

Ghanaians strongly endorse rule of law but see inequities in how laws are applied

Afrobarometer Dispatch No. 194 | Mawusi Yaw Dumenu and Daniel Armah-Aftoh

Summary

Until January 7, 1993, Ghana's post-independence history was checkered at best. The country's first three democratic regimes never completed their first terms in office, ending in military coups d'états and the suspension of the constitutions underpinning their existence. The military regimes that ruled the country were largely autocratic and characterized by human-rights breaches and disregard for the rule of law.

After the 11-year military rule of the Provisional National Defense Council, Ghana again became a multiparty democracy on January 7, 1993, giving life to the 1992 Fourth Republican Constitution. Since then, the country has managed seven multiparty elections, with peaceful transfers of power in 2000, 2008, and 2016.

To promote democratic ideals and the rule of law, the 1992 Constitution provides for the separation of judiciary, legislative, and executive powers and the establishment of independent constitutional bodies, such as the Commission on Human Rights and Administrative Justice, to check abuses of citizens' rights. Ghana's progress in ensuring the rule of law is reflected in its World Justice Project Rule of Law Index ranking as the second-best performer (after South Africa) in sub-Saharan Africa, at No. 44 out of 113 countries worldwide (World Justice Project, 2016).

The 2017 Afrobarometer survey in Ghana suggests that citizens value and insist on the rule of law in the country but see important inequities in how the law is applied.

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 35 countries in Africa. Six rounds of surveys were conducted between 1999 and 2015, and Round 7 surveys (2016/2018) are currently underway. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples.

The Afrobarometer team in Ghana, led by the Ghana Center for Democratic Development (CDD-Ghana), interviewed 2,400 adult Ghanaians between September 9 and 25, 2017. A sample of this size yields results with a margin of error of +/-2% at a 95% confidence level. Previous surveys have been conducted in Ghana in 1999, 2002, 2005, 2008, 2012, and 2014.

Key findings

- Large majorities of Ghanaians endorse the rule of law and the legitimacy of key state enforcement bodies, affirming that:
 - Parliament should ensure that the president explains government spending (75%);

- The president must obey the laws and courts, even if he thinks they are wrong (75%);
- Citizens should obey the government, regardless of whether they voted for it (90%); and
- The police have the right to demand obedience to laws (88%), the tax authorities have the right to make people pay taxes (87%), and the courts have the right to make decisions that people always have to abide by (78%).
- Three-fourths of Ghanaians also believe that in practice, the president “rarely” or “never” ignores Parliament (76%) or the courts and laws of the country (75%) to act the way he wants.
- Notwithstanding these endorsements, there is a widespread – and growing – belief that inequities exist in how laws are applied:
 - A majority say that people are “often” or “always” treated unequally under the law (62%) and that officials who commit crimes are “somewhat” or “very” likely to go unpunished (67%).
 - More than eight in 10 citizens believe the rich are likely to be able to pay bribes or use personal connections to avoid going to court (83%), avoid paying taxes (84%), or register land that does not belong to them (88%).

Ghanaians believe in the rule of law

In general, Ghanaians believe that the rule of law should anchor democratic practices (Figure 1), and in fact does so in their country (Figure 2).

Three-fourths (75%) of citizens “agree” or “agree very strongly” that Parliament should ensure that the president explains to it on a regular basis how his government spends taxpayers’

money. One-fifth (20%), however, think the president should devote his full attention to developing the country rather than wasting time justifying his actions.

The same proportion (75%) “agree” or “agree very strongly” that the president must always

