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# Access to justice in Gambia: Courts seen as untrustworthy, unfair, and ineffective

**Afrobarometer Dispatch No. 951 | Sait Matty Jaw, Mariama Davies, and Luqman Saka**

## Summary

Following the electoral defeat of former President Yahya Jammeh in 2016 and the inauguration of a new administration under President Adama Barrow, the Gambia embarked on a series of reform processes. Key among these were transitional justice reform, constitutional reform, security sector reform, and a broad institutional reform agenda (Dettman, 2024; Akech, 2022; Perfect, 2022; Zarifis, 2022). While the first three were aimed at addressing decades of human rights abuses, laying the foundation for constitutional democracy, and restructuring the state security framework, the institutional reform agenda sought to redefine the principles, values, norms, and processes guiding state institutions. These efforts were intended to improve service delivery, enhance transparency and accountability, and ultimately strengthen public trust and support for governance institutions.

Years into the democratic transition and reform process, the Gambia's judiciary continues to face challenges in delivering justice services that are not only efficient, effective, timely, and transparent but also perceived by citizens as fair and accountable, irrespective of wealth, political influence, or social status. The government, judiciary, and local and international partners have implemented a variety of programmes and initiatives to enhance access to justice and bolster public confidence in the judicial system. Recognising the centrality of trust in the judiciary, Solicitor General Hussain Thomas of the Ministry of Justice emphasised, "We're working to build a system where every Gambian can have confidence that their rights will be protected and that the law will be applied fairly, regardless of who they are" (United Nations, the Gambia, 2024). This statement underscores the critical role of public trust in the judiciary as a pillar of the reform agenda and a key determinant of public support for governance institutions, especially in a transitional context.

Despite these reform efforts, public trust in state institutions, including the judiciary, remains a challenge. As shown in Afrobarometer (2023) Round 9 survey findings, many Gambians continue to perceive these institutions as plagued by corruption, lacking transparency, and falling short in service delivery. Addressing these concerns will be crucial in consolidating democratic gains and ensuring the success of ongoing reform efforts.

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

Findings show that fewer than half of Gambians trust the courts, are confident that ordinary people can get justice in the courts, or think they could afford to take a legal problem to court. Majorities say that people are "often" or "always" treated unequally under the law and that powerful people who break the law often go unpunished.

## 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.

The Afrobarometer team in Gambia, led by the Center for Research and Policy Development, interviewed a nationally representative sample of 1,200 adult Gambians in April-May 2024. A sample of this size yields country-level results with a margin of error of +/-3 percentage points at a 95% confidence level. Previous surveys were conducted in the Gambia in 2018, 2021, and 2022.

## Key findings

- Fewer than half (44%) of Gambians say they feel “somewhat confident” or “very confident” that ordinary people who are wronged can obtain justice in the courts.
- Only about one-third of citizens say they could probably find legal advice (34%) and afford to take a legal problem to court (31%), if necessary.
  - About four in 10 think such a case would be resolved fairly (39%) and within a reasonable time period (38%).
  - Only 10% say they are aware of legal aid services that are available in their community.
- Three in 10 citizens (31%) say they would turn to the police to resolve a legal problem, while others would look to elders or traditional leaders or courts (20%), family members (16%), or religious leaders (6%). Only 2% say they would go to a lawyer or a local court.
- Fewer than half (46%) of survey respondents say they trust the courts “somewhat” or “a lot.”
- More than four in 10 citizens (43%) say that “most” or “all” judges and magistrates are corrupt.
- A majority (56%) of Gambians say that people are “often” or “always” treated unequally under the law. Six in 10 (59%) say officials who break the law frequently go unpunished.
- Almost half (48%) of respondents say that judges and magistrates “often” or “always” decide cases based on the influence of powerful people, rather than based on the law.
- An overwhelming proportion (80%) of Gambians say the death penalty is a fair punishment for the most serious crimes.

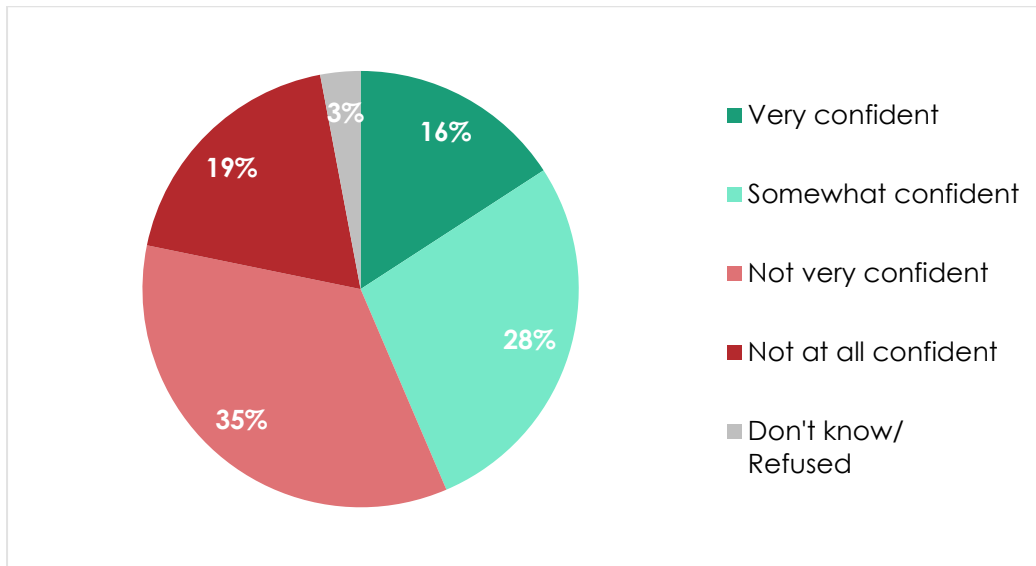
## Do the courts provide justice?

