

Building a legal system that citizens trust and use remains a challenge for post-conflict Côte d'Ivoire

Afrobarometer Dispatch No. 142 | Pauline M. Wambua and Carolyn Logan

Summary

Political and military conflict has marked the development of Côte d'Ivoire's institutions, including its judiciary. During civil war in the early 2000s, the formal justice system was entirely absent from the rebel-controlled Central-North-West regions for seven years, until early 2009 (Human Rights Watch, 2012). Meanwhile, the legal system in the government-controlled South was fraught with corruption and a lack of independence that served to further entrench a culture of impunity, along with widespread xenophobia against citizens of foreign descent, according to Human Rights Watch (2012, 2016a).

After disputed 2010 presidential elections, fighting between supporters of then-President Laurent Gbagbo and challenger Alassane Ouattara included severe human-rights violations perpetrated by both sides. Since Ouattara assumed power in 2011, only the losing side has faced criminal charges, raising questions about the fairness and independence of the Ivorian justice system. Critics also fault Ouattara for failing to seriously confront judicial corruption (Human Rights Watch, 2016b).

Given their remarkable experiences with judicial and governmental systems, how do Ivoirians perceive their access to justice? Core elements that define citizens' access to justice include: 1) a supportive legal framework, 2) citizen awareness of their legal rights and responsibilities, 3) availability of legal advice and representation, 4) availability of affordable and accessible justice institutions, 5) the practice of fair procedures in those institutions, and 6) enforceability of decisions (American Bar Association, 2012). Afrobarometer Round 6 surveys included a special module that explored individuals' perceptions of the legal system, their access to it, and their experiences when engaging with it. (For findings across all surveyed countries, please see Afrobarometer Policy Paper No. 39 at www.afrobarometer.org.)

Survey responses in Côte d'Ivoire depict a judicial system with major access challenges. Many Ivoirians distrust the formal court system and prefer to take legal matters to traditional leaders and local authorities. Only about one in 20 Ivoirians had any dealings with the courts in the past five years – one of the lowest contact rates among the 36 African countries surveyed in 2014/2015. Long delays, the system's complexities, and perceptions of bias are common complaints. Clearly, building a judicial system that citizens trust and use remains a challenge for post-conflict Côte d'Ivoire.

Afrobarometer surveys

Afrobarometer is a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across Africa. After five rounds of surveys between 1999 and 2013, findings from Round 6 surveys (2014/2015) are currently being disseminated. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples.

Round 6 interviews with nearly 54,000 respondents in 36 countries represent the views of more than three-fourths of the continent's population.

The Afrobarometer team in Côte d'Ivoire, led by Centre de Recherche et de Formation sur le Développement Intégré, interviewed 1,200 adult Ivoirians in August and September 2014. A sample of this size yields results with a margin of sampling error of +/-3% at a 95% confidence level. One previous survey was conducted in Côte d'Ivoire in 2013.

