



THE JUDICIARY

SMALL CLAIMS PROCEDURE PERFORMANCE AND ACTIVITY REPORT FOR THE YEARS 2015 AND 2016

YEARS
2015 AND 2016

Submitted By:
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P.O Box 7645 KAMPALA, UGANDA
MARCH , 2017

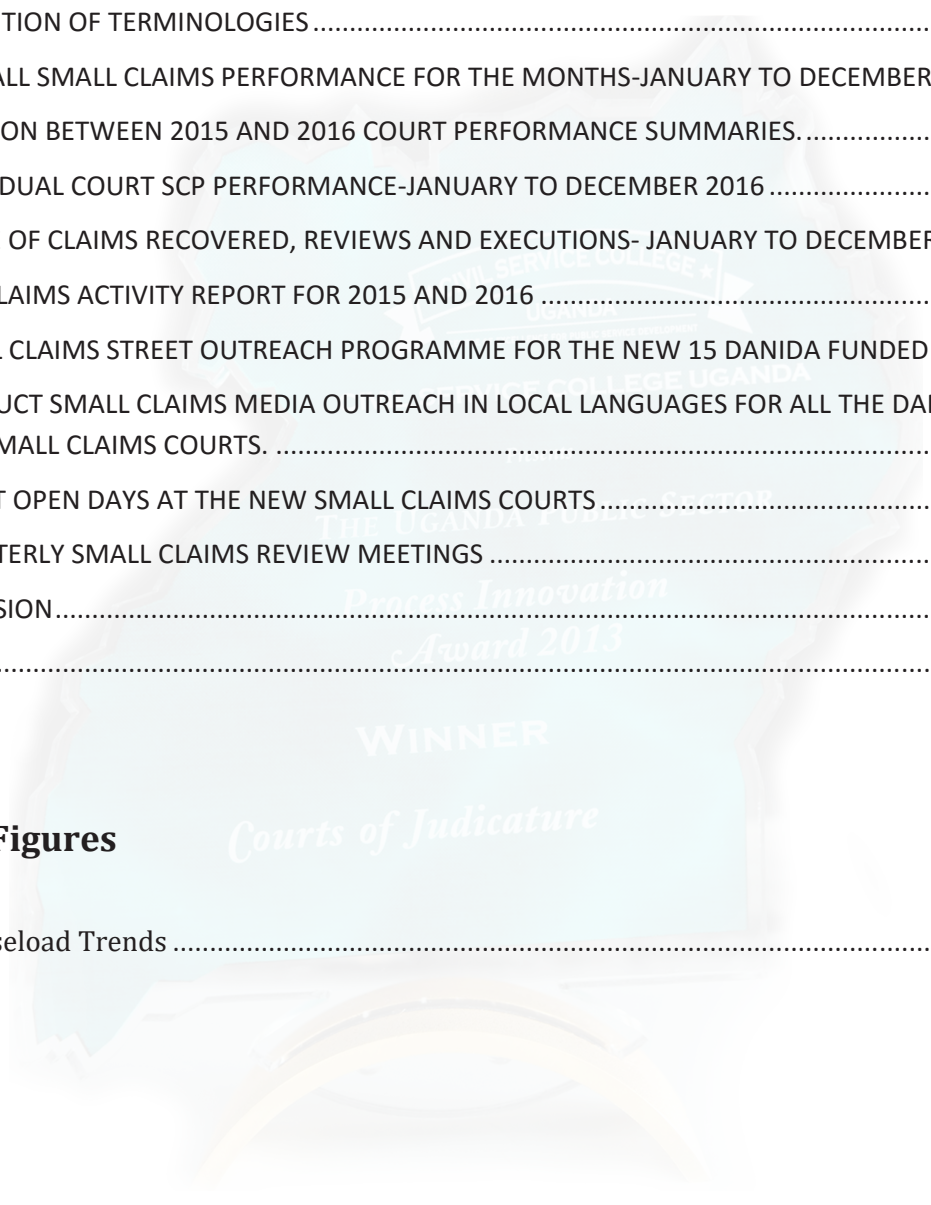


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1.0. WORD FROM THE CHAIRPERSON SMALL CLAIMS PROCEDURE IMPLEMENTATION COMMITTEE



Welcome to the first annual report of the small claims procedure (SCP) issued by the Small Claims Implementation Committee. Now in its third year of pilot the SCP as a reform within the Judiciary has already started to have the impact on the civil justice system that it was anticipated to effect.

The report will show that the uptake of the SCP in the pilot courts over the years has grown tremendously showing that the awareness campaign in the pilot areas is bearing fruit. The reform objectives of the SCP of improving access to justice, simplification of procedure reduced costs to litigants, timely dispose of disputes and improving the efficiency and effectiveness of court are being achieved. Another bonus is the unlocking of over billions of Uganda Shillings in disputes involving relatively small amounts of money back into the Ugandan economy from the few courts piloting the procedure. The average month recovery of debts under SCP now stands at just over Ug Shs 600,000,000/=. This brings hope that when eventually all magistrate courts in Uganda (over 180) start the procedure, then the impact of SCP on the country will be very significant.

Another significant development during the period under review was the start and compilation of two independent audits of the SCP by reputable consultants from the UK namely M/s LASER and Law and Development Partners (LDP) in partnership with M/s Akijul Ltd. Broadly these consultants carried out a baseline study of the SCP and also developed a strategy (with financial implications) for its roll out to all magistrate courts in Uganda. Both consultancies will be providing important monitoring and evaluation tool for the SCP going forward. The consultants in their report against the OECD/DAC criteria for evaluating development assistance (namely effectiveness, efficiency, impact, relevance and sustainability) described the SCP as “pioneering, innovative and transformative...”.

Teething problems notwithstanding the hard work put in by the magistrates and other judicial staff in implementing this procedure is commendable. Many judicial officers have gone out of their court rooms and participated in the awareness campaigns on the streets and in the media. The judicial

