Access to justice? As public trust in courts declines, many Ugandans have their doubts

Afrobarometer Dispatch No. 821 | Richard Adjadeh, Fred Male, and Ssevume Stevenson Male

Summary

Access to justice for all is a cornerstone of democracy and good governance, empowering citizens to exercise their rights and hold the powerful accountable (United Nations, 2023; Logan, 2017).


The government’s Justice Law and Order Sector (JLOS) reform process has sought to bring the judicial system closer to the people, reduce case backlogs, improve infrastructure, strengthen staff capacities, and expand legal aid services. The government has increased funding for new court premises, recruited additional judges and magistrates, and introduced initiatives such as alternative dispute-resolution interventions and online case hearings to reduce backlogs (Republic of Uganda, 2023; Judiciary, 2023). An electronic court case management information system introduced in some courts starting in March 2022 has helped streamline court processes and enhance efficiency in case clearance and the payment of court fees (New Vision, 2022).

In line with the national Zero-Tolerance to Corruption Policy (Republic of Uganda, 2019) and the Judiciary Strategic Plan V, the judiciary has developed the Anti-Corruption Strategy 2023-2030, which seeks to strengthen integrity, transparency, service delivery, and public trust in the judicial system.


This dispatch reports findings from a special survey module on access to justice included in Afrobarometer’s Round 10 surveys.

Findings show that while a majority of Ugandans think they could probably afford to take a case to court if they had to, only half believe that ordinary people can obtain justice in the courts. Even fewer express trust in the courts, and a majority see most judges and magistrates as corrupt – critical indicators that have worsened over the past decade.

Majorities say that people are treated unequally under the law and that judges often make decisions based on the wishes of powerful people rather than on the law.
Afrobarometer surveys

Afrobarometer is a pan-African, non-partisan survey research network that provides reliable data on African experiences and evaluations of democracy, governance, and quality of life. Nine survey rounds in up to 42 countries have been completed since 1999. Round 10 surveys were launched in January 2024. Afrobarometer’s national partners conduct face-to-face interviews in the language of the respondent’s choice.


Key findings

- About half (51%) of Ugandans say they feel “somewhat confident” or “very confident” that ordinary people can obtain justice in the courts. But 45% express little or no such confidence.

- Almost two-thirds of citizens say they could probably find legal advice (65%) and afford to take a legal problem to court (63%), if necessary. But fewer think such a case would be resolved fairly (50%) and within a reasonable time period (39%).
  - Only one-third (34%) say they are aware of legal aid services that are available in their community.

- Only 28% of citizens say they would turn to a local court to resolve a legal problem. Most would prefer other options, including the police (25%), a political leader or government official (19%), or a traditional leader or traditional court (15%).

- Fewer than half (46%) of survey respondents say they trust the courts “somewhat” or “a lot,” down 10 percentage points since 2017.

- A majority (56%) of citizens say that “most” or “all” judges and magistrates are corrupt, up 13 percentage points since 2017.

- About two-thirds (65%) of Ugandans say that people are “often” or “always” treated unequally under the law. Six in 10 (61%) say officials who break the law frequently go unpunished.

- A majority (56%) say that judges and magistrates “often” or “always” decide cases based on the influence of powerful people, rather than based on the law.

- Ugandans are sharply divided over the death penalty: 50% say it is a fair punishment for the most serious crimes, while 49% say it is never justified.

Do the courts provide justice?

Providing access to justice requires a legal framework that ordinary people understand, can afford, and trust to apply the law fairly, with legal counsel that is available and affordable (International Commission of Jurists, 2009). Perhaps the overriding question, in assessing access to justice, is whether citizens are confident that they can obtain justice in the court system.
In Uganda, slightly more than half (51%) of citizens say they feel “somewhat confident” (37%) or “very confident” (14%) that ordinary people who are wronged can obtain justice in the courts (Figure 1). But almost as many (45%) express little or no such confidence.