Key findings

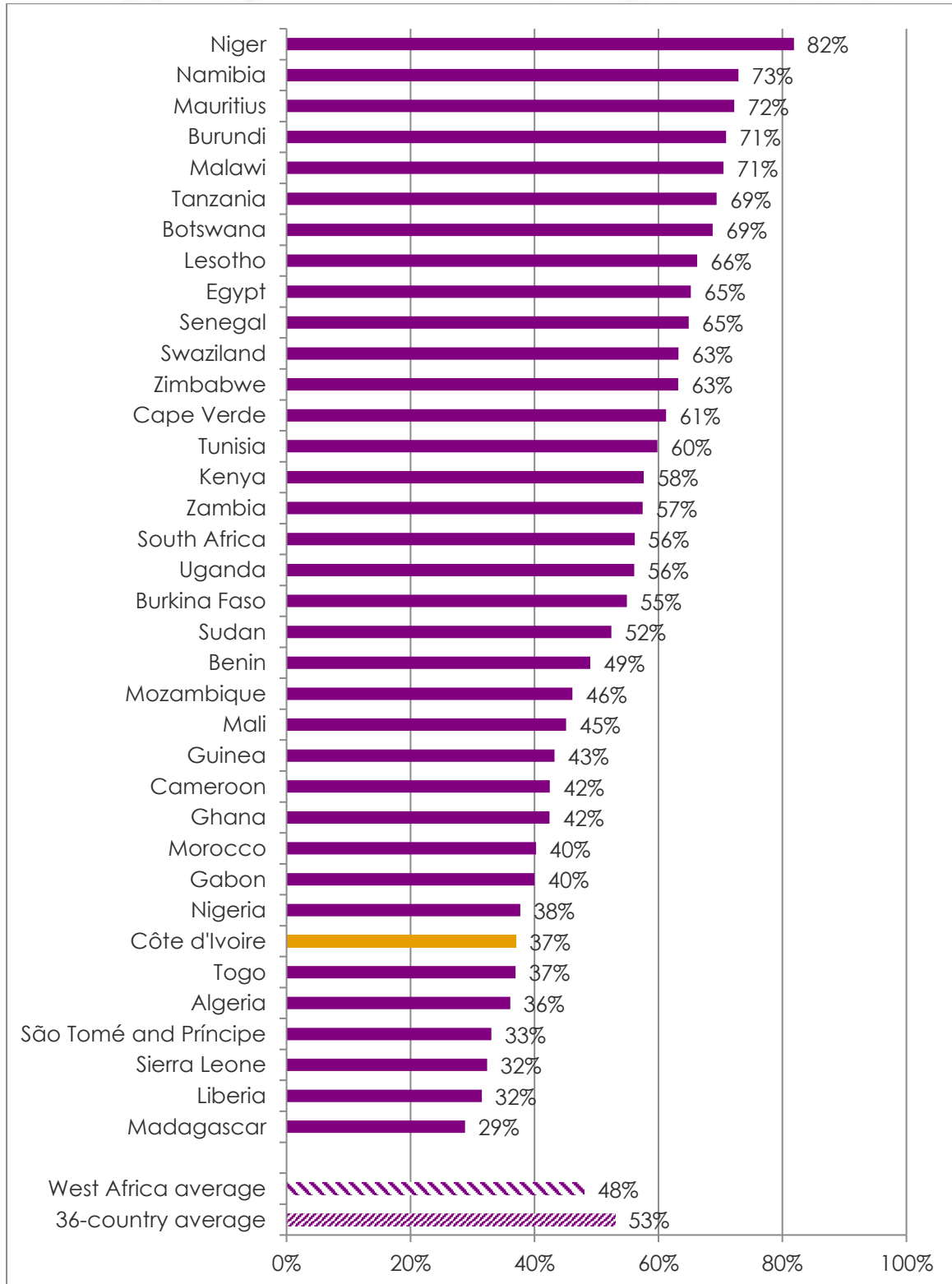
- Only 37% of Ivoirians say they trust the courts "somewhat" or "a lot" – well below the West Africa¹ average of 48% and the 36-country average of 53% (Figure 1). Both the courts and the police (42%) are less trusted than most other public institutions in Côte d'Ivoire, where religious leaders (70%) enjoy the greatest public confidence (Figure 2).
- One-third (35%) of Ivoirians say that "most" or "all" judges and magistrates are corrupt. This matches the average across 36 countries (33%) and is slightly lower than the West Africa average (40%) (Figure 3).
- Only 6% of Ivoirians say they had dealings with the court system during the five years preceding the survey (2009-2014), the second-lowest contact rate among 36 surveyed countries (Figure 4).
- Citizens without a formal education are less likely to have contact with the courts than those with at least a primary education. Other differences by demographic group are small (Figure 5).
- When asked why people might not take cases to court, Ivoirians say that they often prefer to take disputes to traditional leaders or local authorities (20%), that courts are too expensive (19%), that they don't trust courts (19%), that courts favour powerful people (13%), and that lawyers cost too much (13%) (Figure 6).
- Respondents who had interacted with the courts during the previous five years were asked which problems they encountered. Contact rates in Côte d'Ivoire were too low to report the country-specific responses,² but they generally follow the same patterns observed in West Africa and across all 36 countries: Long delays are the most commonly cited problem, and the complexity of the legal system, lack of advice, inattentive judges, and high costs are all common experiences as well (Figure 7).

¹ In addition to Côte d'Ivoire, Afrobarometer's West Africa grouping includes Benin, Burkina Faso, Cape Verde, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

² In general, Afrobarometer does not report numeric results for samples of fewer than 100, because margins of uncertainty surrounding such results are too large.