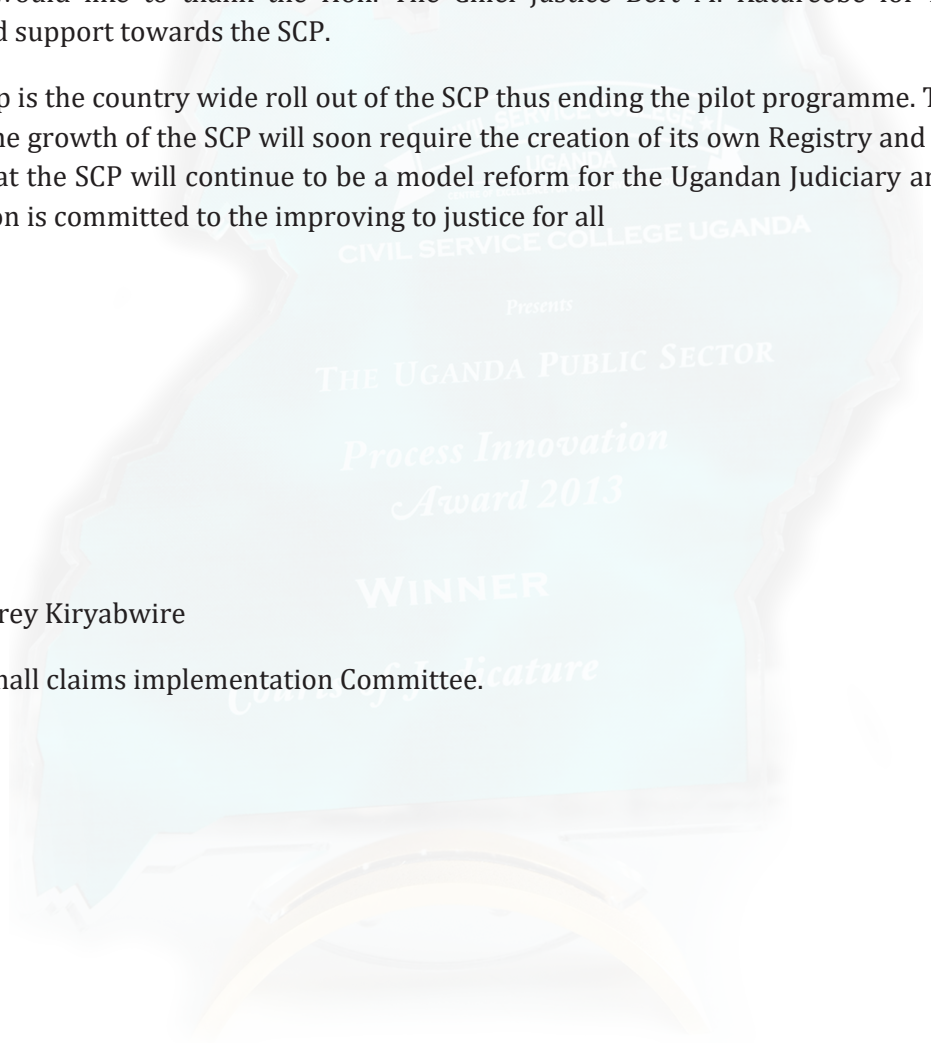
officers in a ground breaking peer to peer approach have also participated actively in developing best practices through experience sharing at the review meetings of the Implementation Committee.

A special word of thanks goes to the Ugogo-Danida Programme and its team leader Dr. Katja Kershbaumer which supported the pilot programme. Thanks also go to the team at the Registry of Planning and Development for providing an effective secretarial service. I also wish to thank Judiciary administration the Secretary to the Judiciary and the Chief Registrar for all the support given to the SCP. I would like to thank in a special way the Hon the Principal Judge Justice Dr. Yorokamu Bamwine for his active participation at the launch of many of the pilot courts. Lastly but not least I would like to thank the Hon. The Chief justice Bert M. Katureebe for his personal guidance and support towards the SCP.

The next step is the country wide roll out of the SCP thus ending the pilot programme. There is little doubt that the growth of the SCP will soon require the creation of its own Registry and budget. I am confident that the SCP will continue to be a model reform for the Ugandan Judiciary and show that the institution is committed to the improving to justice for all

Justice Geoffrey Kiryabwire

Chairman Small claims implementation Committee.



2.0. EXECUTIVE SUMMARY

The Small Claims Procedure was established to adjudicate over claims whose subject matter does not exceed ten million shillings such as, matters arising out of supply of goods, debts or rent. Implementation of Small claims Procedure commenced in 2012 with 6 pilot Courts but has been rolled out to an extra 20 Courts as of December 2015. This brings the total number of operational SCP Courts to 26.

The Law and Development Partnership was engaged to review the performance of the Small Claims Courts and the consultants submitted a draft evaluation report which was validated on 14th August 2015. The final report was submitted in which the criteria used to evaluate the Small Claims procedure was; effectiveness, efficiency, impact, sustainability and relevance.

Based on the above criteria, findings from the evaluation indicated that the increase in case disposal rate by Small Claims Procedure had exceeded its target of 5% by the end of the pilot phase. Furthermore, the implementing Courts upcountry had managed to complete cases in less than 2 months on average. However, this still needs to be brought even further down to 1 month from filing to Judgement.

Akijul Ltd recently concluded a Baseline Survey for the Small Claims Procedure's M&E Framework. The overall purpose of the baseline survey is to provide verifiable data on the current status of planned outputs and outcomes which will act as benchmarks against which progress on set targets and milestones will be continually assessed during implementation of the SCP strategy, and at the end of the strategy. This Baseline Survey for the Small Claims Procedure's M&E Framework was commissioned by the Legal Assistance for Economic Reform Programme (LASER) on behalf of the Ugandan Judiciary. The overall purpose of the baseline survey is to provide verifiable data on the current status of planned outputs and outcomes which will act as benchmarks against which progress on set targets and milestones will be continually assessed during implementation of the SCP strategy, and at the end of the strategy.

The survey found that the SCP received a compound rating of very good at 44.2% while poor was below 1%. The Survey revealed that most SCP users got to know about the services through Court (41.3%), followed by referrals from acquaintances (24.7%), Police (9.4%) and from local authorities (1.1%). Through street campaigns, Court open days and media campaigns, Public Relations Office of the Judiciary estimates to have reached out to about 4 million people accessing Small Claims Procedure in the Financial Year 2015/2016.

In its Strategic Plan IV (FY2015/16-FY2019/20), the Judiciary plans conduct a national rollout of the Small Claims Procedure. This, if implemented will enhance Access to Civil-Commercial Justice and reduce Case Backlog.

However, the Small Claims Procedure is faced with a number of challenges , the main being the significant reduction in funding as part of DANIDA-Judiciary Support project closure process which has greatly affected the coordination ,and the Monitoring and Evaluation Processes of the Small Claims Procedure Implementation. The execution of judgments especially those to recover debts owed is a big challenge. The same applies to the issue of costs associated with the case filing and related court processes.



3.0. SMALL CLAIMS PERFORMANCE REPORT

3.1. Definition of Terminologies

Lead Time

This is a term used to define the time between the date of filing a case and the date of its completion. In this report we shall state the Lead Time in days.

The stipulated lead Time for SCP is 30 days. The Courts are supposed to ensure that the Average and Median Lead Times are within 30 days.

Mean and Median

In this document, Lead time is described using means and medians. Mean and Median are both measures of central tendency, and what value is “typical” across a set of data. The mean is calculated by dividing the sum of a data set by the number of items in the set. This is often referred to as the “average.” Median is determined by sorting the data set from lowest to highest value and identifying the data point in the middle of the range.

Performance Measures/Indicators

When analyzing the Performance of the Small Claims Procedure, we are going to use a number of Performance Measures /Indicators i.e. Disposal Rate (Disposal-Total), the Clearance Rate (Disposal-reg), Lead Time and SCP Registration against Registration of Civil Suits under 10 million in the General Court.

Disposal Rate (Disposal-Total) (%)

This is a measurement of the number of Completed Cases against the Total Caseload (Cases Brought Forward from previous periods plus the freshly Registered cases in a given period of time):

$$\text{Disposal Rate} = \frac{\text{Number of Cases Completed}}{\text{Cases Brought Forward} + \text{Cases Registered}} \times 100$$

This Key Performance Indicator assesses the progress registered by a Court or Judicial Officer towards clearing the Total Caseload. A Disposal Rate less than 50% means that the

Courts disposed of less than a half of the cases available including the cases brought forward from the previous period.