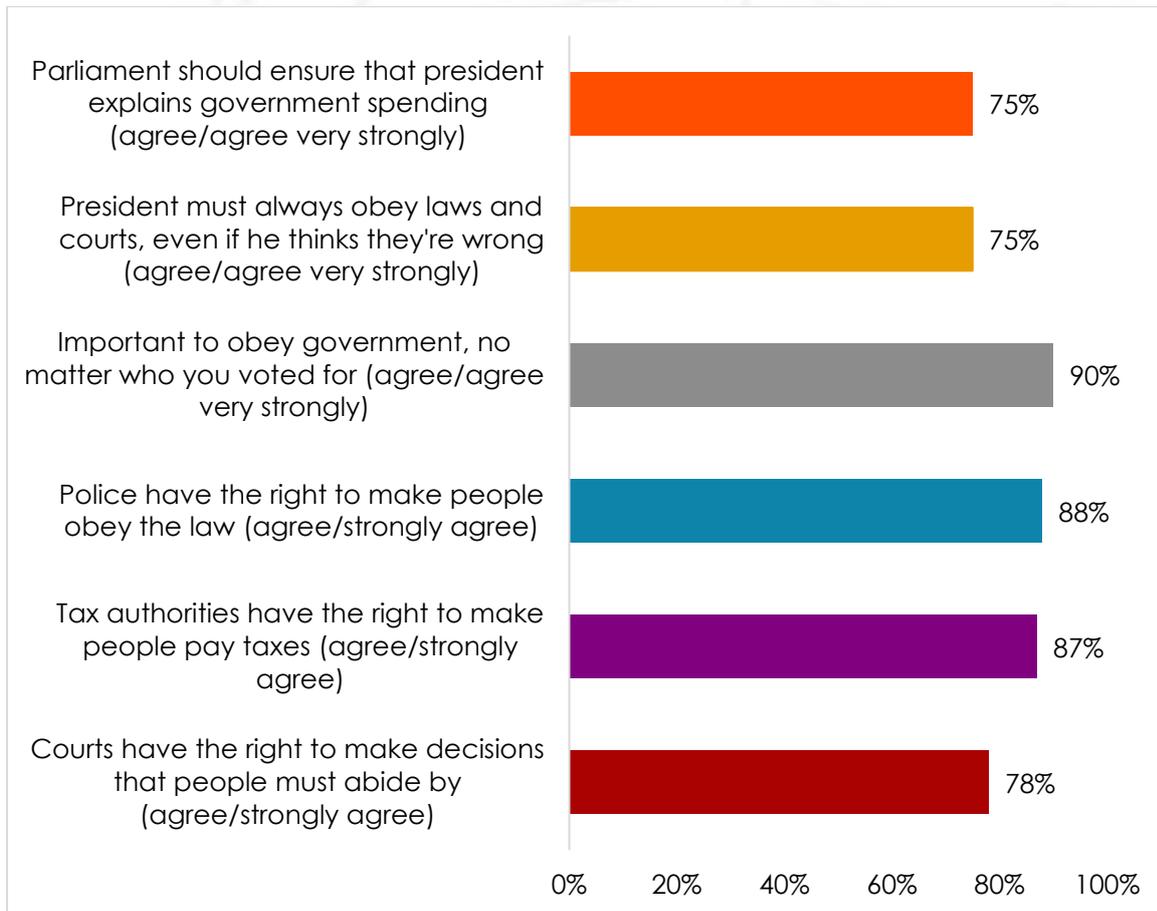
obey the laws and the courts, even if he thinks they are wrong. About one-fifth (18%) say instead that since the president was elected to lead the country, he should not be bound by laws or court decisions that he thinks are wrong.

Nine in 10 Ghanaians (90%) say it is important for citizens to obey the government in power regardless of whom they voted for.

Furthermore, Ghanaians overwhelmingly endorse the legitimacy of key state enforcement agencies. Large majorities “agree” or “strongly agree” that the police always have the right to demand that people obey the law (88%), that tax authorities have the right to make people pay taxes (87%), and that the courts have the right to make decisions that people must always obey (78%).

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Figure 1: Citizens endorse the rule of law | Ghana | 2017