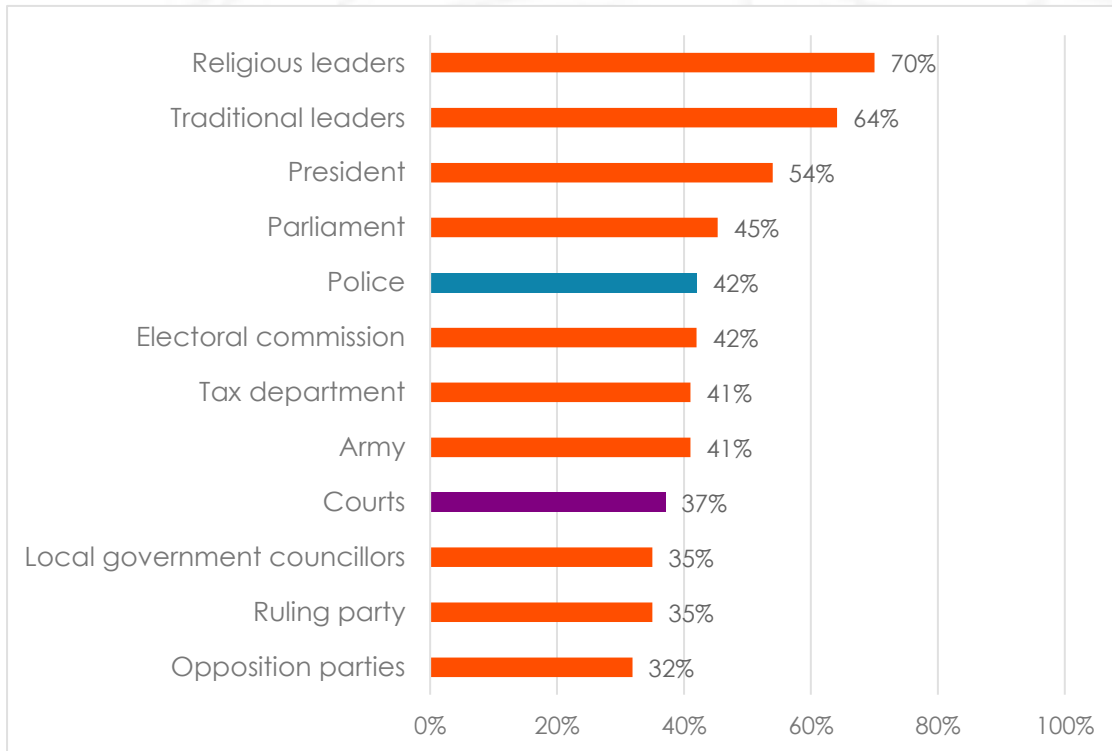
Figures

Figure 1: Trust in the courts | 36 countries | 2014/2015



Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say: Courts of law? (% who say "somewhat" or "a lot")