Clearance Rate (Disposal-Reg) (%)

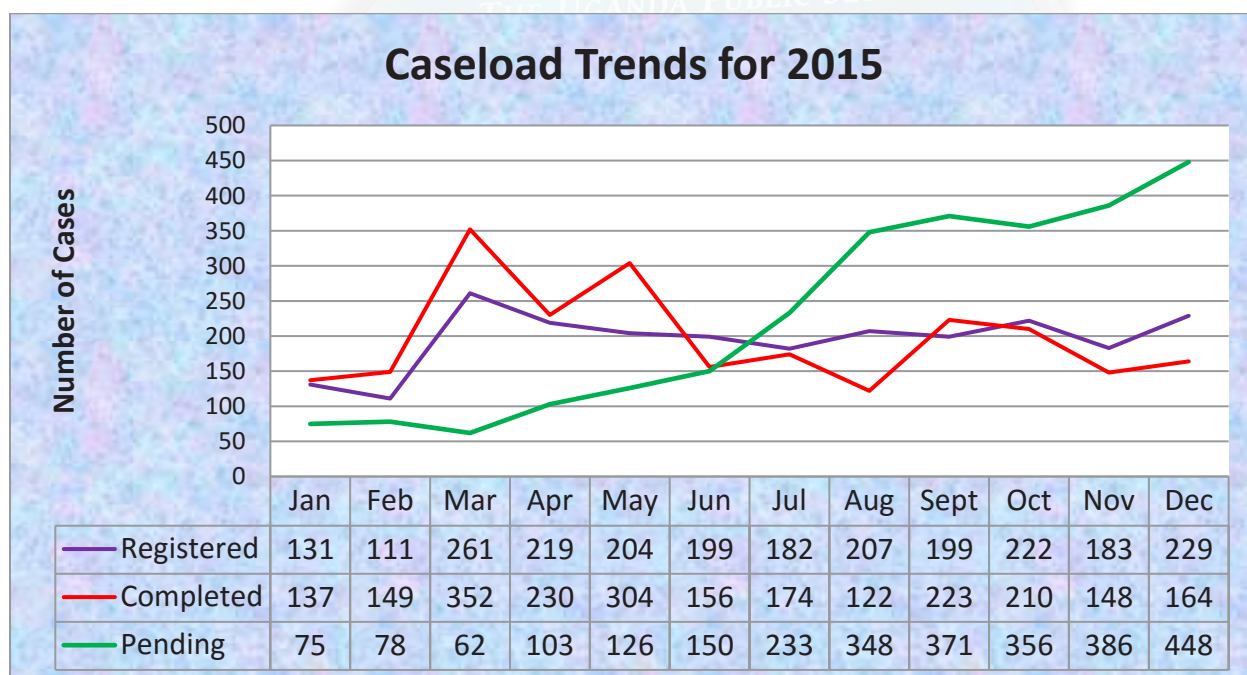
This is a measurement of the number of Completed Cases against the freshly Registered Cases in a given period of time.

It is calculated as:

$$\text{Clearance Rate (Disposal-Reg) (\%)} = \frac{\text{Number of Completed}}{\text{Number of Cases Registered}} \times 100$$

A Clearance Rate less than 100% means a Court or Judicial Officer was unable to dispose of as many cases as those filed during a given period.

Figure 1: Caseload Trends for 2015

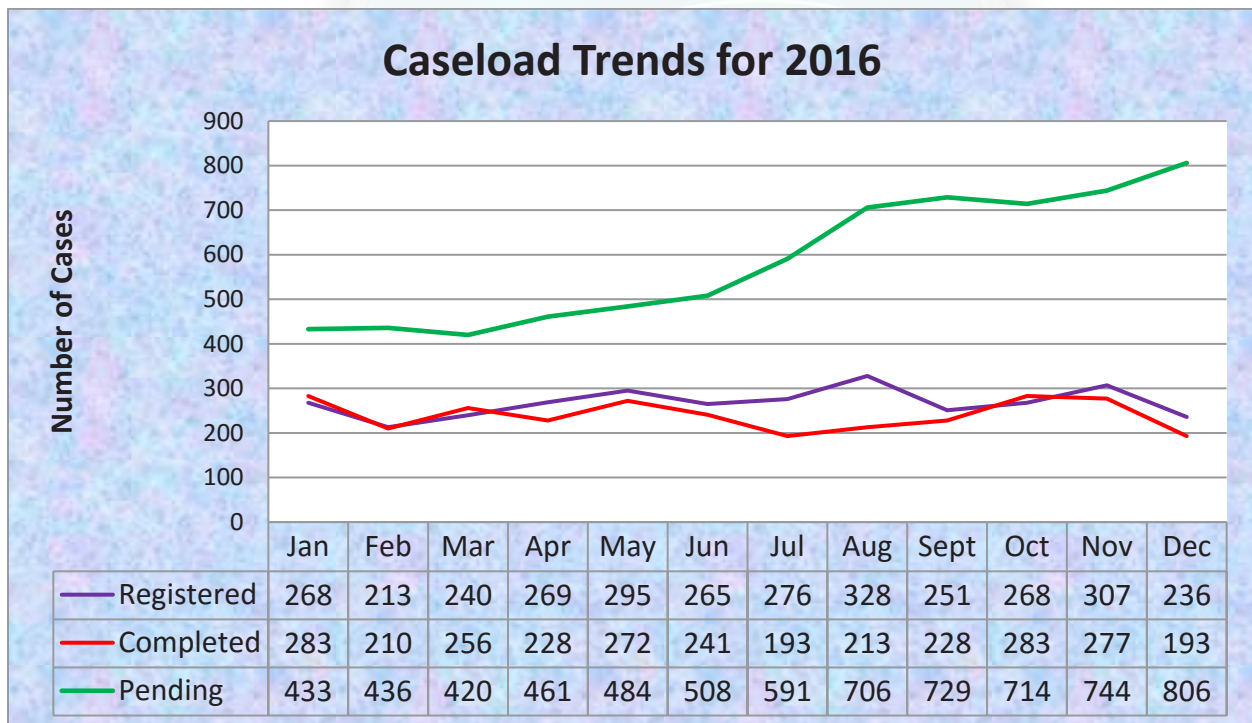


- The SCP Courts experienced a slight general growth in Case Registration as the year progressed. The Courts registered a monthly average of 196 cases over the 12-month period.

- On the Contrary, Case disposal generally declined as the year progressed. The Courts disposed of a monthly average of 197 Small Claims over the 12-month period.
- As a result, steady growth was registered overall in the number of pending cases recorded closing at a 448 – Case mark in the month of December 2016.

3.2. OVERALL SMALL Claims Performance for the Months-JANUARY TO DECEMBER 2016

Figure 2: Caseload Trends for 2016



- The Courts registered a general growth in case filing over the period under review. The Courts registered a monthly average of 268 Small Claims over the 12-month period.
- On the other hand, the Courts recorded a stable performance overall as regards disposal of Small Claims. The Courts disposed of a monthly average of 240 cases over the 12-month period.
- As a result, steady growth was registered overall in the number of pending cases recorded closing at a 806 – Case mark in the month of December 2016.

