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News release

Facing election test, Kenya can look to popular support for the rule of law, survey shows

Popular support for the rule of law is one of Kenya's strengths as it confronts an electoral crisis in the wake of the annulled presidential contest of August 8, Afrobarometer survey findings suggest.

Based on a national survey conducted last October, more Kenyans trust the courts than the Independent Electoral and Boundaries Commission, and fully three-quarters of citizens expect the president to obey the courts even if he thinks they're wrong.

Public perceptions of the country's democracy were on an upward swing ahead of the August presidential election, which has been challenged by the opposition and annulled by the Supreme Court. (For more on Kenyans' views on their democracy, please see "[All eyes on Kenya: Will the election continue the country's democratic recovery?](#)")

Key findings

- As of late 2016, Kenyans expressed more trust in the courts of law (52% said they trust them "somewhat" or "a lot") than in the national electoral commission (38%) (Figure 1).
- Popular trust in both these institutions has gone up and down over time. After peaking in 2011, trust declined for both courts and the electoral commission. But trust is higher now than it was for either institution in the aftermath of the violent 2007 election.
- Kenyans value the rule of law. Fully three-quarters (75%) of all citizens expect the president to "always obey the laws and the courts, even if he thinks they are wrong," a strong majority that has held constant since 2011 (Figure 2).
- Encouragingly, almost as many Kenyans think the president actually does observe the rule of law. Some 70% said he "never" or "rarely" ignores court rulings.
- It is of some concern, however, that a slim majority (53%) of Kenyans believe that people are "often" or "always" treated unequally under the law, though this proportion has declined significantly since 2008 (70%).
- Almost two-thirds (63%) of Kenyans consider their country "a full democracy" or "a democracy with minor problems," an improvement of 20 percentage points from responses in 2008 and 2011. Similarly, a majority (56%) said last October that they were "fairly satisfied" or "very satisfied" with the way democracy was working in Kenya, up from 42% in 2008 (Figure 3).

Afrobarometer

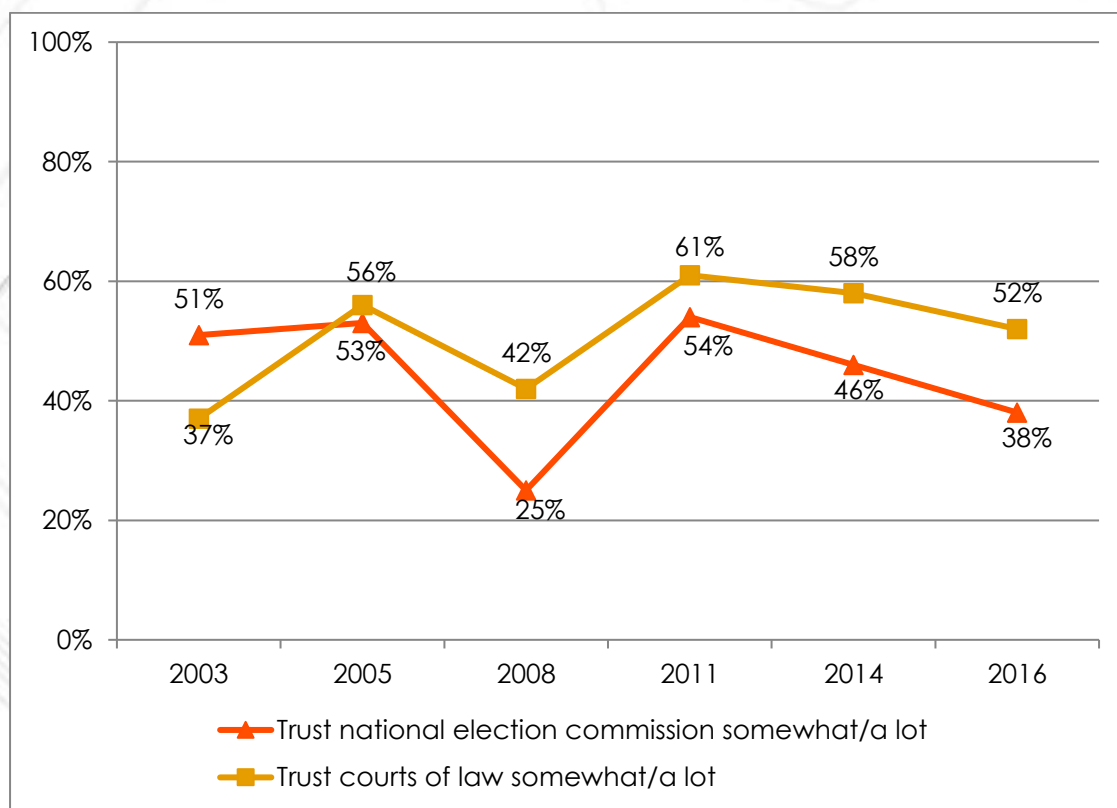
Afrobarometer is a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across more than 30 countries in Africa. Six rounds of surveys were implemented between 1999 and 2015.