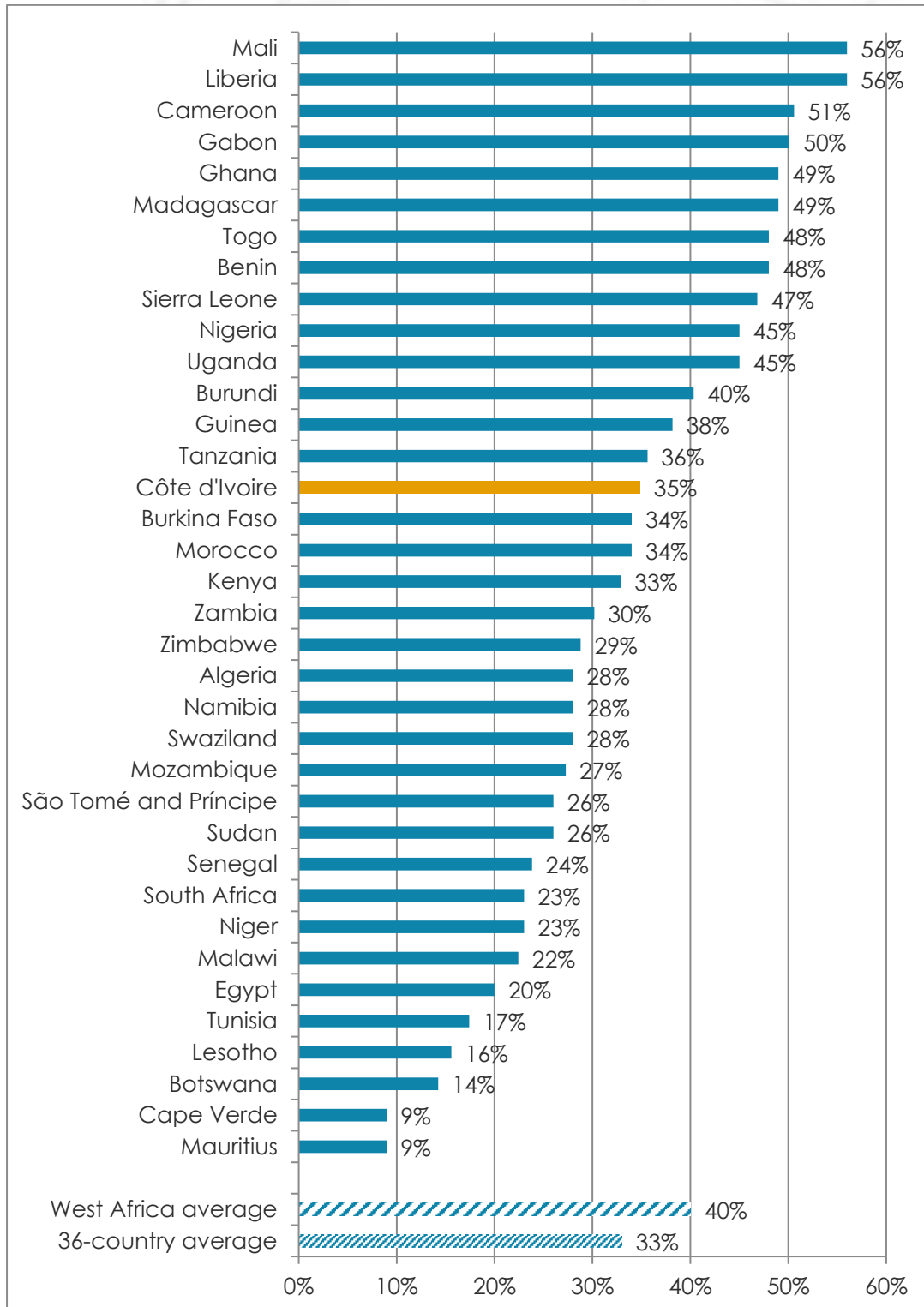
Figure 2: Trust in institutions | Côte d'Ivoire | 2014



Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say? (% who say "somewhat" or "a lot")

Do your own analysis of Afrobarometer data – on any question, for any country and survey round. It's easy and free at www.afrobarometer.org/online-data-analysis.