Table 1: Summary for Overall Performance for the period-January to December 2015

BForward	Filed	Disposed	Pending	Annual Clearance Rate (%)	Annual Disposal Rate (%)	Mean Lead Time (days)	Median Lead Time(days)
481	2,448	2,481	448	101	85	36	23

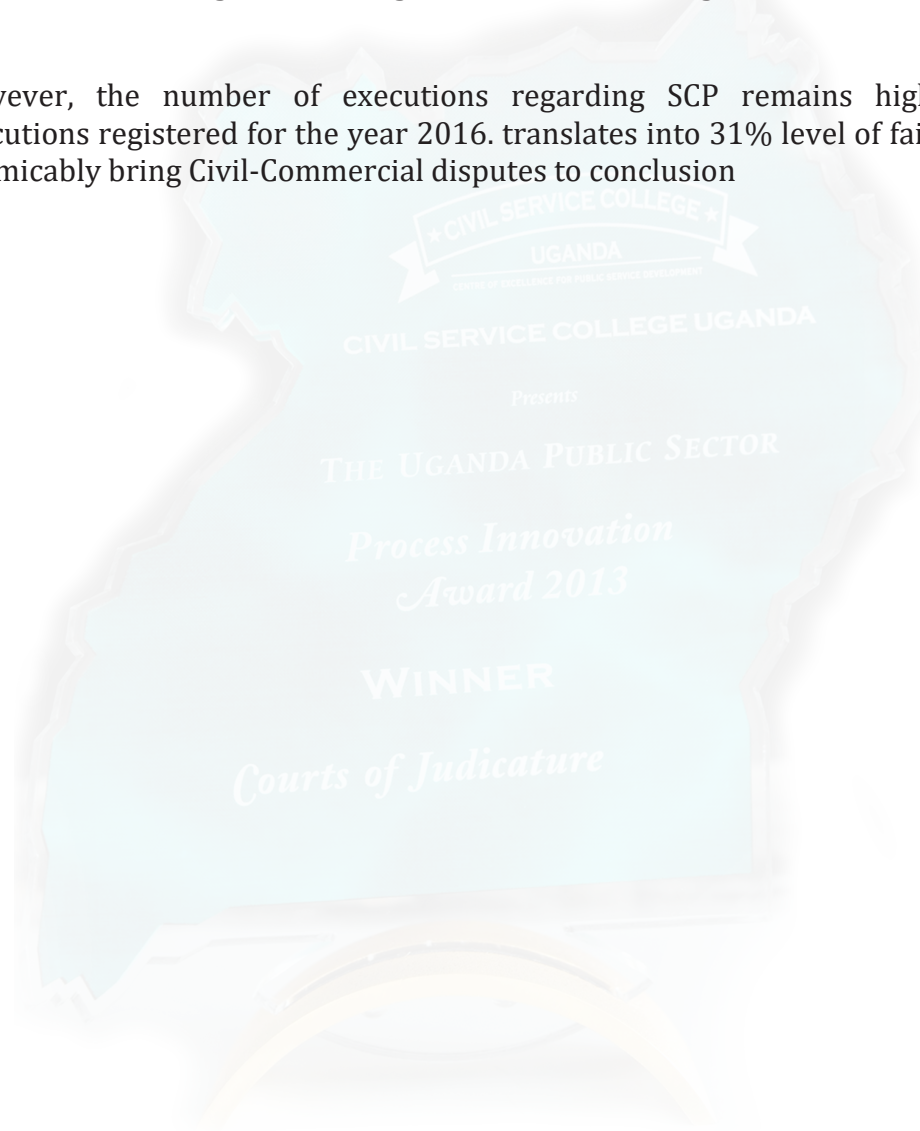
Table 2: Summary for Overall Performance for the period-January to December 2016

BForward	Filed	Disposed	Pending	Annual Clearance Rate (%)	Annual Disposal Rate (%)	Mean Lead Time (days)	Median Lead Time(days)
448	3,235	2,877	806	90	78	47	29

Comparison between 2015 and 2016 Court Performance Summaries.

1. Courts registered 3,235 claims and disposed of 2,877 claims during the calendar year 2016 which reflects an increase in the overall filing and disposal of Small claims from 2448 and 2481 respectively recorded for the calendar year 2015.
2. This resulted into an increase in the overall number of pending claims from 448 recorded for the calendar year 2015 to 806 recorded for the calendar year 2016.
3. As regards the timelines for disposing of Small Claims, there was deterioration with the Mean Lead Time increasing from 36 days recorded for the year 2015 to 47 days registered for 2016. The Median Lead Time also increased from 23 days for 2015 to 29 days for 2016. This can be attributed to the fact that there were no Small Claims Performance Reviews held during the year 2016.
4. The Total value of claims concluded by the Courts for the months-January to December 2016 is **Ushs.7, 716,416,000** which translates into a monthly average of Ushs.643, 034,000. This is a significant improvement from the monthly average of **Ushs.481, 397,000 registered** for the year 2015.

5. The SCP Courts registered **1324** claims below Ushs. 10,000,000 in the General Courts vis a vis the **3235** claims registered under SCP which vindicates the fact that SCP has overtaken the ordinary track in terms of filing of claims below Ushs. 10,000,000 by more than 2 times.
6. The Courts registered 223 reviews regarding SCP. This indicates an 8% level of dissatisfaction as regards the Judgments delivered though SCP.
7. However, the number of executions regarding SCP remains high with 776 executions registered for the year 2016. translates into 31% level of failure for SCP to amicably bring Civil-Commercial disputes to conclusion



