statistically significant effect of representation on time taken to go to trial or settle the case. Other evidence indicated that the cases with unrepresented litigants were usually shorter and finalized more quickly than cases where both parties were represented (Rauma and Sutelan, 1996)

From the perspective of Access to Justice Theory (Cappelletti & Garth), affordability and timeliness are critical but not self-sustaining. They must be accompanied by deliberate, proactive strategies to remove informational and structural barriers, otherwise the benefits remain inaccessible to those most in need. Similarly, Legal Empowerment Theory (Golub) stresses that cost and speed matter little if the target population is unaware of the service, unable to navigate its procedures, or socially constrained from using it. The absence of a significant link between outreach and perceived effectiveness underscores this point: without effective communication and legal literacy, procedural advantages fail to reach their intended beneficiaries.

Under international human rights law, these findings have direct relevance. Article 7 of the African Charter on Human and Peoples' Rights and Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR) guarantee the right to a fair hearing without undue delay and without discrimination. Procedural speed, as reflected in the SCC's 30-day resolution target, meets the

timeliness standard in principle. Affordability supports the right to equal access, especially for indigent persons. However, the lack of effective outreach undermines Uganda's compliance with its obligations, as large portions of the eligible population remain unaware of or unable to engage with the SCC. Additionally, SDG 16.3 ("ensure equal access to justice for all") explicitly requires that justice institutions be both accessible in practice and widely known to the public they serve.

The statistical results also align with global best practice research (Gramckow & Ebeid, 2016; Bosio & Petkova, 2024), which finds that SCC systems deliver the greatest impact when their affordability and speed are reinforced by robust legal literacy programs, mobile court outreach, and community-based paralegal networks. Without these, SCCs risk becoming underutilized reforms that primarily serve those already relatively empowered.

In conclusion, while the SCC in Isingiro already demonstrates the procedural advantages of cost-effectiveness and timeliness, the data reveal that these alone are insufficient for full effectiveness. Recommendations should therefore prioritize: (1) sustaining affordability through fee waivers for indigent litigants; (2) safeguarding procedural speed by preventing backlog; (3) scaling up localized, language-appropriate outreach; (4) decentralizing service delivery via mobile court sessions; and (5) embedding community paralegals to bridge knowledge gaps. Such reforms would not only meet Uganda's domestic justice goals but also fulfil its obligations under the ACHPR, ICCPR, and SDG 16.3, transforming the SCC into a genuinely inclusive mechanism capable of delivering justice to all, especially the most marginalized.

CHAPTER SIX

CONCLUSION AND RECOMMENDATION

6.0 Introduction

This chapter presents a comprehensive summary of the key findings from the study, drawing on the data and analyses conducted throughout the research. It provides a clear conclusion that synthesizes the insights related to the awareness, accessibility, and effectiveness of Small Claims Courts (SCC) for indigent persons in Isingiro. Finally, the chapter offers practical recommendations aimed at addressing the identified challenges and enhancing the functionality and reach of the SCC system. These recommendations are designed to inform policymakers, stakeholders, and practitioners committed to improving access to justice for marginalized populations.

This section presents a summary of findings organized around the three main research objectives:

6.1 Awareness and Understanding of Small Claims Court Procedures

The study establishes that awareness and understanding of Small Claims Court (SCC) procedures among indigent persons in Isingiro are generally low, which significantly hampers their engagement with the formal justice system. Many respondents demonstrated limited knowledge about how the SCC operates, including its simplified procedures, the types of claims eligible for consideration, and the specific advantages that distinguish it from the regular court system. For instance, while the SCC is designed to be more accessible and less intimidating than traditional courts, most indigent participants were unaware of these benefits, often perceiving the process as complicated or irrelevant to their circumstances. This lack of understanding directly affects their confidence in pursuing legal remedies through the SCC.

The findings suggest that the gap in awareness is compounded by limited exposure to public information campaigns and educational initiatives about legal rights and SCC functions. Many respondents indicated that they had never attended workshops, community meetings, or media programs that could provide guidance on navigating small claims procedures. Additionally, the study highlights the role of literacy and general education levels in shaping awareness. Individuals

with lower educational attainment were particularly less informed about court procedures, suggesting that sensitization efforts need to be tailored to diverse literacy levels.