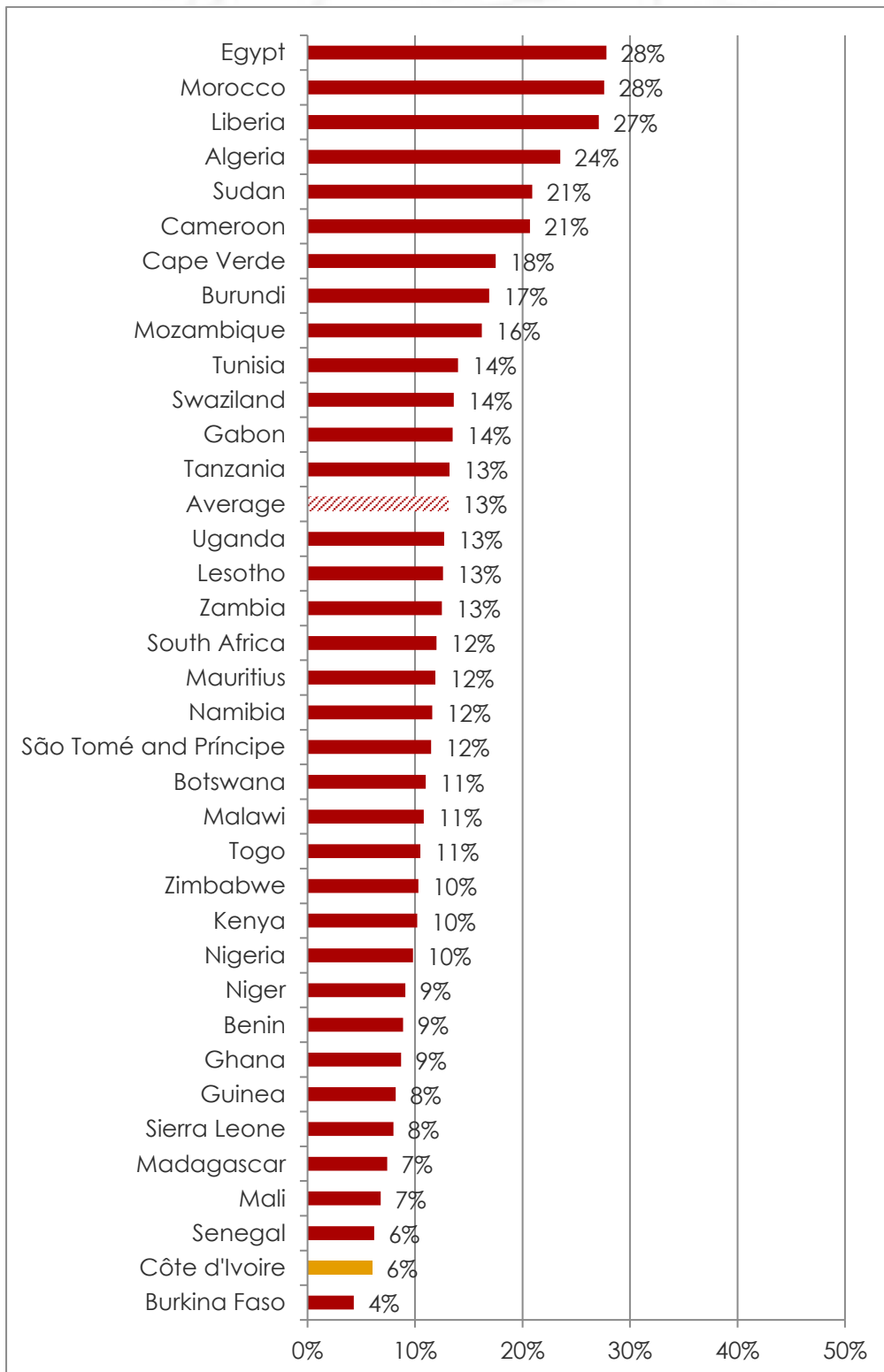
Figure 3: Perceptions of corruption among judges and magistrates | 36 countries
 | 2014/2015



Respondents were asked: How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say: Judges and magistrates? (% who say "most of them" or "all of them")

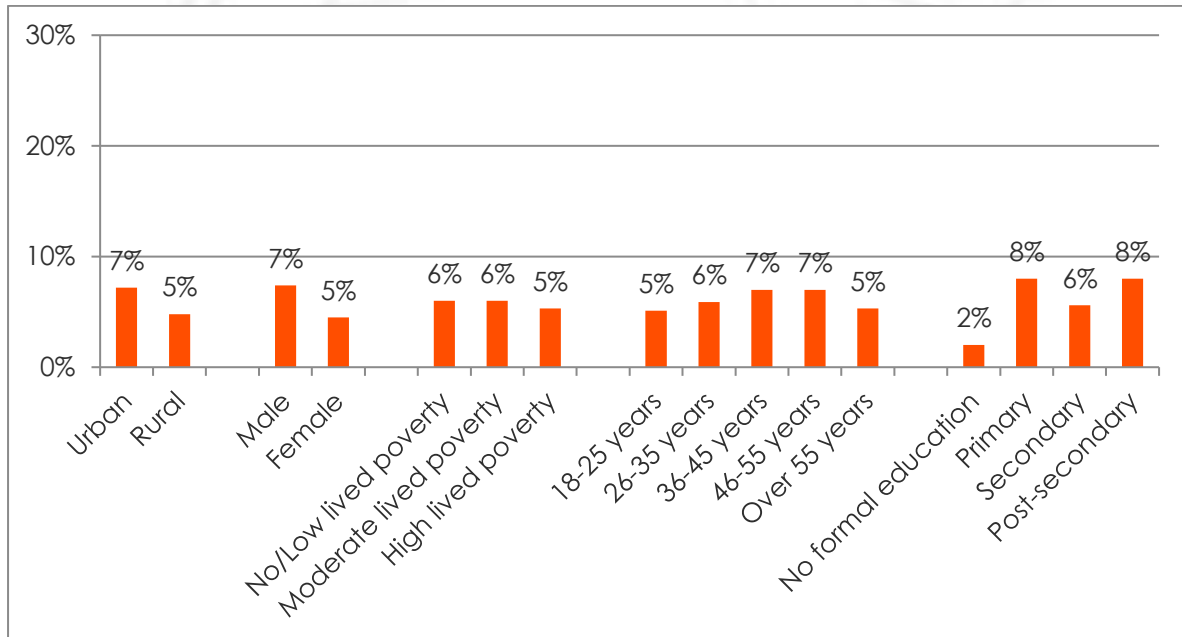
Note: In Egypt, the question asked about corruption among "court officials."