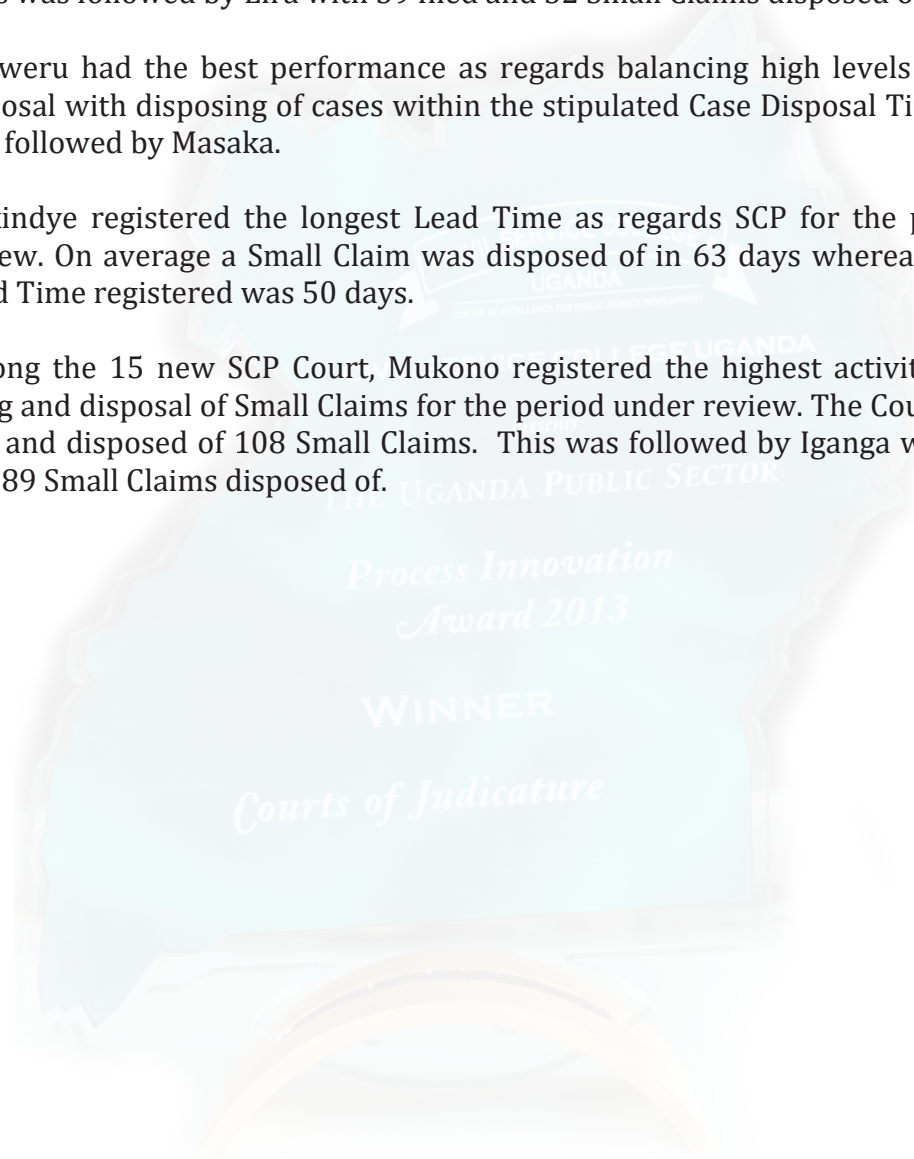
3.3. INDIVIDUAL COURT SCP PERFORMANCE-JANUARY TO DECEMBER 2016

Court Name	BForward from 2015	Filed in 2016	Disposed of in 2016	Pending as at 31 st December 2016	Annual Clearance Rate (%)	Annual Disposal Rate (%)	Mean Lead Time (days)	Median Lead Time (Days)
Makindye	44	266	204	106	77	66	63	50
Masaka	12	222	194	40	87	83	30	30
Kabale	4	112	106	10	95	91	21	19
Arua	17	11	12	16	109	43	53	32
Mengo	91	500	437	154	87	74	44	39
Mbale	12	197	146	63	74	70	61	34
Nakawa	54	359	338	75	94	82	45	28
Nabweru	75	227	276	26	122	91	32	26
Jinja	14	204	188	30	92	86	29	27
Mbarara	8	182	175	15	96	92	20	15
Lira	25	59	52	32	88	62	59	21
Fort portal	4	31	14	21	45	40	9	9
Kasese	2	75	72	5	96	94	Lead time not submitted	Lead time not submitted
Iganga	17	103	89	31	86	74	142	142
Mukono	24	104	108	20	104	84	73	31
Masindi	9	35	23	21	66	52	Lead time not submitted	Lead time not

													submitted
Soroti	0	105	53	52	50	50	50	50	50	50	50	50	Lead time not submitted
Entebbe	6	87	84	9	96	96	90	90	90	90	90	116	Lead time not submitted
Mpigi	3	19	13	9	68	68	59	59	59	59	59	130	Lead time not submitted



1. Among the 11 SCP Pilot Courts, Mengo registered the highest activity as regards filing and disposal of Small Claims for the period under review. The Court registered 500 and disposed of 437 Small Claims. This was followed by Nakawa with 359 filed and 338 Small Claims disposed of.
2. Among the 11 SCP Pilot Courts, Arua recorded the least activity as regards filing and disposal of Small Claims. The Court registered 11 and disposed of 12 Small Claims. This was followed by Lira with 59 filed and 52 Small Claims disposed of.
3. Nabweru had the best performance as regards balancing high levels of filing and disposal with disposing of cases within the stipulated Case Disposal Timelines. This was followed by Masaka.
4. Makindye registered the longest Lead Time as regards SCP for the period under review. On average a Small Claim was disposed of in 63 days whereas the Median Lead Time registered was 50 days.
5. Among the 15 new SCP Court, Mukono registered the highest activity as regards filing and disposal of Small Claims for the period under review. The Court registered 104 and disposed of 108 Small Claims. This was followed by Iganga with 108 filed and 89 Small Claims disposed of.



3.4. VALUE OF CLAIMS RECOVERED, REVIEWS AND EXECUTIONS- January to December 2016.

S/No.	Court Name	Value of Claims Recovered	Number of Reviews	Number of Executions
1	Makindye	251,608,000	156	406
2	Masaka	1,614,821,000	Data on Reviews not submitted	10
3	Arua	96,960,000	Data on Reviews not submitted	Data on Executions Not Submitted
4	Mengo	1,381,419,000	6	0
5	Mbale	367,294,000	10	22
6	Nakawa	985,471,000	Data on Reviews not submitted	103
7	Nabweru	661,526,000	32	142
8	Jinja	538,201,000	2	56
9	Mbarara	637,054,000	4	22
10	Lira	718,261,000	Data on Reviews not submitted	Data on Executions Not Submitted
11	Fort portal	3,033,000	1	5
12	Kasese	Data on Claims not submitted	Data on Reviews not submitted	Data on Executions Not Submitted
13	Iganga	173,370,000	Data on Reviews not submitted	Data on Executions Not Submitted
14	Mukono	162,585,000	Data on Reviews not submitted	Data on Executions Not Submitted
15	Masindi	Data on Claims not submitted	Data on Reviews not submitted	Data on Executions Not Submitted
16	Soroti	Data on Claims not submitted	Data on Reviews not submitted	Data on Executions Not Submitted
17	Entebbe	7,130,000	Data on Reviews not submitted	Data on Executions Not Submitted
18	Mpigi	Data on Claims not submitted	Data on Reviews not submitted	Data on Executions Not Submitted

				Submitted
19	Kabale	251,184,000	Data on Reviews not submitted	10

1. Among the 11 SCP Pilot Courts , Makindye registered the highest number of Executions (406) followed by Nabweru (142).
2. For the Courts that submitted data on reviews, Makindye recorded the highest number of Reviews (156) .
3. Masaka recovered the biggest value of claims (Ushs.1, 614,821,000) followed by Mengo (Ushs.1, 381,419,000).
4. Among the 15 new Court the biggest value of claims was recovered at Iganga (Ushs.173, 370,000).

4.0. SMALL CLAIMS ACTIVITY REPORT FOR 2015 AND 2016

4.1. SMALL CLAIMS PROCEDURE BENCHMARKING TOUR BY RWANDA

The Republic of Rwanda sent a delegation of Officials for the Benchmarking Tour of the Small Claims Procedure. The delegation was comprised of the Head of the Commercial Court, the Head of the Inspectorate, an Official from Doing Business International and an Official from the Legal Assistance for Economic Reform-Rwanda.

The visiting Team was received by the Chairperson of the Small Claims Procedure Implementation Committee, Hon. Mr. Justice Geoffrey Kiryabwire. The Team met with the Deputy Chief Justice, the Chief Registrar, the Small Claims Secretariat as well as other Senior Judiciary Staff.



The Chairperson Small Claims Implementation Committee, Hon. Mr. Justice Geoffrey Kiryabwire Addressing The Rwandese Delegation.

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The Hon. The Deputy Chief Justice Addressing the Rwandese Delegation, The Small Claims Secretariat And Senior Judiciary Staff.

4.2. SMALL CLAIMS STREET OUTREACH PROGRAMME FOR THE NEW 15 DANIDA FUNDED COURTS

Small Claims street outreach programmes have been conducted in Entebbe, Nakasongola, Luwero, Mpigi, Mukono, Iganga, Kasese, and Fort Portal.

In Entebbe, the outreach campaign was conducted in the areas of Nakiwogo, Kitoro, Kasenyi, Kawuku, Kigungu, Abaita Ababiri, Katabi and Kitala on 22nd & 23rd July 2015. In Luwero the outreach campaign was conducted in the areas of in Bombo town, Busula, Wobulenzi, Lukomela, Kasana, Kikyusa, Zirobwe, Busiika and Bamunanika and Luwero town on 19th and 20th August 2015.

Street outreach in Nakasongola was conducted on 28th & 29th October 2015 in Kakoge, Lwabyata, Nakasongola Town Council, Kalongo, Lwampanga, Nakitoma, Kalungi, Nabiswera and Wabinyonyi

For Mpigi magisterial area, outreach campaigns were carried out on 11th and 12th of November 2015, in the areas of Kabasanda, Kibibi, Buwama, Nkozi, Kamengo, Katende, Nsangi, Kiringete, Mpigi Town Council, Kituntu, Muduma and Kalagala.

