

Despite challenges, Niger's court system enjoys high level of popular trust

Afrobarometer Dispatch No. 174 | Pauline M. Wambua and Carolyn Logan

Summary

The Bertelsmann Transformation Index describes a number of challenges confronting Niger's judicial system, including widespread corruption, inadequate staff and resources, and a lack of trained legal aid outside the capital (Bertelsmann, 2016). High-court rulings that contradict executive decisions are routinely ignored, and high-ranking politicians enjoy broad impunity. One of the country's highest-profile legal cases, in which former Prime Minister and National Assembly President Hama Amadou and other government officials stand accused of smuggling babies, is decried as politically motivated – though others cite it as evidence of an independent judiciary (Newsweek, 2016; Bertelsmann, 2016).

How do Nigerien citizens 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 show that Niger's court system enjoys the highest level of public trust among 36 African countries surveyed in 2014/2015. Perceptions of corruption among judges, while substantial, are lower than regional and continental averages. Among the 9% of Nigeriens who report having contact with the judicial system in the previous five years, the most common problems were long delays and the system's complexity.

Afrobarometer survey

Afrobarometer is a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across more than 30 countries in 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 Niger, led by Laboratoire d'Etudes et de Recherches sur les Dynamiques Sociales et le Développement Local, interviewed 1,200 adult Nigeriens in March-April 2015. A sample of this size yields results with a margin of error of +/-3% at a 95% confidence level. One previous survey was conducted in Niger in 2013.