Round 7 surveys (2017/2018) are currently underway; results are released as fieldwork is completed. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples of adult citizens.

The Afrobarometer team in Kenya, led by the Institute for Development Studies at the University of Nairobi, interviewed 1,599 adult Kenyans in September-October 2016. A sample of this size yields country-level results with a margin of error of +/-3% at a 95% confidence level. Previous surveys were conducted in Kenya in 2003, 2005, 2008, 2011, and 2014.

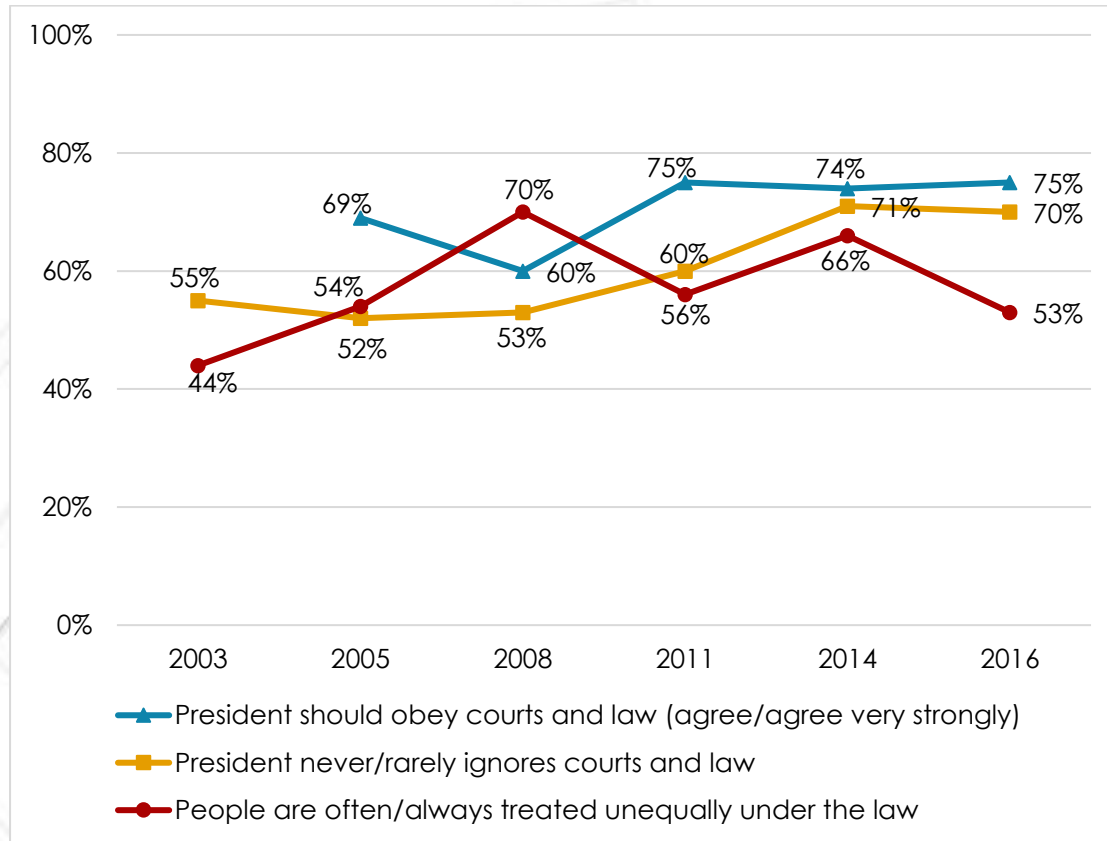
Charts

Figure 1: Popular trust in election commission and courts | Kenya | 2003-2016



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? The Independent Electoral and Boundaries Commission?