**Figure 1: Can people obtain justice in the courts? | Uganda | 2024**

Confidence that the courts provide justice is stronger among women than men (53% vs. 49%) and among rural residents compared to urbanites (53% vs. 44%) (Figure 2).

**Figure 2: Confidence that people can obtain justice in the courts | by demographic group | Uganda | 2024**

1 Due to rounding, percentages for combined categories reported in the text may differ slightly from the sum of sub-categories shown in figures (e.g. for men, 14% “very confident” and 36% “somewhat confident” sum to 49%).
This confidence decreases as respondents’ educational level increases, from 60% among those with no formal schooling to just 40% among those with post-secondary qualifications. Economically well-off respondents (54%) are slightly more likely to believe that the courts provide justice than those experiencing moderate or high levels of lived poverty (49%-50%).

**Access to courts and legal services**

Responses to Afrobarometer’s battery of questions about the judicial system shed some light on why a substantial proportion of Ugandans lack confidence in their ability to obtain justice in the courts. Starting with questions related to access to the courts and to legal services, we find that almost two-thirds (63%) of Ugandans think that if they had a case that needed to go to court, they could probably afford to pursue the case (Figure 3).

But only half (50%) think that such a case would be resolved fairly, and even fewer (39%) expect that it would be resolved within a reasonable time period.

**Figure 3: Expectations regarding a court case | Uganda | 2024**

Confidence in the fairness and timeliness of court resolutions shows a few differences by demographic group. Urban residents are more likely than their rural counterparts to say it is “somewhat likely” or “very likely” that they could get a fair resolution in court (55% vs. 48%)

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2 Afrobarometer’s Lived Poverty Index (LPI) measures respondents’ levels of material deprivation by asking how often they or their families went without basic necessities (enough food, enough water, medical care, enough cooking fuel, and a cash income) during the preceding year. For more on lived poverty, see Mattes and Patel (2022).
This confidence increases with respondents’ economic status, ranging from 44% among the poorest to 56% among the well-off.

As for a timely resolution, men are less optimistic than women (35% vs. 42%), as are the poor (36%-37%) compared to the well-off (44%).

**Figure 4: Likelihood of fair and timely resolution of a court case | by demographic group | Uganda | 2024**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Fair resolution</th>
<th>Timely resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>51%</td>
<td>42%</td>
</tr>
<tr>
<td>Men</td>
<td>50%</td>
<td>35%</td>
</tr>
<tr>
<td>Rural</td>
<td>48%</td>
<td>38%</td>
</tr>
<tr>
<td>Urban</td>
<td>55%</td>
<td>40%</td>
</tr>
<tr>
<td>18-35 years</td>
<td>50%</td>
<td>40%</td>
</tr>
<tr>
<td>36-45 years</td>
<td>50%</td>
<td>36%</td>
</tr>
<tr>
<td>46-55 years</td>
<td>52%</td>
<td>38%</td>
</tr>
<tr>
<td>Over 55 years</td>
<td>51%</td>
<td>36%</td>
</tr>
<tr>
<td>No formal education</td>
<td>53%</td>
<td>40%</td>
</tr>
<tr>
<td>Primary</td>
<td>46%</td>
<td>40%</td>
</tr>
<tr>
<td>Secondary</td>
<td>54%</td>
<td>37%</td>
</tr>
<tr>
<td>Post-secondary</td>
<td>55%</td>
<td>38%</td>
</tr>
<tr>
<td>No/Low lived poverty</td>
<td>56%</td>
<td>44%</td>
</tr>
<tr>
<td>Moderate lived poverty</td>
<td>50%</td>
<td>37%</td>
</tr>
<tr>
<td>High lived poverty</td>
<td>44%</td>
<td>36%</td>
</tr>
</tbody>
</table>

*Respondents were asked:* If you had a case that needed to go to court, how likely do you think it is that: The case could be resolved in a reasonable amount of time? You could get a fair resolution in the courts? (% who say “somewhat likely” or “very likely”)

Most people considering taking a case to court will require legal advice or support from lawyers or legal services. Do Ugandans think they can find and afford such support?