Key findings

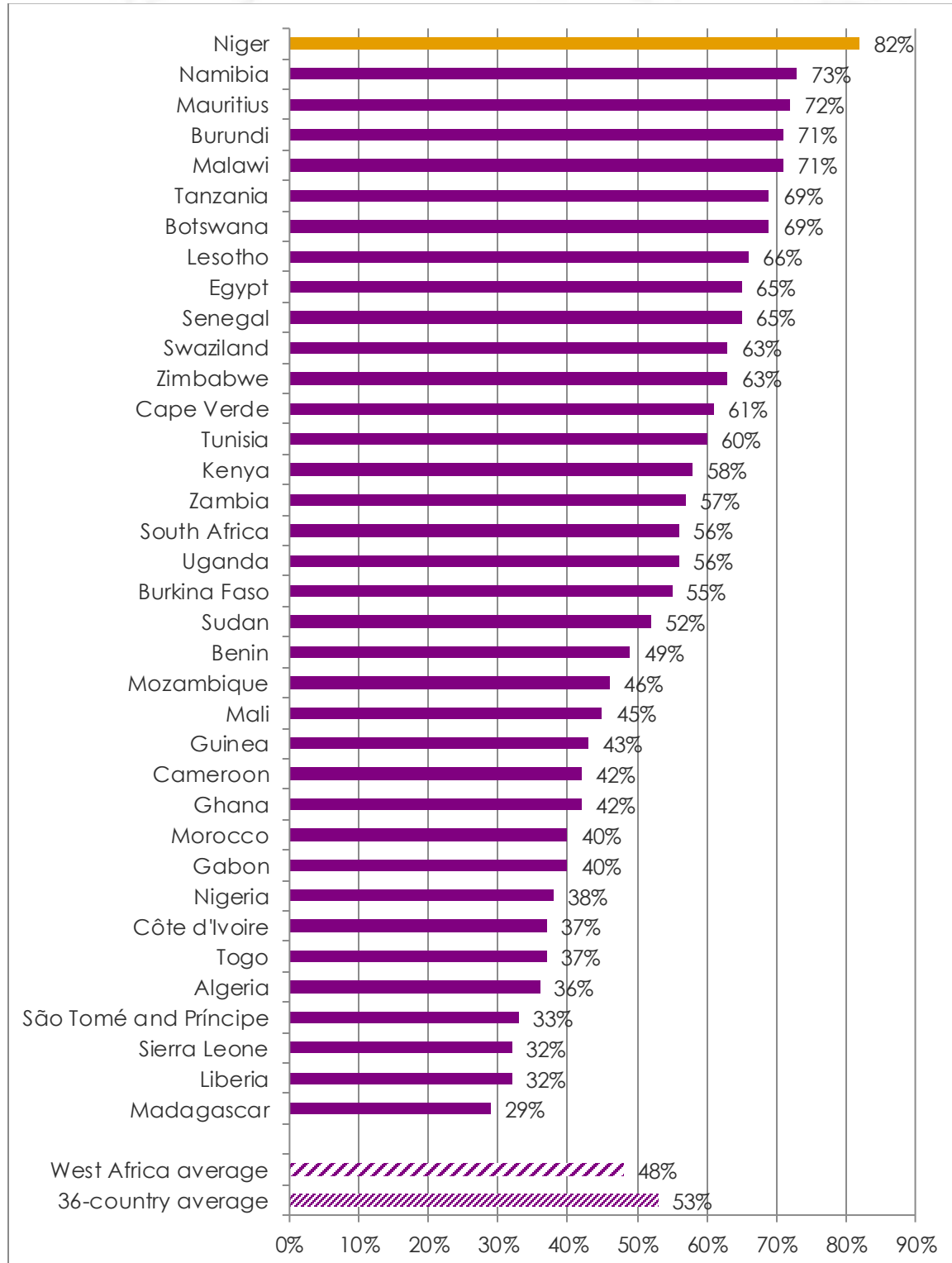
- More than eight in 10 Nigeriens (82%) say they trust the courts “somewhat” or “a lot” (Figure 1). This is the highest rating among all 36 African countries surveyed in 2014/2015, and far above the West Africa¹ average of 48%. Like the courts, the police are among public institutions that enjoy a high level of public trust (86%) in Niger, surpassed only by religious leaders (93%), the army (92%), and traditional leaders (88%) (Figure 2).
- About one in four Nigeriens (23%) say that “most” or “all” judges and magistrates are corrupt. This is one of the best ratings among 36 countries, well below the West Africa average of 40% (Figure 3).
- About one in 11 Nigeriens (9%) say they had dealings with the court system in the five years preceding the survey (2009-2014), somewhat below the 36-country average of 13% (Figure 4).
- Men are twice as likely (12%) to have contact with courts as women (6%) (Figure 5). Economically well-off respondents (i.e. those with “no lived poverty”) are less likely to have dealings with the court than their poorer counterparts.
- When asked why people might not take cases to court, Nigeriens say that people often prefer to take disputes to traditional leaders or local authorities (23%), they don’t expect fair treatment from the courts (14%), they don’t know how to take a case to court (13%), or they don’t know their legal rights (13%) (Figure 6).
- Respondents who had interacted with the courts during the previous five years were asked which problems they encountered. As across West Africa and across all 36 surveyed countries, long delays were the most common problem, cited by 69% of Nigeriens (Figure 7). The complexity of the legal system was also a common problem (50%). A lack of legal advice, inattentive judges, and high costs are less frequently cited as difficulties in Niger than elsewhere in West Africa or across the continent.

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.