In Iganga, a two-day street outreach was carried out in Busembatia, Idudi, CMS, Kaliro, Central Market, Nambale, Nabitende, Nawandala, Ibulanku, Buyanga, Nakigo and Namungalwe on 16th and 17th November, 2015.

Street campaigns and sensitization for Mukono took place on 18th and 19th November, 2015 in Kalagi, Kabembe, Wathony, Kame Valley, Kauga, Nabuti, Seeta, Mbalala, Nasutti, Kigunga, Nyenje, Nakabago and Misidy.

Kasese sensitization took place on December 6th and 7th, 2015. The exercise covered the areas of Pombe, Bugoye, Bwera, Ihandiro, Karambi, Karusandara, Kilembe, Kyondo, Muhokya, Katwe

Kabatoro Trading Centre, Mukunyu, Nyakiyumbu, Rukoki, Kisinga, Kitswamba and Kyarumba.

On 7th and 8 December, 2015, outreach campaigns were carried out in Fort Portal in the areas of Kitumba, Kichwamba, Kisenyi, Ibonde, Kabondaire, Mpanga Central Market, Burahya, Kabende, Mugusu town council, Karago, Kijura, Rutete and Karambi.

During the outreach campaigns, various sensitization materials were distributed to the Public as well as sensitizing the public on the use of the Small Claims Procedure. The public also gives feedback to the sensitization team which guides decision making hence improvement in service delivery.

An estimated 25,000 People were reached during these campaigns.



H/W Juliana Kimono of Entebbe Court Hands Out A Small Claims Branded Bag During The Street Outreach Campaign In Entebbe Court

In 2016, the outreach campaigns were conducted for the remaining Courts in Gulu (March 24-25, 2016), Kitgum(March 21-22, 2016), Hoima (May 18-19, 2016), Bushenyi (May 20-21, 2016), Masindi (May 16-17, 2016) Busia (June 14-15, 2016) and Soroti (June 12-13, 2016).An estimated 20,000 people were reached during the campaigns.

The campaign involved engagement of locals in the captioned areas mainly on the streets and at various busy Trading Centers . A select Judiciary Communications team, together with the judicial officers from the targeted court, prior trained in SCP, would engage in the public education together with a few opinion leaders from the area.



Small Claims Street Outreach In A Market In Kitgum

4.3. CONDUCT SMALL CLAIMS MEDIA OUTREACH IN LOCAL LANGUAGES FOR ALL THE DANIDA FUNDED SMALL CLAIMS COURTS.

In 2015, Small Claims radio talk shows and announcements were successfully conducted in Entebbe (July 2015), Luwero (August 2015), Nakasongola (October 2015), Iganga, Mukono, Mpigi (November 2015), Kasese and Fort Portal (December 2015).

In 2016, similar media campaigns were conducted on local/community radio stations – mainly in local languages, in the areas of Gulu (March 2016), Kitgum (March 2016), Masindi (May 2016), Hoima (May 2016), Bushenyi (May 2016), Busia (June 2016) and Soroti (June 2016).

4.4. COURT OPEN DAYS AT THE NEW SMALL CLAIMS COURTS

Court open days were also successfully conducted in Entebbe (24th July 2015), Luwero (21st August 2015), Nakasongola (30th October 2015), Iganga (18th November 2015), Mukono (20th November 2015), Mpigi (14th November 2015), Kasese and Fort Portal (December 2015).

The Court Open days serve as an interface between the public and court staff of a given area. On such events, the public is given an opportunity to report cases of corruption and other issues. The relevant authorities use the information provided to carry out investigations and to hold the culprits accountable. This therefore reduces cases of corruption as the officers are afraid of being pin pointed.



Small Claims Open Day Ceremony at Entebbe Chief Magistrates Court On 24th July 2015

In 2016, 7 more Court Open days were conducted at the Chief Magistrate's Courts of Gulu (March 2016), Kitgum (March 2016), Masindi (May 2016), Hoima (May 2016), Bushenyi (May 2016), Busia (June 2016) and Soroti (June 2016).

Stakeholders for the Court Open Days included members of the Justice Law and Order Sector operating in those Magisterial Areas, members of the district leadership, members of the public as well as representatives of the mainstream media.



Court Open Day in Soroti

4.5. QUARTERLY SMALL CLAIMS REVIEW MEETINGS

Three review meetings have so far been conducted on 13th March 2015, 19th June 2015 and 26th November 2015.

The meetings are a platform for the Judicial Officers and support staff at implementing Courts to discuss performance and challenges faced in the Small Claims Procedure.

For example, during the meeting in June 2015, it was reported that for the period February 2015 to May 2015, there was an increase of 83% in the number of registered cases and an increase in the number of completed claims. Furthermore, in the meeting held in November 2015, it was reported that the total value of claims recovered from all SCP pilot courts during the period June 2015 – October 2015 was UGX 2,589,301,000 (Two billion five hundred eighty nine million three hundred one thousand shillings only).



Participants of The Small Claims Procedure Review Meeting Of 19th June 2015

In 2016, a review meeting was conducted in March 2016 in which one of the major decisions was to have an SCP training manual developed and circulated to all pilot courts. It was also decided that the Small Claims Procedure secretariat prepares records showing the people who have had training in SCP as well as those that have not trained at all in SCP to enable training in a planned approach. The meeting recommended that the rule of the procedure be defined for execution. Furthermore, court open days should be conducted again in the pilot courts to increase on sensitization and Publicity and there is need to provide sensitization materials like Jingles and SCP videos in local languages.



Small Claims Review Meeting March 2016

5.0. CONCLUSION

The Small Claims Procedure has been well received by the Courts users as evidenced by the high number of Case filings in SCP overtaking the Civil Suits under Ushs.10, 000,000 filed in the general Court by 144% in 2016.

The performance outlook points to stability in terms of filing and disposal of Small Claims averaging 268 Small Claims filed per month and 240 Small Claims disposed of per month for the months January to June 2017. This is expected to lead to a sustained growth in the number of pending claims hitting an 1000 - case mark in the month of June 2017.

End of Report

ANNEX 1:

Akijul Ltd conducted a Baseline Survey of the Small Claims Procedure's Monitoring and Evaluation Framework. Below is an extract of the Executive Summary, Summary of the findings for the Study and Summary of Feedback on the Small Claims Procedure from the Final draft of Consultant's Report.