About two-thirds (65%) of survey respondents consider it “somewhat likely” or “very likely” that they could find the legal advice or support they need, and a majority (58%) also think they could probably afford to obtain it (Figure 5). Still, this leaves a substantial proportion of the population who think they could not find (32%) or afford (39%) the legal support they would need to pursue a case in court.
Respondents were asked: If you had a legal problem like a serious complaint against a business or member of your community, how likely do you think it is that: You could find the advice or support you need from lawyers or legal services to address or resolve the problem? You could afford to obtain the legal advice or support that you need?

The costs of legal support and court action are a barrier for a significant minority of citizens across all key demographic groups (Figure 6). Those experiencing high lived poverty are particularly likely to say it is “not very likely” or “not at all likely” that they could afford court costs (38%) or legal support (45%). This assessment is also more common among rural than urban residents (36% vs. 31% for court costs, 42% vs. 33% for legal support).

Difficulty with court and/or legal-support costs are also somewhat more common among youth and respondents with no formal education.

While legal aid services might provide free or reduced-price legal services to people who qualify, only one-third (34%) of Ugandans say they are aware of legal aid services that are available in their community (Figure 7). Women (31%) and the poorest respondents (30%) are particularly unlikely to be aware of legal aid services that might be available to them.

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Figure 6: Could not afford court case and legal support | by demographic group | Uganda | 2024

Respondents were asked:
If you had a legal problem like a serious complaint against a business or member of your community, how likely do you think it is that you could afford to obtain the legal advice or support that you need?
If you had a case that needed to go to court, how likely do you think it is that you could afford to take the case to court?
(% who say “not very likely” or “not at all likely”)

Figure 7: Awareness of legal aid services | by demographic group | Uganda | 2024

Respondents were asked: Are you aware of any legal aid services available to you and others in your community? (% “yes”)
Considering financial barriers and limited public expectations of the courts, it may not be surprising that a majority of citizens say they would look elsewhere if they had a legal problem. Asked where they would be most likely to go to try to find a resolution to a legal problem such as “a serious complaint against a business or member of your community,” only 28% say they would turn to a local court. About seven in 10 cite other options, including the police (25%), a political leader or government official (19%), or a traditional leader or traditional court (15%) (Figure 8).

**Figure 8: Where to go to resolve a legal problem | Uganda | 2024**

Respondents were asked: If you had a legal problem like a serious complaint against a business or member of your community, where would you be most likely to go to try to find a resolution?

Looking at the top four preferences for where to seek a resolution to a legal problem, women and men show only marginal differences, while urbanites are more likely than rural residents to turn to the police (34% vs. 22%) and less likely to seek out a political leader or government official (14% vs. 19%) or a traditional leader or court (11% vs. 17%) (Figure 9).

Compared to citizens with at least primary schooling, citizens with no formal education are far less likely to say they would go to a formal court (15%) or the police (16%) and more likely to turn to political/government officials (24%) or traditional leaders/courts (21%). The most educated respondents are particularly likely to turn to the police (40%).
Figure 9: Where to go to resolve a legal problem | by demographic group | Uganda | 2024

<table>
<thead>
<tr>
<th>Women</th>
<th>Men</th>
<th>Rural</th>
<th>Urban</th>
<th>18-35 years</th>
<th>36-45 years</th>
<th>46-55 years</th>
<th>Over 55 years</th>
<th>No formal education</th>
<th>Primary</th>
<th>Secondary</th>
<th>Post-secondary</th>
<th>No/Low lived poverty</th>
<th>Moderate lived poverty</th>
<th>High lived poverty</th>
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<tbody>
<tr>
<td>27%</td>
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<td>27%</td>
<td>28%</td>
<td>30%</td>
<td>27%</td>
<td>31%</td>
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<td>24%</td>
<td>25%</td>
<td>22%</td>
<td>34%</td>
<td>28%</td>
<td>20%</td>
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<td>17%</td>
<td>16%</td>
<td>21%</td>
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Respondents were asked: If you had a legal problem like a serious complaint against a business or member of your community, where would you be most likely to go to try to find a resolution?