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

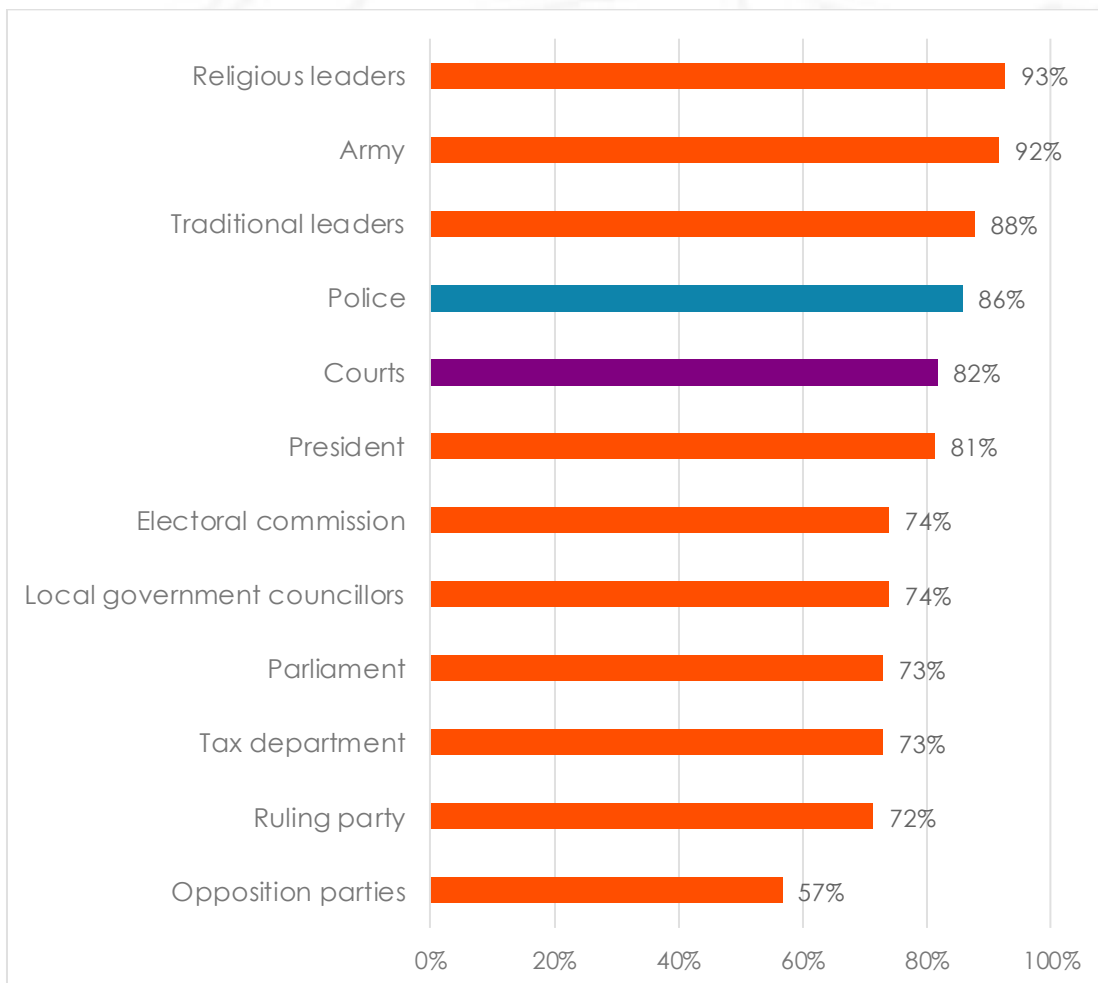
Figures

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



