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# LEGAL INNOVATION IN ACTION: JUSTICE USERS' EXPERIENCES IN UGANDA

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**Abstract:** Access to justice remains a global challenge and in Uganda, four in ten people have at least one legal problem every four years, yet seven in ten of the legal problems are not resolved. While innovation is critical to changing the status quo, most innovations have been mostly informed by what legislators and legal practitioners need to do their jobs better, without understanding the needs of the people they serve.

**Keywords:** Access to Justice, Justice-Service-Users, Innovation, Uganda, Technology, Local Communities

## Introduction

84% of the population has had at least one legal problem in four years and 70% of all these legal problems are not Access to justice remains a global challenge with over 1.4 billion people having an unmet justice need and more than half (51%) of the legal problems not resolved annually (World Justice Project, 2019). In Sub-Saharan Africa, the situation is considerably worse, with 42% of people facing legal problems, not obtaining legal counsel, and the proportion accessing legal formal justice institutions experiencing critical challenges including long delays (60%), not understanding legal procedures (47%) and are not able to pay legal cost (38%) (HiiL, 2020). In Uganda, resolved or resolution is perceived as unfair (HiiL, 2020). Access to Justice is "the ability of people, businesses, and communities to obtain an effective and timely resolution of legal needs and enforce their rights, in compliance with human rights obligations" (OECD, 2023; Afrobarometer, 2017). It is a basic principle of the rule of law that aims to create a fair and just environment for individuals to seek a remedy for the breach of their rights (OECD, 2023). Access to Justice in Uganda is undermined by several factors including social relations Environment, physical location and inability to reach services, costs, the digital divide, and lack of legal information, among others (Creutzfeldt et al., 2021). Social relations affect interactions and actions of people directly or indirectly, impacting decisions to either seek or not seek help. This is compounded by issues of privacy, feelings of shame, and fear of stigmatization. Only 18.2% of the people in rural areas in Uganda are able to access a magistrate court within a distance of 5 km, (Creutzfeldt et al., 2021). Most Justice Service centers remain in urban areas and mostly in the central region creating a physical barrier that may result in those in need feeling unable to close the distance gap and choosing to relinquish their rights (HiiL, 2021a). To change the status quo,

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innovation is critical in improving and finding new ways of accessing justice. Several innovations towards increasing access to justice have been implemented in various parts of the world, more so, in crisis times, like the recent COVID-19 pandemic lockdowns (Sourdin et al., 2020; Dubin, 2018; Brescia et al., 2014; HiiL, 2015). Such innovations have included virtual/online court sessions and electronic exchange of documents in places these had not been attempted before, as well as court case management systems, availability of self-help tools through websites and E-kiosks, among others (Dubin, 2018; Saxena, 2024; Brescia et al., 2014). In Uganda, although guidelines for online hearings and online judgment delivery were issued during the pandemic period, few courts were digitized, most of which, are located in urban areas (Owor, 2022). Other innovations in Uganda include the use of socio-media like Facebook and WhatsApp to provide legal information to those in need and the use of Short Message Service (SMS) and voice technologies (HiiL, n.d). None-technological innovations encompass the promotion of legal literacy through the use of paralegals and law students to offer legal information and aid, the establishment of justice centers, and conducting awareness outreaches in communities in need (Creutzfeldt et al., 2021; IDLO, n.d). Innovations have however been mostly informed by the legislature, justice institutions, and experts, often shaped by what legislators and legal practitioners need to do their jobs better, without fully understanding the needs of the people those institutions and actors serve (Hagan, 2019). As such, these solutions are usually theoretically excellent, but ineffective in meeting the increasing demand for justice. Successful innovations are usually those whose value matches the actual value of users (Campos, 2021). The need to start with client/user experience and then work backward to provide solutions to meet the need is paramount (Campos, 2021). Studies that have attempted to understand user's perspectives towards access-to-justice innovations are limited and most of them were focused on understanding participatory approaches that can be used to involve users in innovation design and development. This study takes a step further by conducting a survey among individual users of the justice system to understand their knowledge and perspectives on the existing innovations and obtain views on how access to justice can be increased. To our knowledge, no other study has assessed knowledge on access-to-justice innovations in Uganda, through the lens of the end-user. The study sought to answer the following research questions; what are the perspectives of users regarding access to justice in Uganda, what is their knowledge of innovations that have been put in place to increase access to justice and in their view, what can be done to increase access to justice in their communities. The study provides answers to these pivotal questions examining differences that may result in users' age and education level. Findings from the study are critical for the planning and development of innovations and policies that meet users' needs more efficiently and effectively.