Citizen engagement with the justice system

In its Round 9 survey in 2022, Afrobarometer asked Ugandans about their direct experiences with the legal system.

Among the 13% of respondents who said they or a member of their family had had dealings with a government court or tribunal as a claimant, respondent or defendant, or witness during the previous five years, majorities said they encountered problems (Figure 10). These included cases that took too long to resolve (81%), legal services that were too expensive (77%), court processes that were difficult to follow (77%), court premises that were located far away (66%), bribes they had to pay to judges or officials (65%), and court personnel who did not treat them with respect (59%).
Respondents who said they had contact with the courts during the previous five years were asked: And have you encountered any of the following problems during your interactions with the courts in the past five years?

**Alternative justice systems**

Awareness of such problems may prevent some citizens, especially members of poor or marginalised groups, from attempting to seek justice through the formal court system (International Development Law Organization, 2019). They may try to settle conflicts through alternative dispute-resolution approaches, such as civil court settlements, plea bargains, mediation, and small-claims procedures (Judiciary, 2022).

Among 23% of respondents who said they or a member of their family experienced a land-related dispute during the previous five years, the largest share (44%) cited the clan or family as best suited to address such disputes. Only half as many (22%) cited the formal courts as the best approach, followed by sub-county leaders (16%), district leaders (7%), other leaders (5%), and security forces (2%) (Figure 11).

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**Figure 10: Problems encountered while dealing with courts of law | Uganda | 2022**

- **Court case took too long**
  - Often: 45%
  - A few times: 21%
  - Once or twice: 15%
  - Never: 13%
- **Legal services were too expensive**
  - Often: 43%
  - A few times: 20%
  - Once or twice: 14%
  - Never: 16%
- **Court processes were difficult to follow**
  - Often: 41%
  - A few times: 17%
  - Once or twice: 19%
  - Never: 14%
- **Court premises were located far away**
  - Often: 39%
  - A few times: 16%
  - Once or twice: 11%
  - Never: 22%
- **Paid bribe to court judge or official**
  - Often: 38%
  - A few times: 12%
  - Once or twice: 15%
  - Never: 21%
- **Was not treated with respect**
  - Often: 26%
  - A few times: 16%
  - Once or twice: 17%
  - Never: 26%

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**Figure 11: Authority best suited to address land disputes | Uganda | 2022**

- **Clan or family**
  - Often: 44%
- **Formal courts of law**
  - Often: 22%
- **Sub-county leaders**
  - Often: 16%
- **District leaders**
  - Often: 7%
- **Other leaders**
  - Often: 5%
- **Security forces**
  - Often: 2%
- **No one**
  - Often: 2%

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Respondents who experienced a land-related dispute during the previous five years were asked: Looking at the land dispute that your household encountered, in your opinion, who among the following authorities would you say was best suited to address the land dispute that you or your household faced?
The clan or family approach was particularly favoured by the poorest respondents (49%) and by rural residents (47%), while the use of formal courts of law was more popular in cities than in rural areas (32% vs. 19%) (Figure 12).

**Figure 12: Authority best suited to address land dispute | by lived poverty and urban-rural location | Uganda | 2022**

Respondents who experienced a land-related dispute during the previous five years were asked: Looking at the land dispute that your household encountered, in your opinion, who among the following authorities would you say was best suited to address the land dispute that you or your household faced?

- **Integrity, independence, and neutrality of the judiciary**

  In addition to issues of access, cost, and expectations of a fair and timely resolution, people’s trust in the judiciary may influence their willingness to engage with the court system. How confident are Ugandans in the integrity of the system and the judges they would face?