This conclusion underscores a pressing need for targeted interventions to improve knowledge about the SCC. Effective measures could include community-based educational programs, radio and print media campaigns, and partnerships with local leaders and civil society organizations to disseminate accessible information. By raising awareness and clarifying procedural requirements, the SCC can enhance the confidence of indigent persons to initiate claims, thereby increasing utilization rates and ensuring that legal remedies are within reach of marginalized populations. Ultimately, strengthening awareness and understanding is a foundational step toward making the SCC a truly inclusive platform for justice in Isingiro.

6.2 Barriers to Accessing the Small Claims Court

The study further concludes that indigent persons in Isingiro face multiple interrelated barriers that hinder their access to the Small Claims Court. Financial constraints are the most prominent challenge, including costs related to transportation, court filing fees, and incidental expenses incurred during court visits. For many indigent households, these costs are prohibitive, effectively deterring potential claimants from seeking legal redress. Geographical challenges exacerbate the situation, as many SCCs are located far from rural communities, requiring long travel times that may not be feasible for those with limited resources.

Procedural barriers also play a critical role. Limited legal literacy, lack of familiarity with documentation requirements, and difficulty understanding legal terminology impede effective participation in SCC proceedings. Indigent persons often struggle to compile the necessary evidence or follow procedural steps correctly, which can result in dismissal of claims or unfavourable outcomes. Additionally, socio-cultural factors, including gender norms and stigma, further constrain access. Women, in particular, may face discouragement or outright opposition when attempting to file claims, limiting their ability to benefit from SCC services.

The combination of these financial, geographical, procedural, and socio-cultural challenges reduces both physical access to the court and the perceived effectiveness of the SCC. Respondents frequently reported feelings of frustration, intimidation, and scepticism regarding whether the court could deliver fair and timely justice. Addressing these barriers requires comprehensive,

multi-faceted interventions. Possible solutions include providing legal aid support, subsidizing travel and filing costs for indigent claimants, decentralizing SCC services to more accessible locations, and implementing community-based outreach programs to educate and empower marginalized groups. By systematically reducing these obstacles, the SCC can achieve greater inclusivity, ensuring that justice is accessible not only in theory but in practice.

6.3 Enhancing Accessibility and Effectiveness of the Small Claims Court

Finally, the study finds that while the Small Claims Court offers critical advantages particularly in cost-effectiveness and rapid case resolution these benefits are not fully realized by indigent persons in Isingiro. The court's potential to deliver timely, affordable justice is undermined by insufficient outreach, persistent access barriers, and limited awareness among the target population. Many respondents recognized that, in theory, the SCC could resolve disputes faster and at lower cost than regular courts, yet in practice, they remained unable to leverage these advantages due to the aforementioned constraints.

The findings highlight the importance of adopting actionable strategies to enhance both accessibility and perceived effectiveness. First, awareness-raising initiatives tailored to marginalized communities must be expanded, utilizing culturally sensitive approaches and multiple communication channels. Second, financial and procedural barriers should be mitigated through interventions such as legal aid, fee waivers, and assistance in document preparation. Third, outreach programs should actively engage remote and vulnerable populations, ensuring that all members of the community are informed about their rights and the SCC process. Lastly, maintaining affordability and efficiency in court operations is essential to sustaining trust and continued use of the system.

By implementing these recommendations, the SCC can significantly improve justice delivery for indigent persons in Isingiro. Enhancing accessibility and effectiveness not only empowers individuals to claim their rights but also strengthens public confidence in formal legal institutions. Ultimately, addressing these challenges will contribute to a more inclusive, equitable, and responsive justice system, where the benefits of the Small Claims Court are fully accessible to those who need them most.

6.4 Recommendations

6.4.1 Awareness and Understanding of Small Claims Court Procedures

Based on the study's findings, the following recommendations are proposed to improve the accessibility and effectiveness of Small Claims Courts (SCC) for indigent persons in Isingiro District:

Implement Targeted Awareness Campaigns

There is a clear need to improve public knowledge about Small Claims Courts. The government, in partnership with civil society organizations, should run regular radio talk shows in local languages (Runyankore/Rukiga) on popular community stations. This medium has proven highly accessible in rural areas. In addition, visual posters and flyers should be distributed through markets, churches, and local government offices, as 60% of indigent respondents specifically requested these formats. These materials should use simple language and illustrations to accommodate illiteracy.