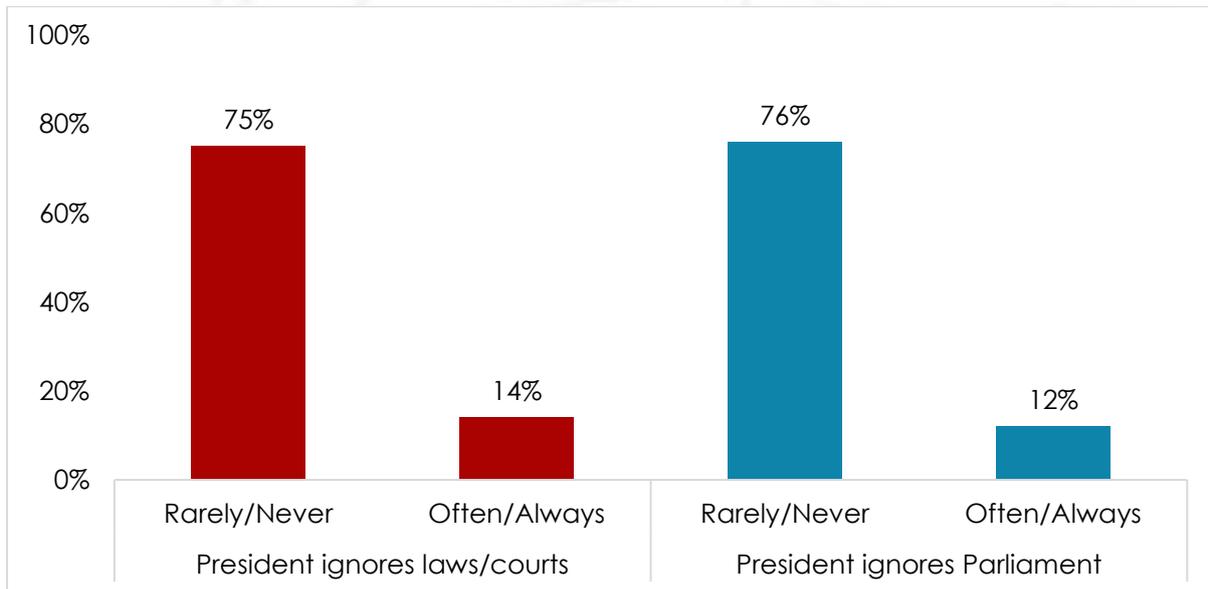
Respondents were asked:

- Which of the following statements is closest to your view?
 Statement 1: Parliament should ensure that the president explains to it on a regular basis how his government spends taxpayers' money.
 Statement 2: The president should be able to devote his full attention to developing the country rather than wasting time justifying his actions.
- Which of the following statements is closest to your view?
 Statement 1: Since the president was elected to lead the country, he should not be bound by laws or court decisions that he thinks are wrong.
 Statement 2: The president must always obey the laws and the courts, even if he thinks they are wrong.
- Which of the following statements is closest to your view?
 Statement 1: It is important to obey the government in power, no matter who you voted for.
 Statement 2: It is not necessary to obey the laws of a government that you did not vote for.
- For each of the following statements, please tell me whether you disagree or agree:
 - The police always have the right to make people obey the law?
 - The tax authorities always have the right to make people pay taxes?
 - The courts have the right to make decisions that people always have to abide by?

President's compliance with the rule of law

In addition to strongly endorsing the rule of law, most Ghanaians say the president in fact adheres to the law in his dealings with Parliament and the judiciary. Three-quarters of Ghanaians say the president “rarely” or “never” ignores the courts and laws of the land (75%) or ignores the Parliament and just does what he wants (76%) (Figure 2). Only about one in eight respondents disagree.

Figure 2: President's compliance with the rule of law | Ghana | 2017



Respondents were asked: *In your opinion, how often, in this country:*

- Does the president ignore the courts and laws of this country?
- Does the president ignore Parliament and just do what he wants?

Over-time trends in views on the rule of law

The strong support for the rule of law and the belief that the president is law-abiding are consistent with the findings of previous Afrobarometer surveys in Ghana. In each survey round since 2005, substantial majorities have expressed the views that Parliament ought to monitor the president, that the president must obey the laws, that citizens must obey the government, and that the president never or rarely ignores the laws or Parliament (Table 1).

Table 1: Trends in views on the rule of law | Ghana | 2005-2017

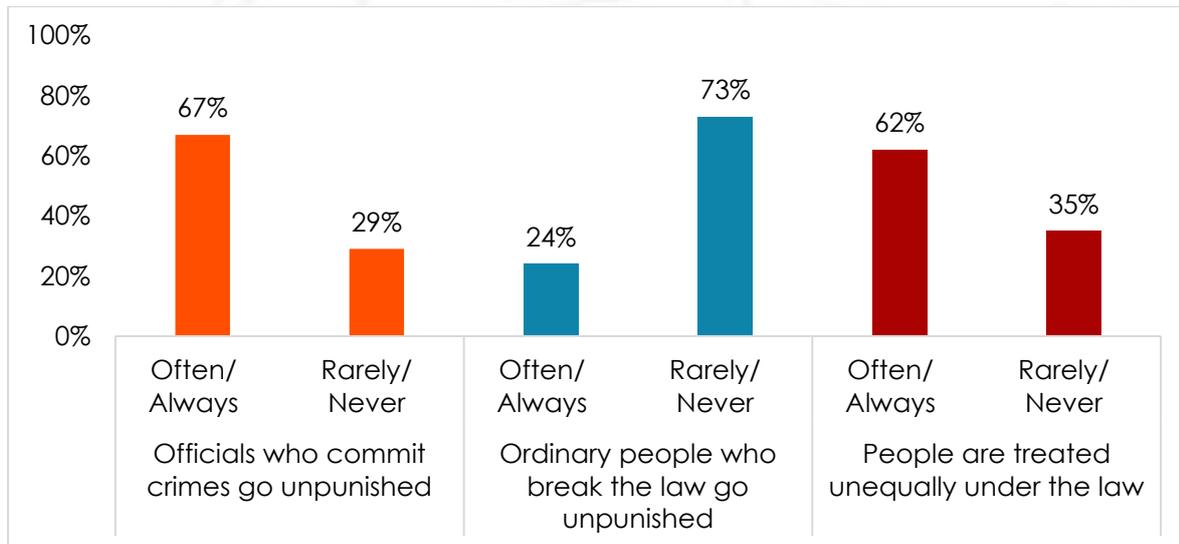
	2005	2008	2012	2014	2017
Parliament should monitor president	--	65%	70%	73%	75%
President must obey laws and courts	74%	62%	73%	68%	75%
Obey government, no matter who you voted for	95%	--	93%	87%	90%
President never or rarely ignores courts and laws	67%	79%	82%	61%	75%
President never or rarely ignores Parliament	--	--	85%	63%	76%

