



THE CASE OF

# Bataka Court Model

COMMUNITY JUSTICE SERVICES

March 2022

## Key facts and figures



Year of establishment

**2014**



Scope of service

**Civil justice problems and petty crime**



Type of justice problems addressed

**Civil justice problems including disputes related to land, family, neighbours and petty crime**



Geographical scope

**2 districts in Uganda**



Legal entity

**Privately run foundation**



Regulatory embeddedness

**Private**



Costs of services for citizens (average and range)

**Free, no cost**

# Introduction

*Bataka Courts* literally translated as ‘Ordinary Citizens Courts’ is a community justice service based in Kagadi district of Uganda. It aims to increase access to justice for the poor by enabling local leaders to deliver justice services. It was conceptualised in the year 2012 with the support from DFID and ODI when these institutions were looking for innovative models that can provide access to justice for the poor in low income countries. It was implemented by World Voices Uganda with support of Overseas Development Institute and Development Research and Training, a non-for-profit organisation based in Uganda in 2014. *Bataka Courts* addresses civil justice problems such as disputes related to land, family, neighbours and petty crime [1].

The justice gap in Uganda is sizable. The Justice Needs and Satisfaction Survey 2019 conducted by HiiL indicated that about 84% of the people in Uganda experienced a legal problem in the past four years [2]. Additionally, access to lawyers for Ugandans is also limited. Since 85% of lawyers are concentrated in the capital city ‘Kampala’, the majority of the Ugandans don’t have access to lawyers [3]. Given the inaccessibility of lawyers and high rate of justice problems, a large percentage of the population relies on informal justice services to resolve disputes [4].

Justice leaders in Uganda are also promoting informal justice services to fill the justice gap. Hon Justice Duncan Gaswaga, the Deputy Head of the Commercial Division of the High Court of Uganda recognised informal justice systems such as community courts as alternative dispute resolution mechanisms that are faster, cheaper and accessible to Ugandans [5].

In such a scenario, *Bataka Courts* have a significant role to play in bridging the justice gap. “[They] are based within communities, matters are decided quickly and there are no legal or court costs. Their decisions

emphasise reconciliation and social harmony” [6].

In this report, we outline various aspects of the service delivery model of *Bataka Courts*, how it has streamlined monitoring outcomes, its impact on the lives of Ugandans and its marketing and financial model. We also outline the challenges that *Bataka Courts* faces in scaling and factors that make it a successful model of community justice services. Since not much literature is available on it, the information for this report has been drawn from an interview and discussion with Gard Benda, Director at World Voices Uganda who played a leading role in the implementation of *Bataka Courts*.

## Programme Description

World Voices Uganda (2020) and Benda (n.d) provide a comprehensive description of the *Bataka Courts* model [7]. The following paragraphs provide a summary of it.

“ *Each court has a panel of seven elders who are well respected in the community. The elders should not have a criminal record and should be willing to volunteer as a witness. Community members can directly report a problem to any of the elders who then convene a meeting with other community members. The meeting is conducted in the home of the elder who calls the meeting or any other central meeting place to which the disputing parties have agreed to.*

*The proceedings of the court are conducted in the local language to make sure everyone understands them. Since Kagadi is a multi-ethnic community, an interpreter is appointed to ensure that those who speak another language are also heard. Once the disputing parties present their case, community members are allowed to raise questions, seek clarifications, add information that is relevant to the dispute and offer their points of view. The case is heard for a period of three weeks where an inquisitorial approach is taken to*

*establish the facts of the case. Once all aspects of the dispute have been discussed, the elders intervene. Elders are required to arrive at a consensus before making the final decision.*

*The elders provide remedies such as requiring the offender to issue a public apology, participating in community service, compensation for victims of wrongs, restitution, simple refund and recovery of debt and property and compensation. The decisions of the elders are binding for as long as the disputing parties accept it. If the disputing parties are dissatisfied with the outcome, then can report it within a span of 14 days. If the parties would like to escalate the dispute to the formal justice system, the Bataka Courts issue a referral after which the case proceedings start afresh.*

## Linking formal and informal justice system

Bataka Courts have integrated with the formal justice system and law enforcement agencies successfully to a large extent. The Local Council Courts — a government-driven community justice service in Uganda, Magistrates who preside over district courts, the police and a few other administrative bodies refer cases to the Bataka Courts [8]. “Between 2012 and 2016, over 60 cases were referred to the BC by the Grade1 Magistrates Court in Kagadi, 56 cases were referred from Police, 42 cases from Local Councils, and 16 cases from district institutions” [9].