Figure 4: Contact with courts in past five years | 36 countries | 2014/2015



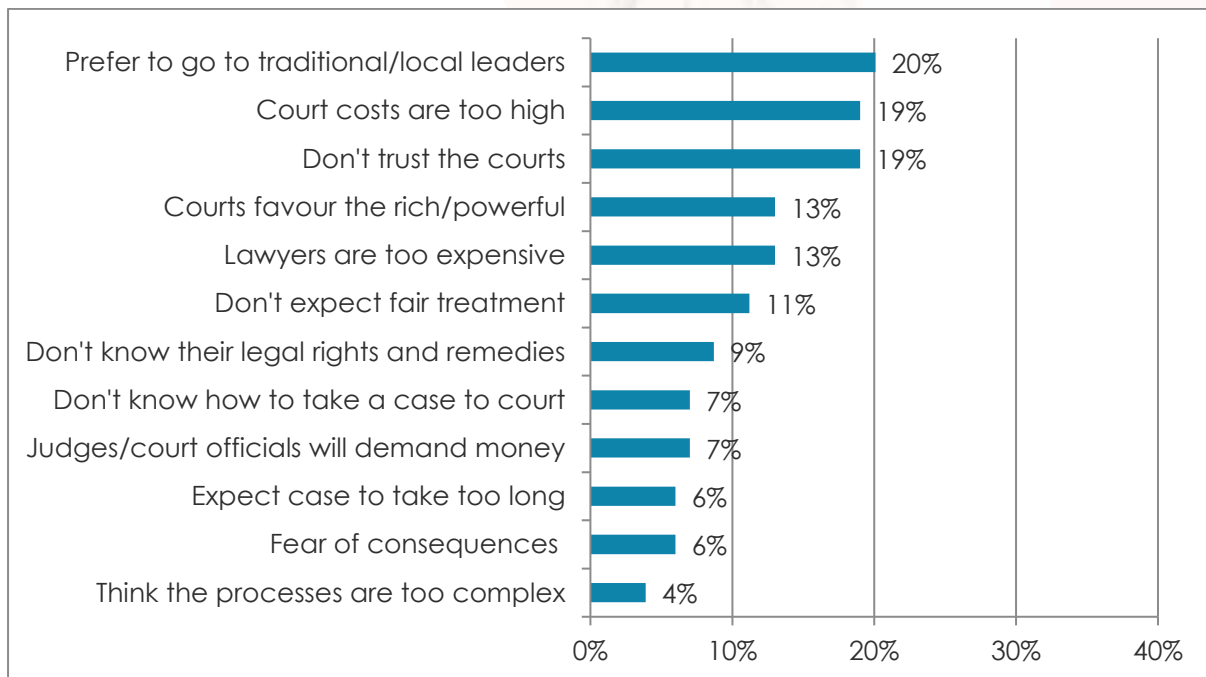
Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")*

Figure 5: Contact with courts in past five years | by demographic group
 | Côte d'Ivoire | 2014