Perceived inequities in the application of laws

While Ghanaians support the rule of law and say the president respects and obeys the laws and courts, there is a widespread – and growing – belief that laws are not applied in an equitable manner. Two-thirds (67%) of Ghanaians say officials who commit crimes “often” or “always” go unpunished; only about one-quarter (24%) think ordinary people get away with crimes (Figure 3).

Confirming this perception of inequitable application of the law, six in every 10 Ghanaians (62%) say people are “often” or “always” treated unequally under the laws of the land. Only about one-third (35%) think this “rarely” or “never” happens.

Figure 3: Perceived inequities in how laws are applied | Ghana | 2017

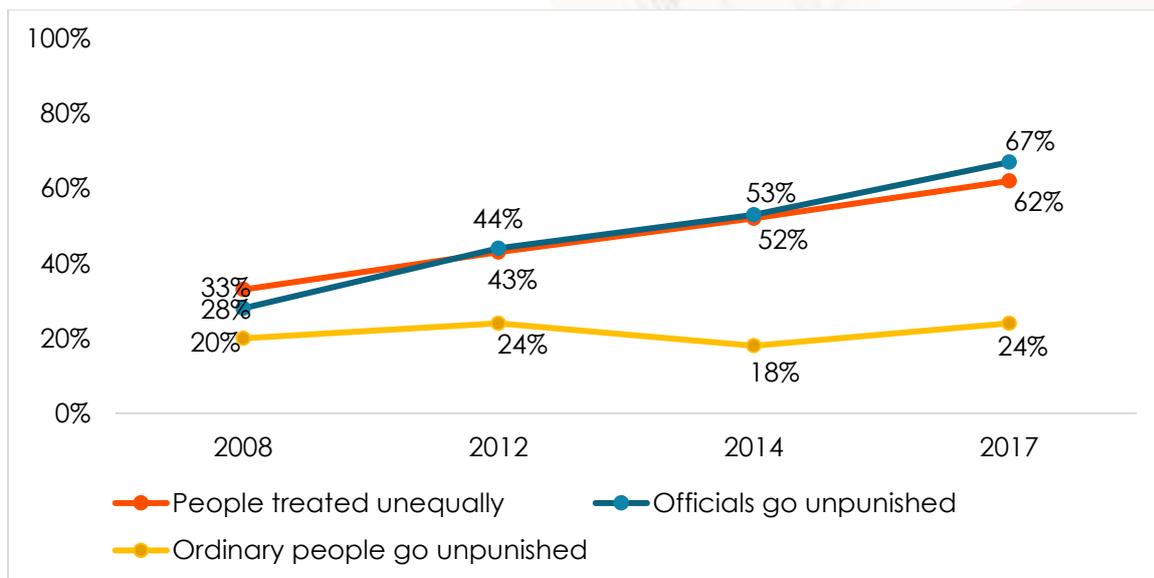


Respondents were asked: In your opinion, how often, in this country:

- Do officials who commit crimes go unpunished?
- Do ordinary people who break the law go unpunished?
- Are people treated unequally under the law?