## **Materials and Methods**

### **Study Design**

A cross-sectional survey was conducted among users of the justice system, enrolled at police stations, magistrate courts, or high courts, located in three regions in Uganda; north, east, and central. The northern region is mainly rural, the east peri-urban, while the central mainly urban. In each region, only districts with a high court were selected for inclusion in the study. To obtain more views from the rural population, two districts (Lira and Gulu districts) were selected in northern Uganda, while, one district each was selected from the central (Kampala district) and Eastern (Mbale district) regions. In each district, the high court and chief magistrate were selected. In addition, using simple random sampling, three magistrate courts and three police posts were randomly selected

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for inclusion in the study. All users present at these institutions, on the 2 survey days (weekdays), were selected and interviewed. Fieldwork was conducted between Aug.-Oct. 2023.

### Sample Size

The formula:  $\text{Sample size } n = \frac{1.96^2 P(100 - P)}{\varepsilon^2}$ , where, P is the assumed population value of the parameter of interest and  $\varepsilon$  is an error of precision (Bruce et al., 2008), was used to obtain the minimum sample size required for the study. The justice needs and satisfaction survey showed that 84% of Ugandans had a justice need every year (Hiil, 2020). With  $P = 0.84$  and  $E = 0.05$ , the minimum sample size was estimated to be 206 users. From the field, a total of 372 respondents were included in the survey, Seventy four 74% (275) were from the northern region, 20% (73) were from the east, and 6% (24) were from the central region.

### Sampling

At each of the justice institutions included in the survey, all users present on the day of the survey were interviewed. This ensured that users with differing challenges were included in the study. Interviews were conducted between 9 am to 4 pm.

### Data Collection and Analysis

The questionnaire used in the study was adapted by the study team from existing literature (Hiil, 2021a-b; World Justice Project, 2019; Afrobarometer, 2017; Kabaseke and Kitui, 2022). The following data was collected, respondents' age and education, whether they thought it was easy to access justice in Uganda, awareness of procedure to follow if they need justice, innovative ways the government and other stakeholders have improved access to justice, ways government and other stakeholders have reduced costs of accessing to justice, and ways government and other stakeholders have used technology to improve and increase access to justice. In addition, their views were sought on how to make it easier to access justice and make access to justice cheaper and faster. Respondents were also asked if they would find it acceptable to put legal help resources in shopping malls, markets, churches, and schools. Furthermore, respondents were asked if they have ever used a phone laptop or other Information, Communication and Technology (ICT) gadgets to access legal information or access to justice resources and platforms and applications they have used including Facebook, WhatsApp, websites, google, or text messages. Data was entered into an electronic database and analyzed using SPSS 16. Some variables were precoded including age group and education while others were text and open-ended. All open-ended text questions were coded using a codebook developed for the study. Frequency tables were generated to obtain summaries for each of the variables, and further cross-tabulations were performed to assess differences between groups in regard to age as well as level of education.

### Ethical Considerations

The study was conducted in accordance with the principles of the Declaration of Helsinki. Prior to the interviews, data collectors explained to the respondents the purpose and objectives of the study, how the information would be used, the confidentiality of data that can be used to identify respondents-only respondent initials were obtained in the study, and the voluntariness of participation that the respondents were free to stop the interview at any point without any penalty. It was also elaborately explained that participation in the study would not result from any reward and consent was received from all respondents before the interview.