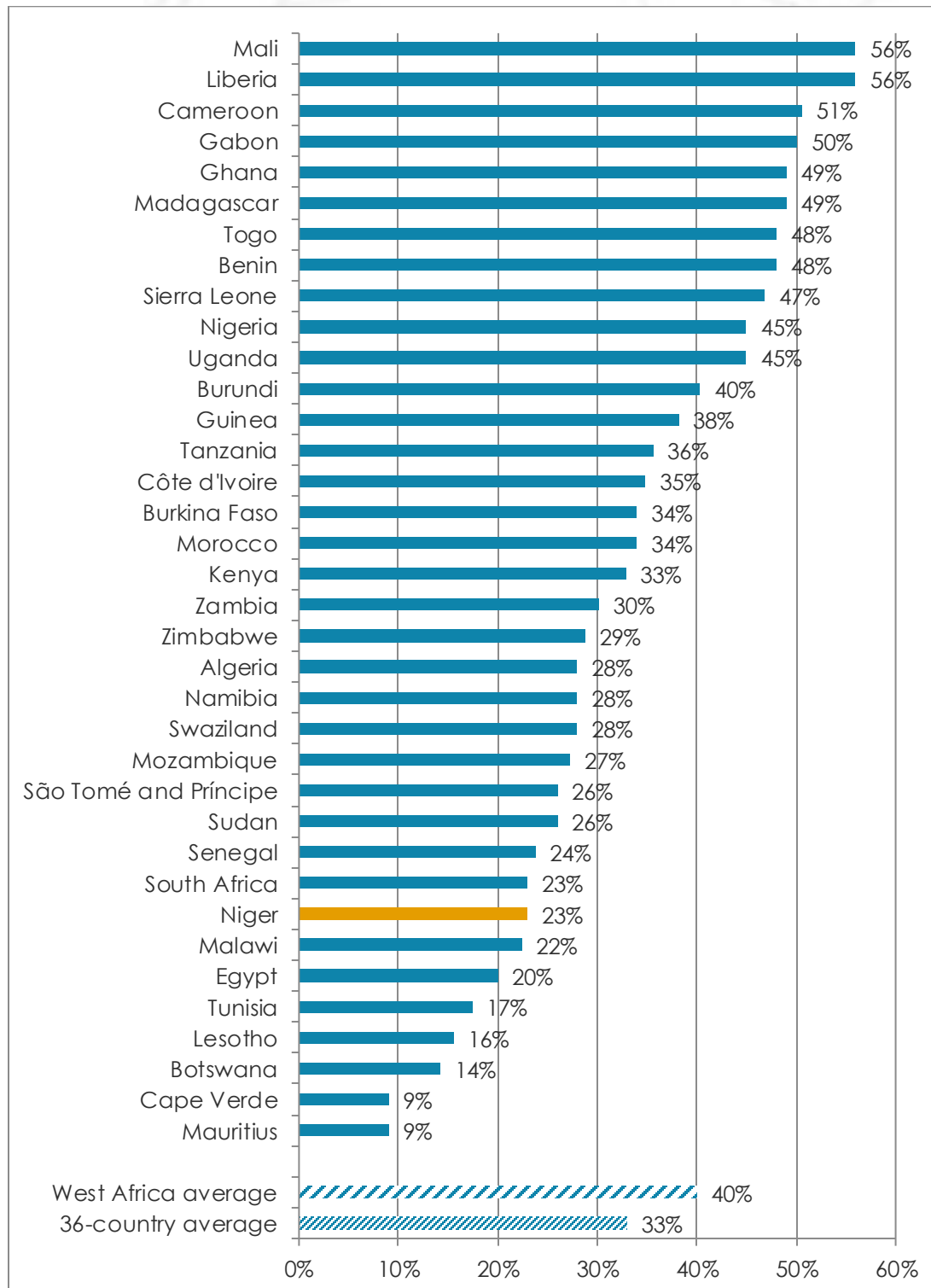
Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say: Courts of law? (% who say "somewhat" or "a lot")