- **Trust in the court system**

  Fewer than half (46%) of survey respondents say they trust the courts even “somewhat,” including just 16% who express “a lot” of trust. One in five (21%) say they don’t trust the courts “at all” (Figure 13).
Rural residents express greater trust in the courts than urbanites (49% vs. 40%). But the largest trust gap separates citizens with secondary or higher education (39%) from those with primary schooling or less (52%-54%) (Figure 14).

Popular trust in the judicial system dropped by 10 percentage points between surveys in 2017 and 2019 and has not recovered since then (Figure 15).

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?

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Figure 15: Trust in courts of law | Uganda | 2015-2024

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?

Perceived corruption in the courts

One reason for significant public distrust may be perceptions of widespread corruption in the judiciary. A majority (56%) of Ugandans see “most” or “all” judges and magistrates as corrupt, in addition to 33% who say that “some of them” are corrupt. Only one in 20 citizens (5%) think there is no corruption among the country’s judges and magistrates (Figure 16).

Figure 16: Perceived corruption among judges and magistrates | Uganda | 2024

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?
Men are more likely than women to see “most” or “all” judges and magistrates as corrupt (59% vs. 52%) (Figure 17). This perception is more common among older respondents (61% of those aged 46 or older) than among their younger counterparts (54%-55%) and increases with citizens’ experience of lived poverty, ranging from 46% among better-off respondents to 61% among the poorest.

Figure 17: Perceived corruption among judges and magistrates | by demographic group | Uganda | 2024

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?

Perceptions of widespread corruption among judges and magistrates have increased by 13 percentage points since 2017, while the share of those who say that only “some of them” are corrupt decreased by 10 points (Figure 18).
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?

Independence and neutrality of the courts

Uganda’s Constitution enshrines the independence of the judiciary and the principle of equality under the law for all citizens irrespective of race, colour, tribe, gender, sex, religion, social status, political affiliation, and economic status (Republic of Uganda, 1995).

But survey responses tell a different story on the ground. About two-thirds (65%) of Ugandans say that people are “often” or “always” treated unequally under the law (Figure 19). Six in 10 (61%) say officials who commit crimes frequently go unpunished, while only 34% say the same thing regarding ordinary people who break the law.

Respondents were asked: In your opinion, how often, in this country: Do judges and magistrates decide cases based on the influence of political leaders, government officials, or other powerful people, rather than based on the law? Are people treated unequally under the law? Do officials who commit crimes go unpunished? Do ordinary people who break the law go unpunished?
And a majority (56%) say that judges and magistrates “often” or “always” decide cases based on the influence of political leaders, government officials, or other powerful people, rather than based on the law.

Moreover, citizens see differences in the sentences given to ordinary people who break the law compared to penalties assessed when political leaders, government officials, and other powerful people are convicted of crimes. Survey respondents are five times more likely to see sentences given to the powerful as too lenient (46%, vs. 9% for sentences given to ordinary criminals). And while only 10% see penalties given to the powerful as too harsh, three times as many (32%) say the same about sentences for ordinary lawbreakers (Figure 20).

Respondents experiencing high lived poverty are particularly likely to see sentences for ordinary people as too harsh (39%) and those for the powerful as too lenient (57%) (not shown).

**Figure 20: Severity of penalties for crimes | ordinary people vs. powerful people | Uganda | 2024**

<table>
<thead>
<tr>
<th></th>
<th>Ordinary people</th>
<th>Powerful people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Too lenient</td>
<td>9%</td>
<td>46%</td>
</tr>
<tr>
<td>About right</td>
<td>55%</td>
<td>39%</td>
</tr>
<tr>
<td>Too harsh</td>
<td>32%</td>
<td>10%</td>
</tr>
<tr>
<td>Don’t know/Refused</td>
<td>3%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Respondents were asked:

*In general, when ordinary people are convicted of crimes in this country, do you think that the punishments handed down to them, such as fines or jail or prison sentences, are too harsh, too lenient, or generally about right, or haven’t you heard enough to say?*