Introduce Procedural Adaptations for the Poor

Procedural reforms are needed to make SCCs more inclusive. The Judiciary should consider waiving filing fees for individuals who demonstrate extreme poverty, as even low costs can be prohibitive for indigent persons. Furthermore, the courts must strengthen judgment enforcement mechanisms, ensuring that SCC decisions are respected and implemented. This will improve public trust and encourage more people to utilize the system.

The SCP is a unique intervention in the effort to improve judicial effectiveness and efficiency. The Procedure presents one of the most fundamental contributions towards Judicial Productivity and will also go a long way in bolstering the Judiciary's Case Backlog Reduction Strategies. My view is that if we embraced the Procedure with the commitment and pro-activity it deserves, its contribution towards access to justice will be unprecedented and the Uganda Judiciary stands to reap enormous benefits. I call upon all Stakeholders to afford the SCP a supportive environment to its unique qualities of informality, user friendliness, cost effectiveness, timeliness and simplicity. (Mugambo,2011).

6.4.2 Barriers to Accessing the Small Claims Court Strengthen Capacity Through Human Resources

To address language barriers and improve user support, the Judiciary should recruit bilingual court assistants who speak both English and local languages. These assistants can help bridge communication gaps for illiterate or non-English-speaking users. Additionally, simplified court forms using visual icons and illustrations should be developed to support users with limited literacy, enabling them to file claims and follow procedures more easily.

Promote Community-Based Legal Education

The government and legal aid providers should collaborate on community-based legal education programs targeting vulnerable groups. These sessions could be hosted at local parishes, health centres, or LC offices and should cover topics such as how the SCC works, the types of cases it handles, and what claimants can expect during the process. Peer educators or paralegals could help extend this outreach, especially in hard-to-reach areas.

Establish Mobile Justice Units

To reduce geographical barriers, the judiciary should consider creating mobile SCC units that travel monthly to remote sub-counties. This would bring justice closer to indigent persons who cannot afford to travel to town centres. Additionally, training Local Council 1 (LC1) officials to serve as SCC liaisons would help bridge communication gaps between the courts and communities. These trained LC1s could assist in guiding claimants through court procedures and directing them to legal support.

6.4.3 Suggestion for further Research

Although this study provides important insights into the effectiveness of the Small Claims Court in promoting access to justice for indigent persons in Isingiro District, several areas remain open for further investigation. First, future research could expand the geographical scope beyond Isingiro to include comparative studies across multiple rural and urban districts. Such comparative work would help determine whether the challenges and successes identified in this study are unique to Isingiro or reflect broader national patterns in the implementation of the Small Claims Procedure. Second, subsequent studies may employ a mixed-methods approach that integrates quantitative court data with qualitative interviews to generate a more comprehensive

understanding of the relationship between court performance indicators such as disposal rates, recovery amounts, and filing trends and the lived experiences of court users.

Further research is also needed to explore gender-specific experiences within the Small Claims Court system, particularly how social, cultural, and economic factors shape women's and men's access to justice differently. Additionally, longitudinal studies would be valuable in assessing how awareness levels, institutional capacity, and barriers to access evolve over time as the Small Claims Procedure becomes more established and as outreach initiatives expand. Finally, there is scope for research examining the perspectives of other key stakeholders, including court clerks, local leaders, paralegals, and community-based organizations, to gain deeper insight into institutional bottlenecks and opportunities for reform. Such studies would enrich the existing body of knowledge and support evidence-based policy improvements aimed at strengthening the effectiveness of the Small Claims Courts in Uganda.

6.4.4 Conclusion

In conclusion, the findings of this study demonstrate that while the Small Claims Court in Isingiro has significant potential to enhance access to justice for indigent persons, its effectiveness is influenced by varying levels of awareness, persistent structural and socioeconomic barriers, and limitations in institutional capacity. The recommendations provided ranging from intensified community sensitization and gender-responsive approaches to strengthening court resources and improving coordination with local justice actors are aimed at addressing these gaps and enhancing the court's ability to deliver equitable, timely, and accessible justice. By implementing these measures, stakeholders can ensure that the Small Claims Procedure more fully achieves its intended purpose of empowering indigent litigants and advancing the broader right of access to justice within rural communities.