Over-time trends show that public perceptions of unequal treatment have been increasing (Figure 4). Between 2008 and 2017, the proportion of respondents who say that officials “often” or “always” escape punishment for crimes rose by 39 percentage points. Similarly, the perception that people are treated unequally under the law grew by 29 percentage points. The proportion of citizens who say that ordinary people often/always go unpunished for crimes has not varied substantially over the past decade.

Figure 4: Perceived inequities in how laws are applied | Ghana | 2008-2017

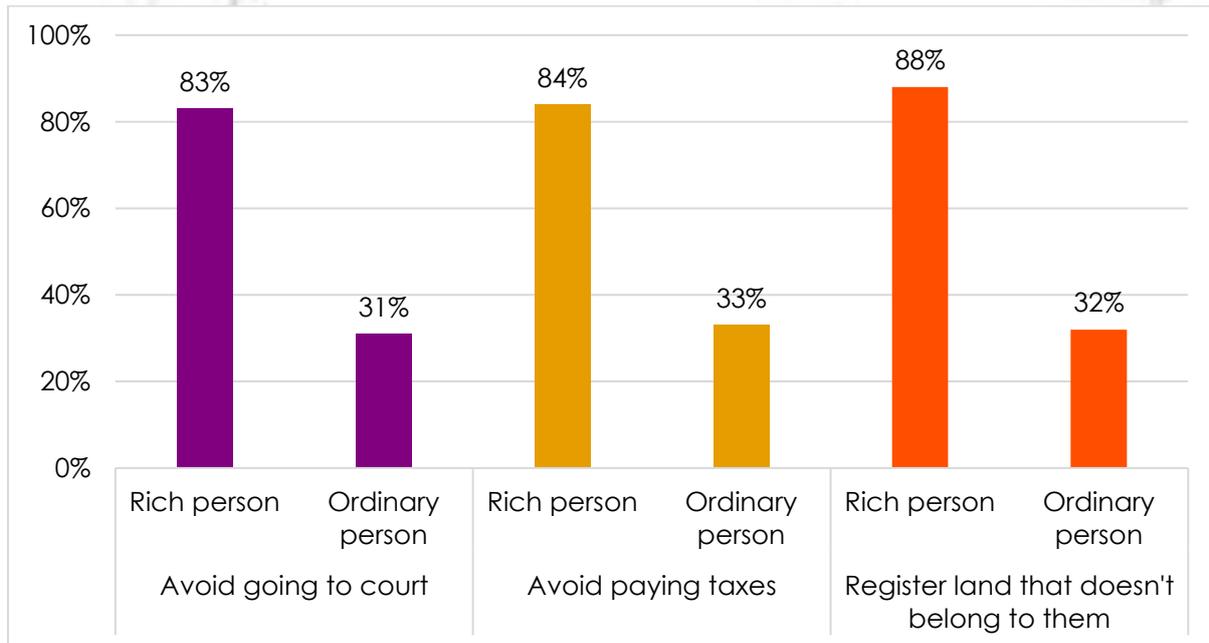


Respondents were asked: In your opinion, how often, in this country:

- Are people treated unequally under the law?
 - Do officials who commit crimes go unpunished?
 - Do ordinary people who break the law go unpunished?
- (% who say “often” or “always”)

Moreover, most Ghanaians say a wealthy person can probably pay a bribe or use personal connections to get around legal obligations. Large majorities see it as “somewhat likely” or “very likely” that a rich person could use bribes or personal connections to avoid going to court (83%), avoid paying taxes (84%), or register land that does not belong to them (88%) (Figure 5). In contrast, about one-third of respondents say it is likely that an ordinary person could do the same.

Figure 5: Using bribery or personal connections to avoid legal obligations – rich vs. ordinary people | Ghana | 2017



Respondents were asked:

- In this country, how likely do you think it is that an ordinary person could pay a bribe or use personal connections to get away with: Avoiding paying taxes they owe to government? Avoiding going to court? Registering land that does not belong to them?
- And in this country how likely do you think it is that a rich person could pay a bribe or use personal connections to get away with: Avoiding paying taxes they owe to government? Avoiding going to court? Registering land that does not belong to them?

Conclusion

Ghanaians clearly believe in the rule of law and in the president's respect for democratic practices enshrined in the law. However, they increasingly see the law as being applied unequally, giving unfair advantages to officials and the wealthy. With these perceptions taking root in the minds of Ghanaians, law enforcement institutions should work to ensure that laws are applied – and are seen as being applied – impartially. Nothing would undermine enthusiasm for the rule of law as effectively as perceived inequities in its application.

Reference

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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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