Figure 2: Trust in institutions | Niger | 2015



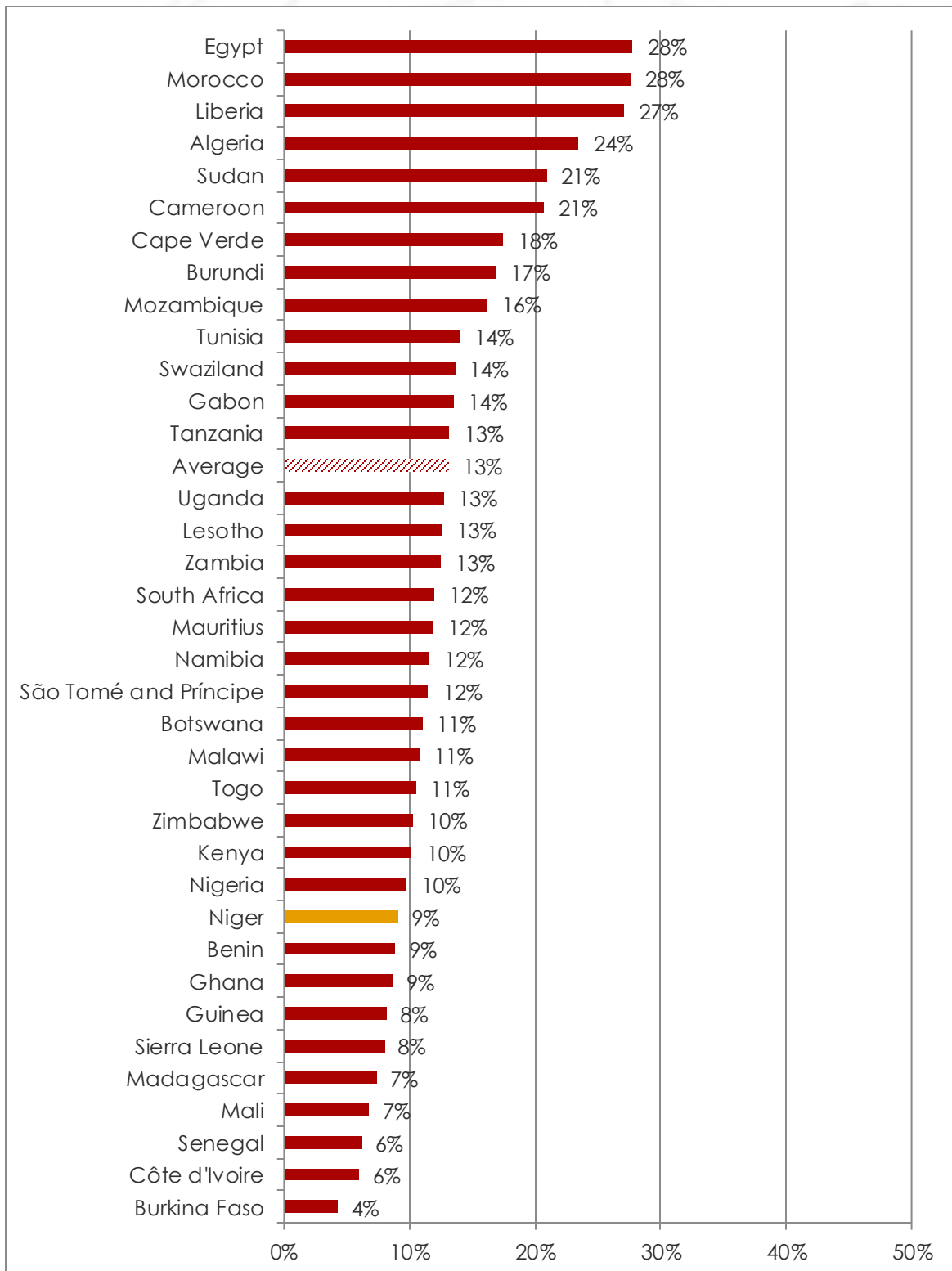
Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say? (% who say "somewhat" or "a lot")