### Results

A total of 372 respondents were included in the survey, 44% percent were aged between 18-30 years, 25% were 31-40 years, 15% were 41-50 years and 16% were 50 or more years. The majority (35%) of the survey respondents

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had primary level education, 30% had ordinary level, 14% had advanced level and 21% had a university degree. Only 0.9% of the respondents had no formal education. Over 70% of the respondents were obtained from courts, with the remaining 30% obtained from police posts.

### **Perceptions of Access to Justice**

When asked if it is easy to access justice when needed, 59% noted that it was not easy. Respondents aged 41+ years (71%) were more likely to report that it was not easy compared to those 18-40 years (53%). Similarly, those with primary education (71%) were more likely to say, it was not easy to access justice, compared to those with secondary-level education or higher (50%). Respondents were also asked if they knew the procedure to follow should they need to access justice, 48% of the survey respondents did not know. Those with primary or no formal education (57%) were more likely to report a lack of this knowledge, compared to those with secondary or higher (43%). There was no statistically significant difference between age groups.

### **Innovative Ways Government and Other Stakeholders are Increasing Access to Justice**

Results showed that 54% of the respondents reported awareness of innovations the government and other institutions were implementing to improve access to justice. Respondents aged 18-40 years (59%) were more likely to report awareness of these innovations compared to those 41+ years (42%). There was a significant difference in awareness between those who had completed primary education (49%) compared to those with secondary level and more (56%). Several innovations were reported and these did not vary by either age group or level of education. The most commonly reported was awareness campaigns at the community and grassroots levels (28%), followed by the use of mediation to resolve justice needs (24%), use of the village local councils and traditional leaders (16%), availability of a functional police post (7%) and availability of community-based non-governmental organizations who provide legal services at that level. Respondents were also asked if there were ways and innovations implemented by the government and other stakeholders to reduce costs in accessing justice and only 33% said yes. The majority of those who reported yes had secondary or more education (70%) and were 18-40 years of age (77%). The most commonly disclosed approaches included pro-bono services (16%), legal aid (12%), mediation (15%), justice services being brought closer to the people (12%), community awareness/sensitization campaigns (12%) and use of community leaders to provide justice. No differences were observed in age group and education level. Regarding the use of technology, four in ten respondents reported awareness of technological innovations in improving access to justice. However, respondents with primary education (29%) were less likely to know about such innovations compared to those with secondary/higher education (46%). Similarly, respondents aged 41 and more years (34%) were less likely to report awareness of technological innovations compared to 18-40 years (44%). As seen in Table 1, the majority of those aware of technological improvements noted the use of mass media including national and community radios, TVs to sensitize the public on various justice-related issues, followed by reporting cases using mobile phones (14%) and use of CCTV camera footage (10%). The use of CCTV cameras was mostly reported by those 18-40 years old and those with higher levels of education. As shown in Table 1, some respondents reported the use of social media (Facebook and WhatsApp) platforms to obtain legal information and toll-free lines report cases on top of legal information. Only 4% mentioned the use of virtual meeting technologies or the availability of online case-filing systems. Social media platforms were only mentioned by those in the higher age group. Recommendations to Improve Access to Justice to obtain justice users' views on possible solutions, respondents were asked to propose ways on how access to justice could be made easier, cheaper, and faster. Over

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65% of the respondents provide recommendations/solutions on ease and 50% on making access cheaper and faster. Table 2 outlines the various proposals from the study respondents. These proposals did not significantly vary between age groups or levels of education.