Executive Summary

1. The Judiciary's mission is to establish *an independent, competent, trusted and accountable Judiciary that administers justice to all*. These themes reflect the broader Justice Law and Order sector's aim to *improve the safety of the person, security of property, observance of human rights and access to justice for accelerating growth, employment and prosperity* by working to ensure progress in access to justice, internal systems reform and external accountability reforms.
2. The introduction of small claims procedures (SCP) in Uganda's magistrates' courts is an important step towards achieving these aims. These procedures aim to improve access to justice, especially for poor people; strengthen the administration of justice; and contribute to Uganda's economic development. In line with priorities in Uganda's National Development Plan, the SCP contributes to the enabling environment for commercial agreements to be made and enforced by creating a fast track dispute resolution mechanism for civil-commercial claims with values under Ug Shs 10million. The procedures minimise legal and procedural technicalities, introducing new roles for magistrates as an inquirer and mediator, excluding technicalities such as cross-examination, and including increased informality and an emphasis on mediation within the proceedings. The SCP is particularly orientated toward individuals and micro, small and medium sized enterprises. The type of civil-commercial disputes dealt with by the SCP include: disputes over land; failure to pay rent; supply of goods (for example faulty goods, failure to pay); supply of services (for example unsatisfactory supply or failure to pay); loans (failure to repay); and fraud on the part of employees.
3. This survey of the SCP was commissioned by the DFID-funded Legal Assistance for Economic Reform (LASER) programme on behalf of the Ugandan Judiciary to contribute to the baseline data for the SCP monitoring and evaluation (M&E) framework. LASER previously supported the Judiciary to develop the M&E framework and roll-out strategy for the SCP.
4. The survey was carried out in 11 magistrates' courts where the SCP was originally piloted; and four other courts from the third phase of the roll out of the project. The

data collection tools used included a court user survey questionnaire, focus group discussions (FGDs) and key informant interviews (KIIs). A combination of random and purposive sampling was undertaken on the survey sample size of approximately 2,400 cases registered in 2015.

5. The baseline found that nearly three quarters of plaintiffs surveyed have *made positive changes to their economic behaviour* as a result of the SCP; that almost half of plaintiffs surveyed would not have used courts for dispute resolution before the introduction of SCP and *that a total of Ug Shs 9,609,600,000 business capital is no longer under dispute as a result of SCP*. These findings indicate that SCP have increased access to civil-commercial justice in the pilot courts and improved the business environment for users.
6. Efficiency, effectiveness, accessibility and trust in the SCP were all rated highly by survey respondents. Over 80% of users rate their trust in the integrity and the accessibility of the SCP across a range of indicators as high. Feedback from users also highlighted the difference in the complex ordinary civil procedure compared to the simple and easily accessible nature of SCP. Efficiency and effectiveness data corroborates the positive feedback: over 60% of cases from the sample courts are resolved within a 30 day timeframe and 70% of defendants comply with SCP decisions without plaintiffs having to resort to execution.
7. The SCP has had a wider impact on the functioning of the courts by ensuring a 55% decline in the number of claims in the standard court procedure under the value of Ug Shs 10 million.
8. The positive impact of the SCP includes a financial contribution to the economy through releasing capital to the economy that would otherwise be tied up in disputes. A LASER cost benefit analysis, undertaken in February 2016 to assess the return on investing in a nation-wide roll out of the SCP, found that the estimated benefits of a roll out exceeded costs by 8:1. The baseline survey included an assessment of the value of civil-commercial claims finalised through the small claims procedure relative to the cost of running the SCP over a particular time period as an indicator of the efficiency of the initiative (how well financial resources are converted into outputs). The value of claims finalised by the SCP in financial year 2015/16 exceeded the costs of running the SCP in the same financial year by 11 to 1. This difference is due to the actual costs of implementing the SCP and roll out in the financial year used for the baseline survey was lower than estimated.

9. The baseline methodology is detailed in chapter 1 and the findings of the baseline survey in chapter 2. Chapter 3 summarises additional successes and outlines feedback received about possible future changes that could be made to further improve the performance of the SCP.
10. Efficiency, effectiveness, accessibility and trust in the SCP were all rated highly by survey respondents. Over 80% of users rate their trust in the integrity and the accessibility of the SCP across a range of indicators as high. Feedback from users also highlighted the difference in the complex ordinary civil procedure compared to the simple and easily accessible nature of SCP. Efficiency and effectiveness data corroborates the positive feedback: over 60% of cases from the sample courts are resolved within a 30 day timeframe and 70% of defendants comply with SCP decisions without plaintiffs having to resort to execution.
11. The SCP has had a wider impact on the functioning of the courts by ensuring a 55% decline in the number of claims in the standard court procedure under the value of Ug Shs 10 million.
12. The positive impact of the SCP includes a financial contribution to the economy through releasing capital to the economy that would otherwise be tied up in disputes. A LASER cost benefit analysis, undertaken in February 2016 to assess the return on investing in a nation-wide roll out of the SCP, found that the estimated benefits of a roll out exceeded costs by 8:1. The baseline survey included an assessment of the value of civil-commercial claims finalised through the small claims procedure relative to the cost of running the SCP over a particular time period as an indicator of the efficiency of the initiative (how well financial resources are converted into outputs). The value of claims finalised by the SCP in financial year 2015/16 exceeded the costs of running the SCP in the same financial year by 11 to 1. This difference is due to the actual costs of implementing the SCP and roll out in the financial year used for the baseline survey was lower than estimated.

Findings of the Study

The table below establishes the baseline against the indicators in the SCP logframe.

Result Area	Indicator(s)	Baseline
IMPACT: Increased access to civil-commercial justice and improved business environment in Uganda	A1.1 Proportion of surveyed plaintiffs who would not have used courts for dispute resolution before SCP	42.9%
	A1.2 Evidence of positive changes in the business environment of Uganda as a result of the SCP	<i>Documentation of one positive impact of SCP on business transactions</i>
	A1.3 Proportion of surveyed plaintiffs who say their economic behaviour has changed positively as a result of the SCP	72.0%
	A1.4 Value of business capital no longer under dispute due to SCP	9,609,600,000/=
OUTCOME: An efficient, effective, accessible, and trusted small claims procedure for civil-commercial cases	B1.1 Proportion of small claims per year finalised within 30 days	Overall - 62%; Central – 50%; North 69%; East 73%; West 87%
	B1.2 Mean annual case disposal rate across all small claims courts	Overall - 70%; Central – 71%; North 49%; East 75%; West 73%
	B1.3 Proportion of surveyed plaintiffs who rate the quality of the small claims procedure as high	58.8%
	B1.4 Proportion of surveyed plaintiffs who trust the integrity of the SCP	85.7%
	B1.5 Proportion of surveyed plaintiffs who rate the SCP as easily accessible	91.3%
	B1.6 Proportion of Court Users who had Physical access to SCP (within 20Km of SCP court)	81.7%

Result Area	Indicator(s)	Baseline
	B 1.7 Proportion of Court Users who reported that it is easy to access the SCP registry	98.1%
	B 1.8 Proportion of Court Users who reported that it is easy to access the clerk in charge of SCP	96.8%
	B1.9 Proportion of Court Users who reported that it is easy to access the Judicial Officer in charge of small claims	88.7%
	B1.10 Proportion of defendants that comply with SCP decisions without resorting to execution	69.8%
	B1.11 Proportion of defendants that are served with summons under the SCP within the legal timeframe- (7 days)	67.7%
	B1.12 Average distance travelled by plaintiff to access SCP	10Km
	B1.13 Decline in number of claims in standard court procedure under the value of USh10million over time	Overall - 55%; Central – 69%; North 52%; East 68%; West 74%
	B1.14 The value of civil-commercial claims finalised through the small claims procedure relative to the cost of running the SCP over time	11:1 (Including the cost of rollout to new courts)
OUTPUT C1: Clear and appropriate SCP rules in place and	C1.1 Proportion of magistrates' courts in Uganda with SCP in operation	24%

Result Area	Indicator(s)	Baseline
operationalized	C1.2 Number of best practices or lessons from the pilot that result in a revision of the SCP rules per year	0
OUTPUT C2: All Judicial Officers and support staff across all small claims courts fully knowledgeable in implementation of small claims procedure	C2.1 The number of JOs and support staff trained as a percentage of all relevant staff	20%
	C2.2 The percentage of trained JOs and support staff rating the training received as high quality	30%
OUTPUT C3: Increased public awareness of SCP and costs of using SCP minimised	C3.1 Estimated number of people reached by SCP awareness raising activities	4,000,000
	C3.2 Independent annual review of SCP user fees and transport costs, to assess whether user costs are as low as possible (Y/N)	N
OUTPUT C4: Clear definition of methods for measuring SCP results, together with efficient and effective collection and management of relevant court data	C4.1 Proportion of courts that submit completed data sets in time	39%
	C4.2 Results of Quarterly verification exercise to assess the consistency of court level data management	NA

Summary of Feedback on the Small Claims Procedure

The survey team used the opportunity of engaging with court users, court staff and business to solicit broader feedback on the SCP. Key benefits and challenges are presented here. The findings resonate with feedback obtained during the evaluation of the pilot and provided by judicial officials during SCP pilot meetings.