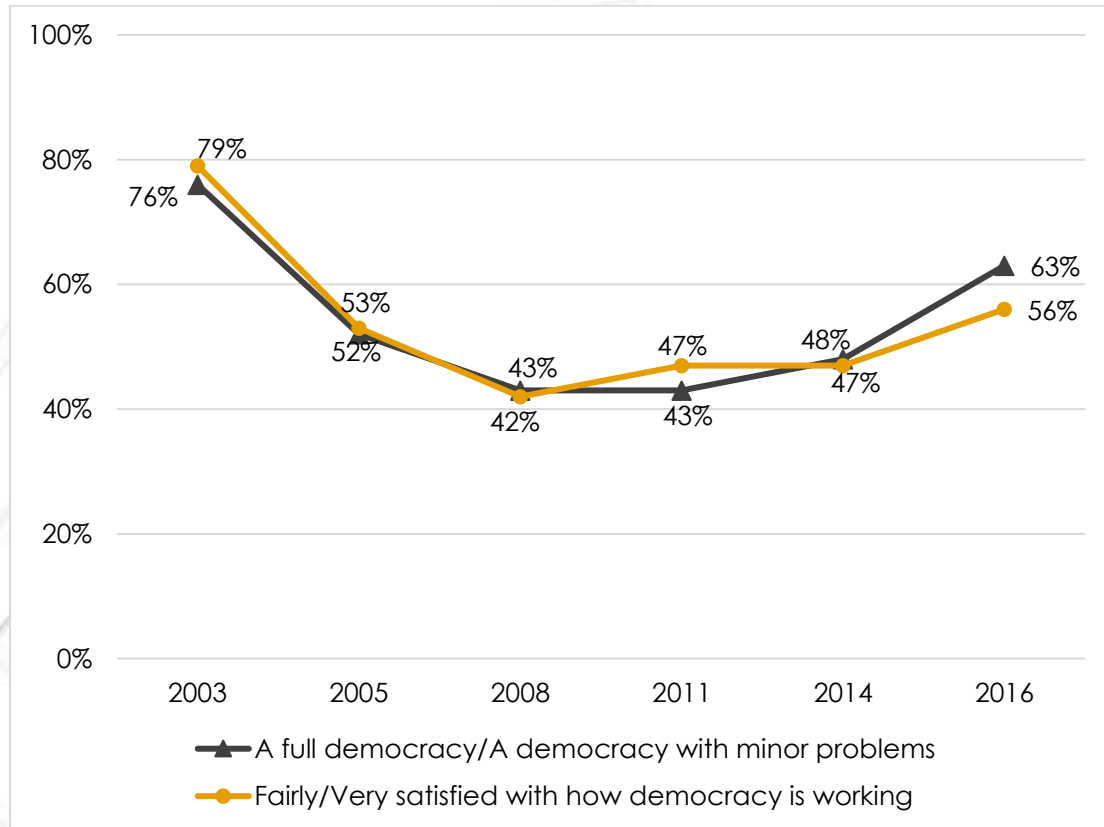
Figure 2: Views on the rule of law | Kenya | 2003-2016



Respondents were asked:

- 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.
- In your opinion, how often, in this country, does the president ignore the courts and laws of this country?
- In your opinion, how often, in this country, are people treated unequally under the law?

Figure 3: Extent of and satisfaction with democracy | Kenya | 2003-2016



Respondents were asked:

- In your opinion, how much of a democracy is Kenya today?
- Overall, how satisfied are you with the way democracy works in Kenya?

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