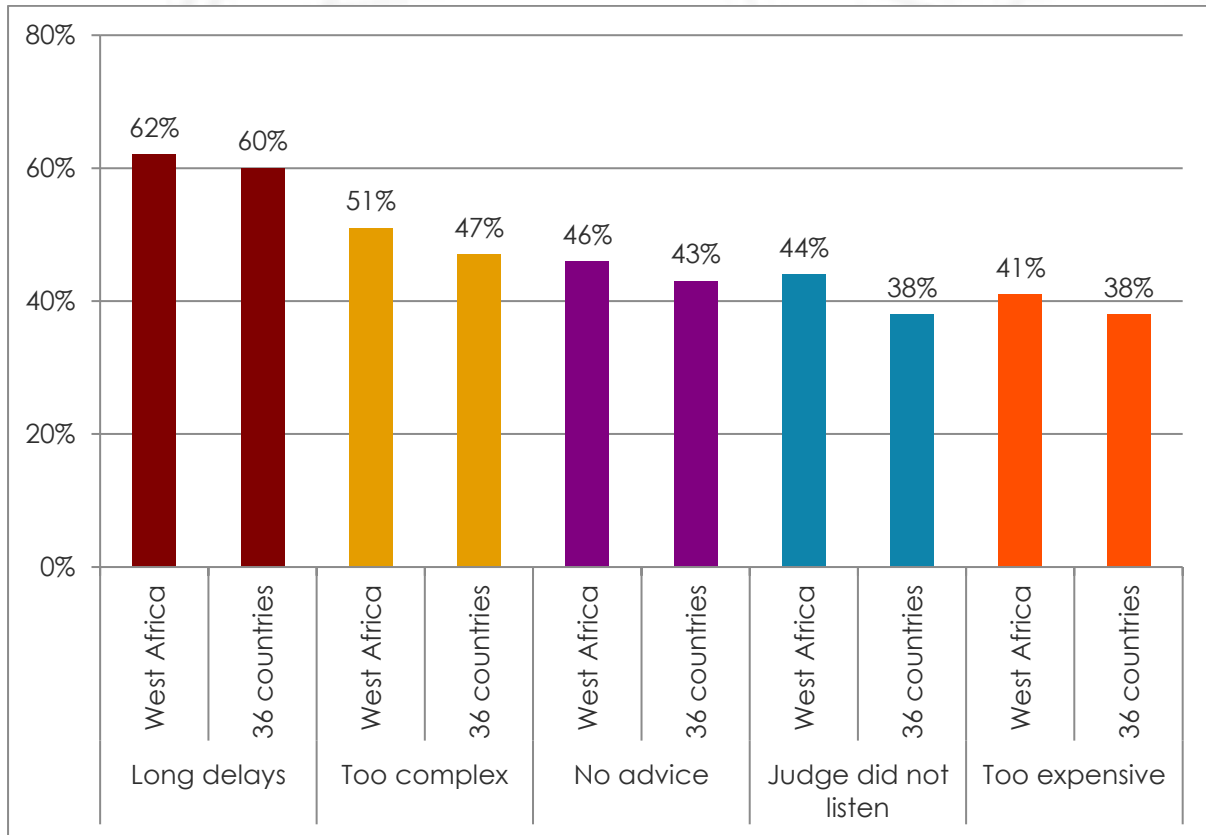
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Figure 6: Why Ivoirians avoid courts | Côte d'Ivoire | 2014



Respondents were asked: *Sometimes people do not take a case to the government courts, even if they think they have a legitimate complaint and deserve justice. In your opinion, what would be the most important reason that people like yourself would not take a case to court? (Note: Respondents could give up to two responses. Percentages shown are proportion of respondents citing each reason as one of their two responses. Percentages can therefore total more than 100%.)*

Figure 7: Problems encountered in court interactions | West Africa and Africa
 (36 countries) | 2014/2015



Respondents who had contact with the courts during the previous five years were asked: "Have you encountered any of these problems in your experience with government courts in the past five years:

- You were unable to pay necessary costs and fees
- You could not understand the legal processes and procedures
- You could not obtain legal counsel or advice
- The judge or magistrate did not listen to your side of the story
- There were long delays in handling or resolving the case

(Note: Numbers represent those who say "once or twice," "a few times," or "often," as a percentage of respondents who say they had contact with the courts during the previous five years. Those with no contact are excluded.)

References

- American Bar Association. (2012). Access to justice assessment tool: A guide to analysing access to justice for civil society organizations. http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba_rol_access_to_justice_assessment_manual_2012.authcheckdam.pdf.
- Human Rights Watch. (2016a). Côte d'Ivoire: 5 years on, awaiting justice. <https://www.hrw.org/news/2016/03/22/cote-divoire-5-years-awaiting-justice>.
- Human Rights Watch (2016b). World report Côte d'Ivoire 2016. <https://www.hrw.org/world-report/2016/country-chapters/cote-divoire>.
- Human Rights Watch. (2012). World report Côte d'Ivoire 2012. <https://www.hrw.org/world-report/2012/country-chapters/cote-divoire>.

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Afrobarometer is produced collaboratively by social scientists from more than 30 African countries. Coordination is provided by the Center for Democratic Development (CDD) in Ghana, the Institute for Justice and Reconciliation (IJR) in South Africa, the Institute for Development Studies (IDS) at the University of Nairobi in Kenya, and the Institute for Empirical Research in Political Economy (IREEP) in Benin. Michigan State University (MSU) and the University of Cape Town (UCT) provide technical support to the network.

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