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APPENDICES

Appendix I

Dear Respondent,

You are kindly invited to participate in this case study aimed at assessing the awareness, accessibility, and effectiveness of the Small Claims Procedure for indigent (low-income) individuals in Isingiro District. This study is being conducted as part of efforts to understand how the justice system can better serve the needs of vulnerable populations.

The information you provide will be treated with the utmost confidentiality and used solely for academic purposes. Your honest and accurate responses will greatly contribute to improving access to justice for the indigent in our community.

Participation is entirely voluntary, and you may choose to withdraw at any time. There are no risks or costs involved in participating.

Thank you for your time and cooperation.

Sincerely,

MIREMBE ALBERTINA.

Appendix II Interview guide for non-key informants.

1.Examine the awareness and understanding of small claims court procedures among indigent persons in Isingiro.

Can you explain how small claims court's function compared to regular courts in Isingiro?

What kinds of cases are typically heard in small claims courts in Uganda?

Do you think there's enough public outreach to ensure the local people are informed about small claims courts?

How do small claims courts improve access to justice for the indigent in Isingiro?

Do you believe that small claims courts have reduced the backlog of cases in Uganda's formal justice system? If so, how?

2.Examine the financial, geographical, procedural, and socio-cultural barriers faced by indigent persons in accessing small claims courts in Isingiro.

In your opinion, how effective are small claims courts in resolving disputes in a timely and cost-efficient manner?

What challenges or limitations do small claims courts face in terms of case resolution?

How do the simplified procedures in small claims courts contribute to or hinder the process of dispute resolution?

What impact have small claims courts had on the relationship between the judiciary and the general public in Uganda?

How have small claims courts addressed issues of gender and social inclusion, particularly for marginalized groups in Isingiro?

Are there any barriers that certain groups for example women, rural dwellers of the indigent community of Isingiro face when using small claims courts?

3.Examine and propose actionable recommendations for improving the accessibility and effectiveness of small claims courts for indigent persons in Isingiro.

What areas do you think need improvement in the functioning of small claims courts in Uganda?

How can the efficiency and accessibility of small claims courts be enhanced in Uganda?

Do you see any potential for expanding the scope or capacity of small claims courts in Uganda?

What conditions should be put in place to further better the small claims court procedure?

What are the possible and most effective tools of awareness that can be used in Isingiro among the indigent to ensure their knowledge on the small claims procedure.

Appendix III Interview guide questions 2 for key informants.

Examine the awareness and understanding of small claims court procedures among indigent persons in Isingiro.

Can you differentiate between small claims procedure to regular courts procedure?

Have you lodged any matters under the small claims procedure in Uganda?

Do you think there's enough public outreach to ensure the local people are informed about small claims courts?

How do small claims courts improve access to justice for the indigent in Isingiro?

Do you believe that small claims courts have reduced the backlog of cases in Isingiro?

Examine the financial, geographical, procedural, and socio-cultural barriers faced by indigent persons in accessing small claims courts in Isingiro.

In your opinion, how effective are small claims courts in resolving disputes in a timely and cost-efficient manner?

What challenges or limitations do small claims courts face in terms of case resolution?

How do the simplified procedures in small claims courts contribute to or hinder the process of dispute resolution?

What impact have small claims courts had on the relationship between the judiciary and the general public in Uganda?

How have small claims courts addressed issues of gender and social inclusion, particularly for marginalized groups in Isingiro?

Are there any barriers that certain groups for example women, rural dwellers of the indigent community of Isingiro face when using small claims courts?

Examine and propose actionable recommendations for improving the accessibility and effectiveness of small claims courts for indigent persons in Isingiro.

What areas do you think need improvement in the functioning of small claims courts in Uganda?

How can the efficiency and accessibility of small claims courts be enhanced in Uganda?

Do you see any potential for expanding the scope or capacity of small claims courts in Uganda?

What conditions should be put in place to further better the small claims court procedure?

What are the possible and most effective tools of awareness that can be used in Isingiro among the indigent to ensure their knowledge on the small claims procedure?

Appendix IV: Field work letter