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



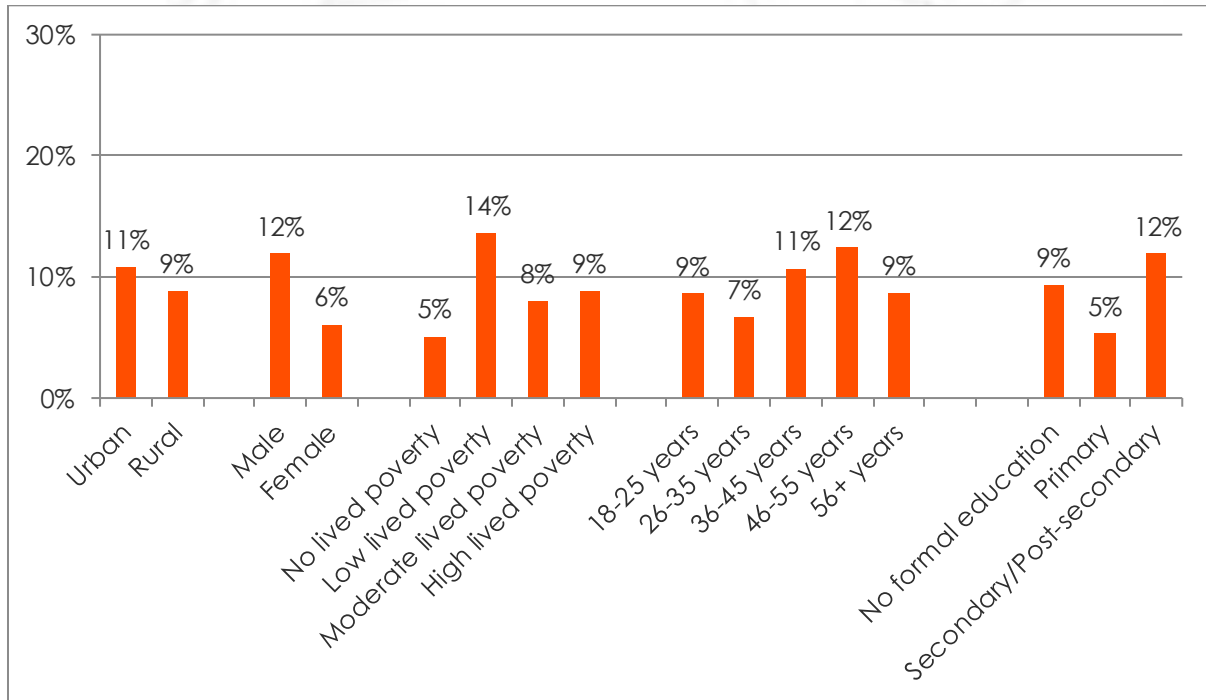
Respondents were asked: How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say: Judges and magistrates?
 (% who say "most of them" or "all of them")
 (Note: In Egypt, the question asked about corruption among "court officials.")

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



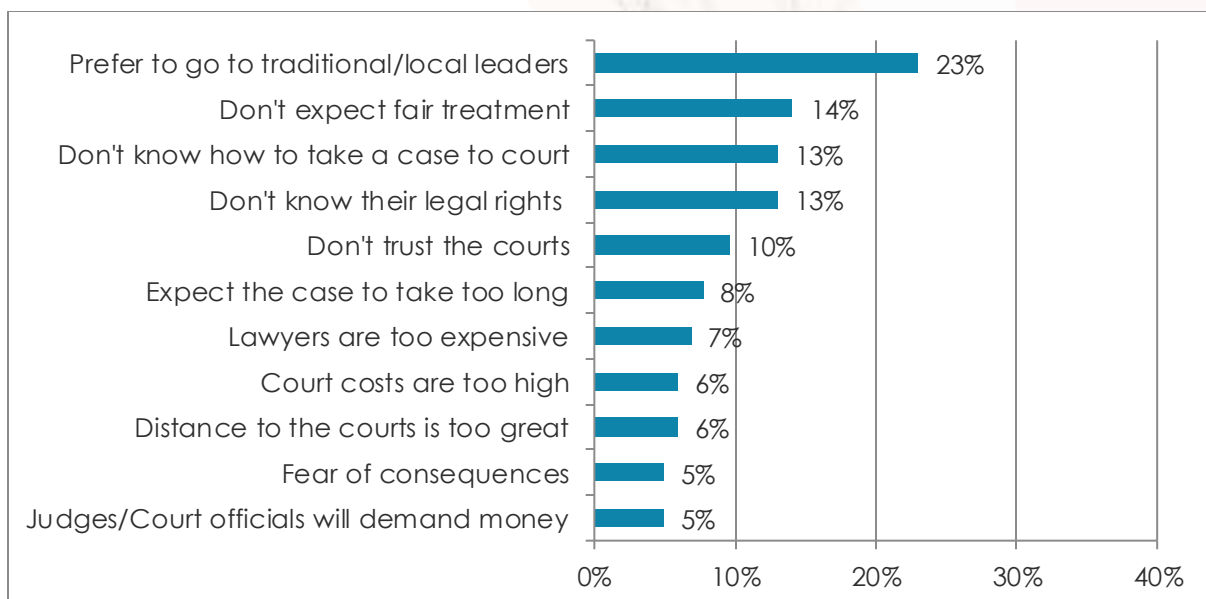
Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once,"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