**Table 1:** Ways government agencies and other organizations were using technology to improve and increase access to justice

Use of technology to increase access to justice	Primary education (%)	Secondary or more (%)	
		Overall (%)	
Radio/Community Radio/TV sensitization/mass media	48	28	34
Reporting matters to the police and other authorities through telephone	25	10	14
CCTV cameras/cameras on roads	3	12	10
Toll-free numbers	0	10	7
Use social media - (Facebook, WhatsApp) to send Law related Information		06	4
Use of Zoom/Google Meet	0	5	4
Online case filing system (in Uganda named ECCMIS)	3	4	4
Use of phones to collect evidence	0	5	4
Use of technology to follow up cases	0	4	3
WhatsApp groups to report cases	3	1	2

**Table2:** User recommendations to make access to justice easier, cheaper, and faster

User Recommendations	Percentage of respondents (%)
<u>Making access to justice easier</u>	
More services at the grassroots	12
Community sensitizations on rights, justice procedures, etc.,	33
Address corruption	13
Teach justice officers investigative skills	5
Minor cases should be handled at the community	5
Promote mediation	4
Educate police	5
Simplify processes	3
<u>Making access to justice cheaper</u>	
Address corruption/bribery	43
Free consultation/free legal aid	13
Bring services nearer	9
Empower local council courts	9
Promote Alternative dispute resolution/mediation	5
Reduce bureaucracy	2
Provide information on how to access justice	2
<u>Making access to justice faster</u>	

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Increasing magistrate courts/judges, magistrates, community courts	20
Community sensitizations	9
Improved follow-up of cases	9
Minor cases should be handled at the village level	5
Reduce lengthy processes	2
Alternative Dispute Resolution	5
Improve investigators	5
Address corruption	6
Put timelines on addressing justice matters	5

Making access easier: Respondents outlined several solutions to make access to justice easier, with a substantial proportion centered on community-level programs including community sensitizations of human rights and justice procedures among other legal information (33%), provision of justice services at the grassroots (12%) and handling of minor cases at the community (5%). Other solutions encompassed addressing corruption (13%), capacity building, and training of police in various aspects of justice including investigative skills. Making access cheaper: To make access to justice cheaper, 4 in 10 respondents noted the need to address corruption, elaborating that corruption was one of the biggest roadblocks to cheaper and quicker access to justice. Other solutions emphasized community engagement including bringing the services nearer to the people (9%) and empowering local councils (9%), while others advocated for promoting alternative dispute resolutions, providing free legal consultations for those who cannot afford them, and reducing bureaucracy as seen in Table 2. Making the process faster: To make access to justice faster, majority of the users interviewed proposed improvement in the justice infrastructure encompassing increasing courts (magistrates and community courts), and personnel (judges, magistrates, etc.,) (20%). Other solutions in this aspect included improved follow-up of cases (5%) and institutionalizing timelines to address various justice matters. As can be seen in Table 2, some solutions were proposed to address all or at least 2 of the above components and these include addressing corruption bribery, community sensitizations on various issues on how to access justice and related procedures, and use of alternative dispute resolution mechanisms like mediation.

Placement of Legal Resources in Various Avenues

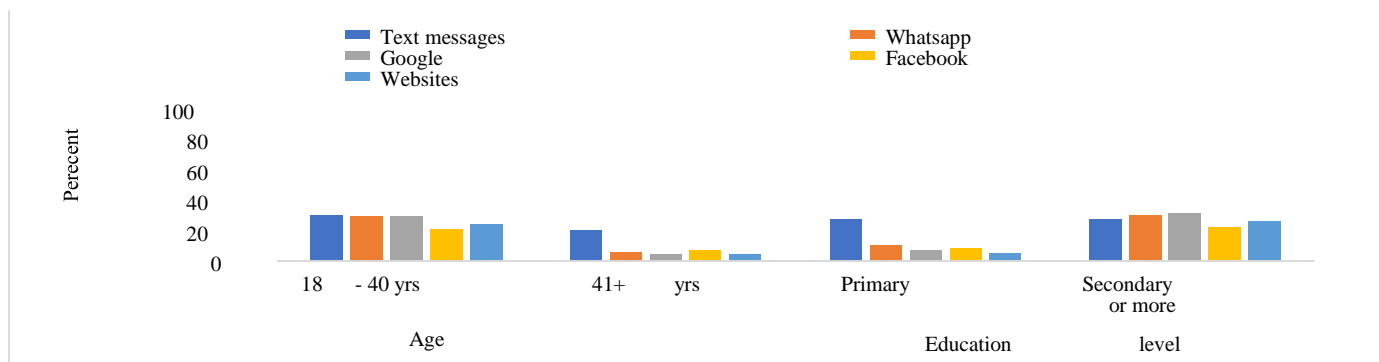
When asked for their opinions regarding placement of resources related to access to justice in various public spaces, almost 4 in 10 of those surveyed were comfortable with putting these resources in churches and designated local council offices/spaces, 3 in 10 proposed having resources at markets and schools, while only 8% were comfortable with placing resources at shopping malls.