*In general, when political leaders, government officials, or other powerful people are convicted of crimes in this country, do you think that the punishments handed down to them, such as fines or jail or prison sentences, are too harsh, too lenient, or generally about right, or haven’t you heard enough to say?*

**Executive respect for the rule of law**

While President Yoweri Museveni has argued that the government should be able to disregard court decisions that are detrimental to the nation (Observer, 2022), almost three-quarters (73%) of Ugandans say the president “must always obey the laws and the courts, even if he thinks they are wrong” (Figure 21). Only 25% instead think the president “should not be bound by laws or court decisions that he thinks are wrong.” The demand for presidential compliance with laws and courts has exceeded seven in 10 citizens for the past two decades.

Similarly, 74% say that Parliament should ensure that the president regularly explains how his administration uses taxpayers’ money.
In practice, only slightly more than half of citizens say the president usually respects these mandates, “rarely” or “never” ignoring the country’s laws and courts (53%) and Parliament (51%).

**Figure 21: Presidential respect for the rule of law | Uganda | 2024**

<table>
<thead>
<tr>
<th>Statement</th>
<th>Uganda</th>
<th>2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>President must obey laws and court</td>
<td>73%</td>
<td>74%</td>
</tr>
<tr>
<td>President must account to Parliament</td>
<td>53%</td>
<td>51%</td>
</tr>
</tbody>
</table>

**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. (% who agree with Statement 2)

**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. (% who agree with Statement 1)

**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?

**Views on the death penalty**

Afrobarometer also asked survey respondents about their views on the death penalty. Uganda law allows for the death penalty, including – since 2023 – for a crime described as "aggravated homosexuality." No execution has been carried out since 2005 (Death Penalty Information Center, 2023).

Ugandans are sharply divided over the death penalty: 50% say it is a fair punishment for people who commit the most serious crimes, such as murder, while 49% say it can never be justified (Figure 22).

Differences by demographic group are slight on the death-penalty question (Figure 23). Men are marginally more likely than women to endorse the use of the death penalty (52% vs. 48%), as are older citizens (52%-53% of those over age 45) compared to younger respondents (47%-49%).
Respondents were asked: Which of the following statements is closest to your view?

Statement 1: The death penalty is a fair punishment for people who have committed the most serious crimes, such as murder.

Statement 2: There is no crime for which the death penalty can be justified.

Respondents were asked: Which of the following statements is closest to your view?

Statement 1: The death penalty is a fair punishment for people who have committed the most serious crimes, such as murder.

Statement 2: There is no crime for which the death penalty can be justified.
Conclusion

If “access to justice” is to mean more than possibly being able to file a lawsuit, Afrobarometer survey findings point to a lengthy list of challenges for Uganda’s legal system. For while a solid majority of citizens think they could afford to take a case to court if they needed to, their perceptions of the formal judicial system would leave many looking elsewhere for remedies.

Critically, only half of Ugandans are confident that ordinary people can obtain justice in the courts, which majorities say treat people unequally and often make decisions to please powerful people rather than to apply the law.

Most Ugandans who have had recent dealings with the formal court system report encountering problems – from long delays and hard-to-understand processes to expensive legal aid and corrupt court officials – that may deny access to justice to ordinary citizens.

More broadly, many Ugandans see the judiciary as corrupt and untrustworthy – perceptions that are growing and demand urgent attention from policy makers and leaders of the judicial system.
References

Observer. (2022). Museveni on why the government will continue to defy courts orders. 21 September.
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Afrobarometer, a nonprofit corporation with headquarters in Ghana, is a pan-African, non-partisan research network. Regional coordination of national partners in about 35 countries is provided by the Ghana Center for Democratic Development (CDD-Ghana), the Institute for Justice and Reconciliation (IJR) in South Africa, and the Institute for Development Studies (IDS) at the University of Nairobi in Kenya. Michigan State University, the University of Cape Town, and the University of Malawi provide technical support to the network.

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