Benefits

Over 80% of court users rated their overall satisfaction with SCP as good, very good or excellent. Supplementary comments included:

- SCP procedures are clearer and more transparent than the ordinary civil rules.
- Separate offices to handle small claims contribute to greater efficiency of the SCP.
- There are fewer adjournments at the SCP.
- It is cheaper to resolve cases at the SCP primarily because lawyers are not required.
- SCP judicial officials are available at court, approachable, open and easily accessible. They were found to be attentive and provide information and updates on cases. They were described as 'hospitable', 'friendly', 'helpful', 'cooperative', and at 'our disposal'.

Judicial officials felt that the less formal, non-adversarial and more conciliatory nature of SCP ensured that it was more user friendly. The parties are able to own the process and the outcome without involving lawyers and technicalities of courts are avoided. SCP solves issues amicably as parties even agree on a payment schedule. Proceedings are sometimes conducted in a local language.

Challenges

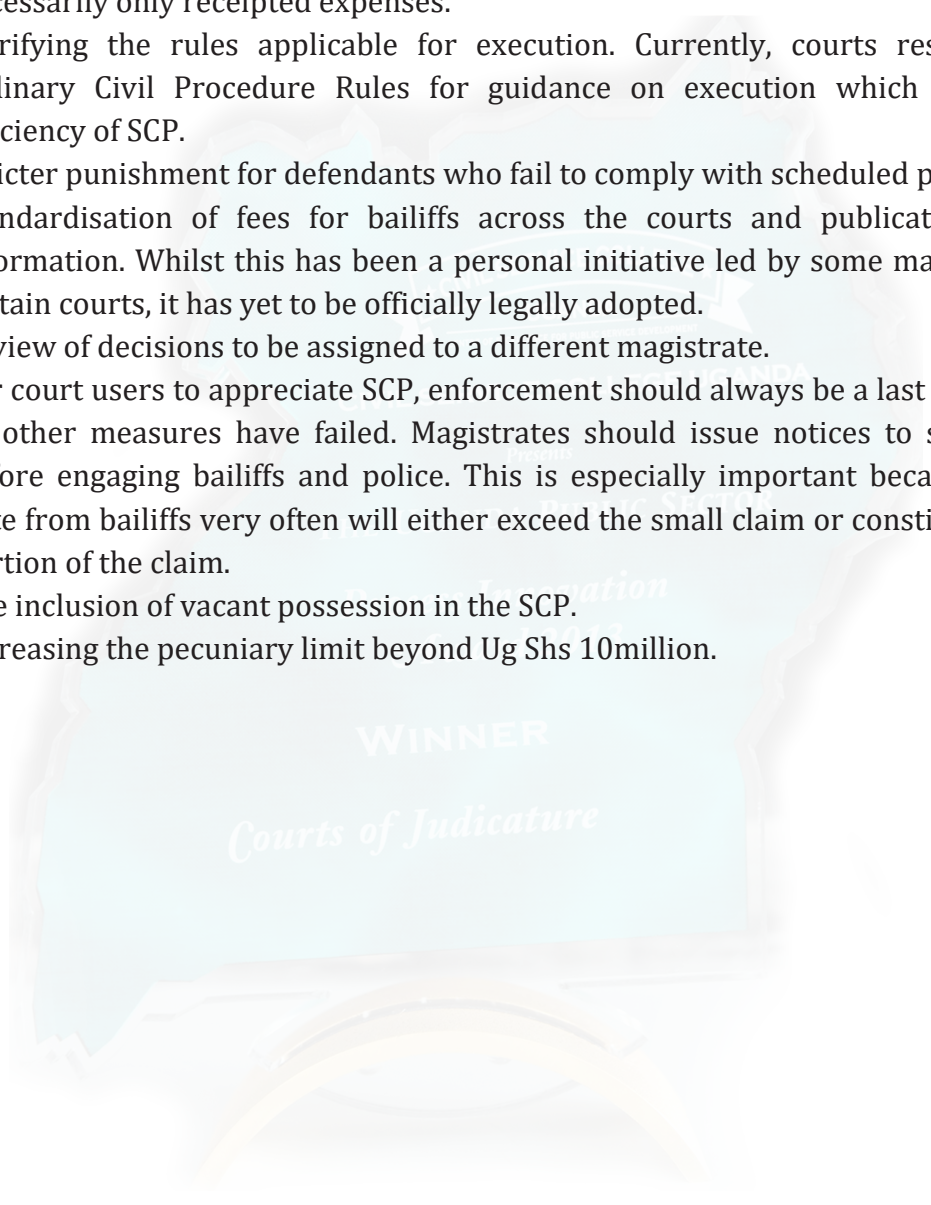
Respondents also provided feedback about areas that could be addressed to improve the performance of the SCP:

- The cost of execution is extremely high for the 30% of cases that require execution.
- Further awareness raising about the SCP is required in remote regions.
- Information about SCP should be disseminated in markets where many SCP disputes arise.
- Information regarding costs awarded and incurred at the SCP should be made more available.
- Efforts should be made to further educate lawyers about the benefits of the SCP for court users.
- Training of judicial officials and court staff should be conducted at all levels. All judicial officers should be trained on SCP and this should be an integral part of the general training of judicial officers.
- Knowledge sharing between courts should be encouraged.
- Funding gaps should be addressed by the Judiciary and monies disbursed in a timely manner.
- A more controlled and structured approach to the transfer of judicial officers should be considered to ensure continuity at SCP courts. The survey established that some magistrates trained in SCP have been transferred to courts that do not have SCP while the reverse is also true.
- Special magistrates should be assigned to SCP as opposed to letting all magistrates within a particular court handle small claims cases.

- Measures should be considered to address the possible abuse of SCP by money lenders.

Specific suggestions made by respondents (both court users and judicial officials) regarding potential changes to the SCP procedures and processes include:

- Costs paid by defendants should be reviewed to include all expenses, not necessarily only receipted expenses.
- Clarifying the rules applicable for execution. Currently, courts resort to the ordinary Civil Procedure Rules for guidance on execution which affects the efficiency of SCP.
- Stricter punishment for defendants who fail to comply with scheduled payments.
- Standardisation of fees for bailiffs across the courts and publication of this information. Whilst this has been a personal initiative led by some magistrates in certain courts, it has yet to be officially legally adopted.
- Review of decisions to be assigned to a different magistrate.
- For court users to appreciate SCP, enforcement should always be a last resort after all other measures have failed. Magistrates should issue notices to show cause before engaging bailiffs and police. This is especially important because the fee note from bailiffs very often will either exceed the small claim or constitute a large portion of the claim.
- The inclusion of vacant possession in the SCP.
- Increasing the pecuniary limit beyond Ug Shs 10million.





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