Use of Gadgets and Technological Platforms to Access Justice

Data analysis showed that the use of gadgets and technological platforms was low. Only 32% of the respondents reported using these gadgets, with those aged 18-40 years (39%) more likely to have used them compared to their older counterparts aged 41+ years (17%) as seen in Fig. 1. Similarly, respondents with secondary level education or more (45%) were more like to have used phones laptops to access legal information or services compared to those with primary or lower level education (11%).



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**Fig. 1:** Platform used to access legal information/justice services

Respondents reported using the following platforms, phone text messages (27%), WhatsApp (22%), Google (22%), and Facebook (17%), as seen in Fig. 1.

## Discussion

This study sought to understand users' knowledge and perspectives on innovations towards increasing access to justice in Uganda. While previous studies on innovations in access to justice have focused on mainly identifying innovations and innovators, who are more often justice institutions and professionals, this study focused on justice service users' understanding, views, and opinions on existing innovations and more importantly obtained user's recommendations on how to make access to justice easier, cheaper and faster. Findings provide insights on how to increase access to justice using a lens that was not previously widely explored, yet critical for informing future development of innovations and formulation of policy to meet users' needs in an efficient and effective manner. The study showed that over half of the respondents thought it was not easy to access justice when needed, with this issue exacerbated by level of education and age group. The less educated and older the users, the harder they perceived it to access justice. In addition, almost half of the respondents reported a lack of knowledge of procedures to access justice when needed. These findings suggest that despite ongoing attempts to avail the information, the law and related processes are still unfamiliar and complicated from the perspective of those who need justice. These results are comparable to a study conducted among victims of gender-based violence in Uganda that showed that the victims lacked knowledge of the law (Kabaseke and Kitui, 2022) and the World Justice Report 2019 that indicated that only 54% of those in the survey knew where to get advice and information (HiiL, 2021a). This, therefore, underscores the need to have innovations that provide more and better understanding of and also simplify procedures for accessing to justice. This study also sought users' knowledge of existing innovations in access to justice and further gave suggestions on what could work better. The most common innovations reported included sensitization campaigns at the community and grassroots, the use of mediation to resolve issues, the use of the village local council and traditional leaders, and the availability of a functional police post. Awareness of these among the users could indicate their spread, importance, and utility accorded to them. Users made recommendations on how to make access to justice easier, faster, and cheaper, with some of the recommendations common among the three aspects; addressing corruption/bribery, community sensitizations on various issues how to access justice and related procedures, and use of alternative dispute resolution mechanisms like mediation. The need to address corruption as a recommendation to make access to justice easier, cheaper, and faster underscores the desire of justice users to have this overarching justice system