Findings from the discussion with Gard Benda (2021) also indicate that Bataka Courts have collaborated with the formal justice system to improve upon its service delivery model in various ways.

- It has developed the rules of dispute resolution mechanism in consultation with the Justice Law and Order Society, which is an arm of the government of Uganda comprising various ministries, law enforcement agencies and other

justice sector institutions in Uganda. This was done to ensure that the services delivered address issues related to gender-discrimination and human rights optimally.

- To increase awareness among the functionaries of the formal justice systems of the procedures and principles dispute resolution used by the Bataka Courts, World Voices Uganda has developed a training programme to appraise them. Members of the Bataka Courts monitor the activities of the Bataka Courts along with the district level committees set up by the government.
- The Bataka Courts also refer cases to the formal justice system if the disputing parties do not accept their decision or are dissatisfied with the outcome of the hearing [10].
- Members of the Batak Courts are trained by the police and magistrates who preside over district level courts in laws, procedures and regulations to ensure fundamental human rights are protected [11].

## Scaling the organisation

Bataka Courts was piloted in the sub-counties of Kyaterekera and Ruteete in Kagadi district. World Voices Uganda later scaled it to ten other sub-counties of Kagadi district and into neighbouring districts of Kyegegwa [12]. To make citizens aware of the services delivered by Bataka Courts and to attract users, the World Voices Uganda uses radio programmes and the operation manuals that are distributed among everyday people. But the main factor that prevents it from scaling to all districts in Uganda is scarcity of funding (13).

## Impact of the organisation

Recent data on the number of cases resolved by Bataka Courts is not available. A report by World Voices Uganda (2020) indicates that between June 2019 and September 2019, in a span of three months, Bataka Courts resolved 155 cases. It indicates that the functionaries of the formal justice system, such as the police, magistrates of the district court are satisfied with the performance of Bataka Courts. A Magistrate from Kibaale says,

“ *[Bataka Courts are] doing great work. The community refers to the BC as the first response group, before they even report to the police [14].*

A police official remarked

“ *BCs seem more appealing to the community. They are direct. They are fast. All win and the people are happy [15].*

Although this is anecdotal evidence, these quotes from legal professionals indicate that the community is satisfied with the speed and efficacy of the services provided by Bataka Courts. As discussed earlier, given that magistrates, police and Local Council Courts refer cases to Bataka Courts, it can also be inferred that Bataka Courts have reduced the backlog of cases experienced by these law enforcement agencies.

## Financial strategy of the organisation

Bataka Courts continues to be financially supported by World Voices Uganda [16]. It has received funding from HiiL's Justice Accelerator in 2019 [17]. Being a community justice service that addresses justice needs of the poor and marginalised, it does not charge user fees to disputing parties and panel members who preside over the court do so voluntarily. However, the panel members who host the public gatherings and hearings where cases are resolved, have to offer refreshments to all those gathered, as a result of which they incur expenses.

All in all, Bataka Courts is currently funded through volunteer labour and donor funding and is yet to explore other sources of funding such as from the government, that can help in achieving financial sustainability.

## Lessons Learnt

Lessons that can be taken from the experience of setting up Bataka Courts are:

- To scale a community justice service such as Bataka Courts, it is important to receive financial support from the government.
- Additionally, the community justice service will also require financial commitment of bilateral and multilateral donors.

## Critical Success Factors

Factors that played a critical role in the success of Bataka Courts are:

- Despite being a NGO-led programme, Bataka Courts received buy-in from the formal justice system as well as Local Council Courts, the government-led community justice programme. As a result, magistrates from the formal justice system as well as members of Local Council Courts referred cases to Bataka Courts which helped them in reaching scale in the districts where they operate.
- Moreover, linkages with the formal justice system helped Bataka Courts in gaining legitimacy among the people.
- Members of Bataka Courts were trained in dispute resolution methods and laws and regulations of the country with the help of training modules. This helped in building the capacity of the justice workers, standardising procedures of dispute resolution and in meeting justice needs of people.

## Sources

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This case has been developed by the Hiil team based on discussions with Gard Benda on August 12, 2021.

To learn more, read the [policy brief on Community Justice Services](#) or visit [www.hiil.org](http://www.hiil.org) and [dashboard.hiil.org](http://dashboard.hiil.org).