Figure 5: Contact with courts in past five years | by demographics group | Niger | 2015



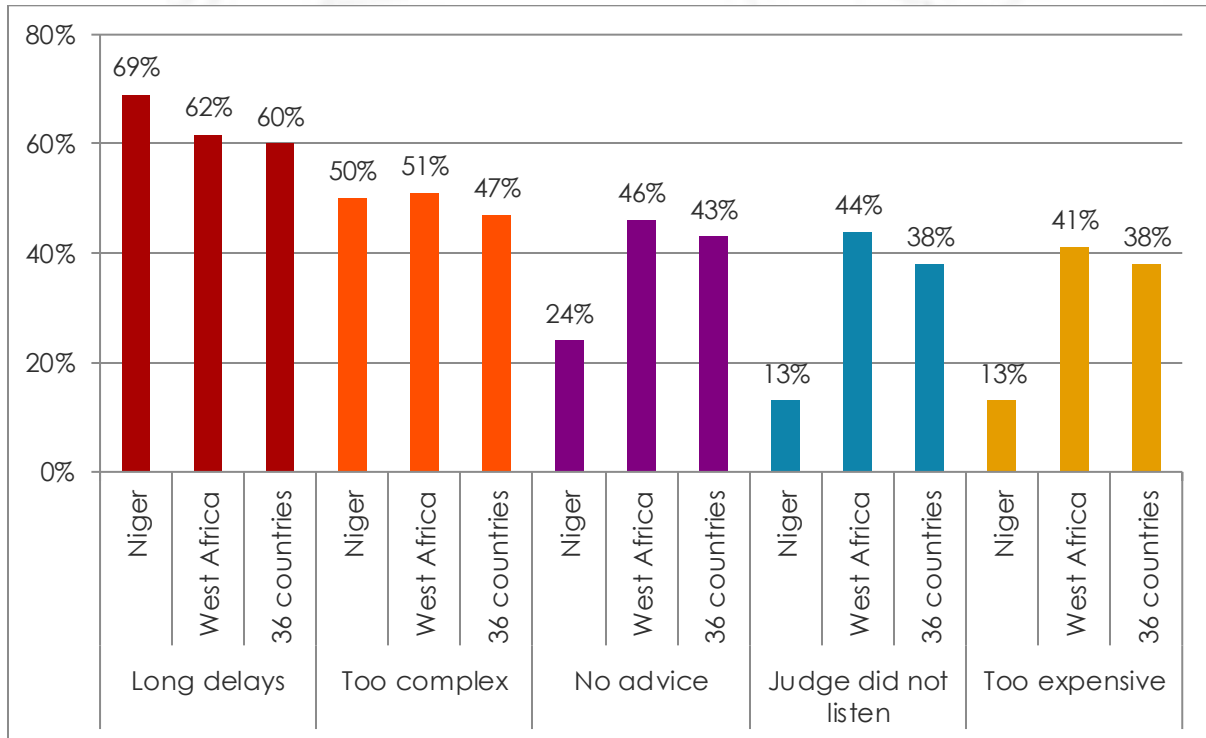
Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once,"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

Figure 6: Why citizens avoid courts | Niger | 2015



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. The figure shows the 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 | Niger, West Africa, and Africa (36 countries) | 2014/2015



Respondents who had contact with the courts 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

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Acknowledgements

Afrobarometer would like to acknowledge the special support provided by the World Bank through its Nordic Trust Fund for the inclusion of the Round 6 access-to-justice module, and the advisory and technical assistance of Waleed Malik and Roberto Panzardi, senior public sector specialists, for the innovative idea and in making this support possible.



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Afrobarometer is produced collaboratively by social scientists from 36 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.

Core support for Afrobarometer Rounds 5 and 6 has been provided by the UK's Department for International Development (DFID), the Mo Ibrahim Foundation, the Swedish International Development Cooperation Agency (SIDA), the United States Agency for International Development (USAID), and the World Bank.

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Afrobarometer Dispatch No. 174 | 27 November 2017