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handicap resolved. Corruption can be a barrier to the effective administration of justice and a recent study, using data from 113 countries, empirically showed that corruption had an independent and strong relation to access to justice (Pedersen and Johannsen, 2022). As the study participants recommended, addressing this vice is therefore critical for increasing access to justice. The importance of community sensitizations has also been noted by other studies, but these recommended increasing access to justice in fragile settings and among marginalized and vulnerable groups (Bosio and Jaramillo, 2023; Jacobs, 2011). To make access to justice faster, a considerable proportion of respondents mentioned the need to have services closer to where the people live. This is probably because a bigger proportion of the population live in rural areas, where the average distance to the nearest court is for many, an insurmountable challenge. Previous studies in Uganda have shown that only 18% of those living in rural areas have access to magistrate court within a distance of 5km, on top of challenges in raising resources for transportation to relevant institutions (HiiL, 2021a). Innovations focusing on bringing services closer to the people are likely to result in meaningful and more appreciated impact. A key recommendation similar to bringing justice closer to the people was empowering community local councils to provide justice. Community local councils work alongside formal courts and are perceived as accessible, quicker, affordable, user-friendly, and culturally sensitive (OECD 2023; Uganda Police Force, 2023; Khadiagala, 2001). Others have noted that local councils are widespread, suitable to meet the needs of the majority of the people mostly in rural areas, and have the capacity to provide satisfying and fast resolutions (Justice and Secretariat, 2020). It is therefore imperative to note that innovations around this structure can go a long way in meeting the justice needs of the population and would have the potential for significant impact. This is complemented by a study that assessed the financing gap for people-centered justice services and noted that community-based innovations are critical in improving the efficiency and cost-effectiveness of justice services (Gao et al., 2023). Advocacy for the use of digital tools and ICT to improve and increase access to justice has been going on for a while (Kitoogo and Bitwayiki, 2010). This study, however, showed that these tools were still not widely used to access legal information/help. This may be due to challenges in accessing a mobile phone and/or internet. A recent study that involved interviewing a nationally representative sample of 2,400 adult Ugandan citizens across 110 districts showed that while 51% owned a mobile phone, only 26% of Ugandans owned a mobile phone with internet access and only 11% had access to a computer in their household. Evidence further revealed that access to these technologies was by far less common in rural areas and poor households than in cities and wealthy households (Kakumba, 2022). Another cross-sectional study among young adults aged 18-24 years attending a health clinic in Kampala, Uganda, showed that while mobile phone ownership was high, there was low internet access at only 34% (Wanyama, 2018). The Uganda national household survey conducted in 2020 indicated that only 9% of the population aged 18 and above years had utilized the internet for any purpose and these were more likely to have completed secondary school and residing in Kampala. Internet use in other areas like northern Uganda was less than 3% (UBOS, 2021). These challenges undermine the uptake of technological innovations towards increasing access to justice. This study showed that, although less known, there are existing technological innovations that have the potential to impact the access to justice landscape in delivering quicker and cheaper services. These include the use of virtual meeting platforms (zoom, Google Meet, etc.) for court sessions, digitally reporting cases, and the initiative for electronic filling of cases led by the government of Uganda. Efforts should be intensified to put to scale and importantly increase awareness of these. The study further provided evidence on the choice of places acceptable for the provision of justice and legal resources to those in need. To our knowledge, no study in Uganda has provided data



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to show the possible acceptability of such public places in the provision of access to justice. A substantial proportion of the respondents reported churches/mosques, local council offices, and markets as places where legal information and resources can be obtained. These can be new or alternative places for outreaches, mass sensitizations, and legal clinics. This is beyond the role of consolation the church has mainly played when members are faced with a justice need (Porter, 2015).

### **Conclusion**

This study has significantly contributed to the understanding of innovations in access to justice in Uganda, providing evidence of awareness (or a lack thereof), use and what would be relevant, from the lens of the users. The study further showed that awareness and use of technology in access to justice was still limited and concerted efforts are required to boost this gold mine. Insights and users' recommendations provided in this study are critical for successful planning, development, and scaling of innovations to meet justice users' needs. Future research could focus on understanding the feasibility and acceptability of innovative solutions to increase access to justice in Uganda.

### **Limitations of the Study**

The results presented in the study are not representative of the entire Uganda. The study was only conducted in northern, eastern, and central regions, with most of the respondents obtained from northern Uganda. In addition, interviews were conducted for 2 days a week at each justice service-providing center. The study acknowledges possible biases that could result from the systematic selection of users. For instance, on the day the survey was conducted, the court could be receiving only cases for gender-based violence or family-related matters. This bias was however minimal because institutions were visited on any day of the week.