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 the Gambia, fewer than half (44%) of citizens say they feel “somewhat confident” (28%) or “very confident” (16%) that ordinary people who are wronged can obtain justice in the courts (Figure 1). More than half (54%) express little or no such confidence.

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



**Respondents were asked:** *In general, how confident are you that ordinary citizens who are wronged can obtain justice in the courts?*

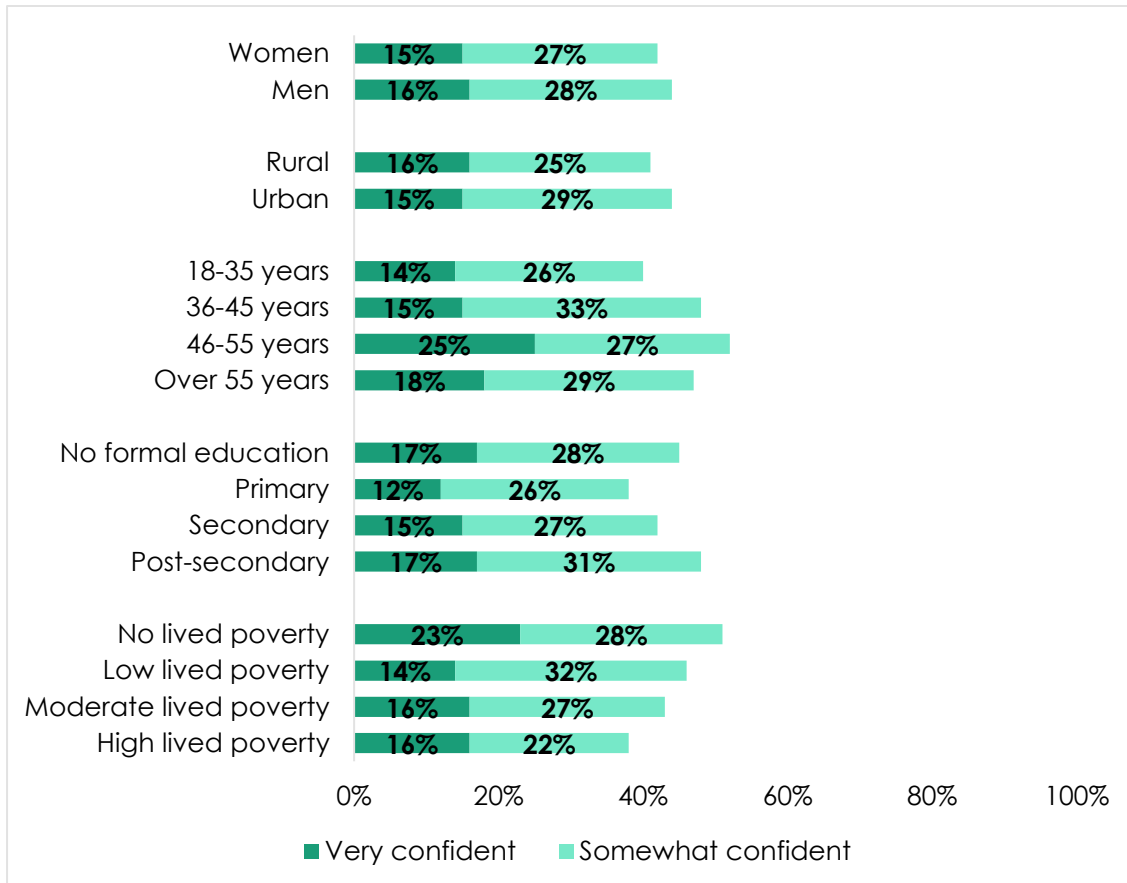
Confidence that the courts provide justice increases with respondents' economic status, ranging from 38% among those experiencing high lived poverty<sup>1</sup> to 51% among well-off citizens (Figure 2). It is weaker among the youth (39% of 18- to 35-year-olds)<sup>2</sup> than among their elders (47%-52%).

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<sup>1</sup> 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 Lekalake (2025).

<sup>2</sup> 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 18- to -35-year-olds, 14% “very confident” and 26% “somewhat confident” sum to 39%).

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



**Respondents were asked:** *In general, how confident are you that ordinary citizens who are wronged can obtain justice in the courts?*

### 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 Gambians lack confidence in their ability to obtain justice in the courts. More than half say that if they had a case that needed to go to court, it’s “not very likely” or “not at all likely” that it would be resolved fairly (54%) or within a reasonable time (55%) (Figure 3).

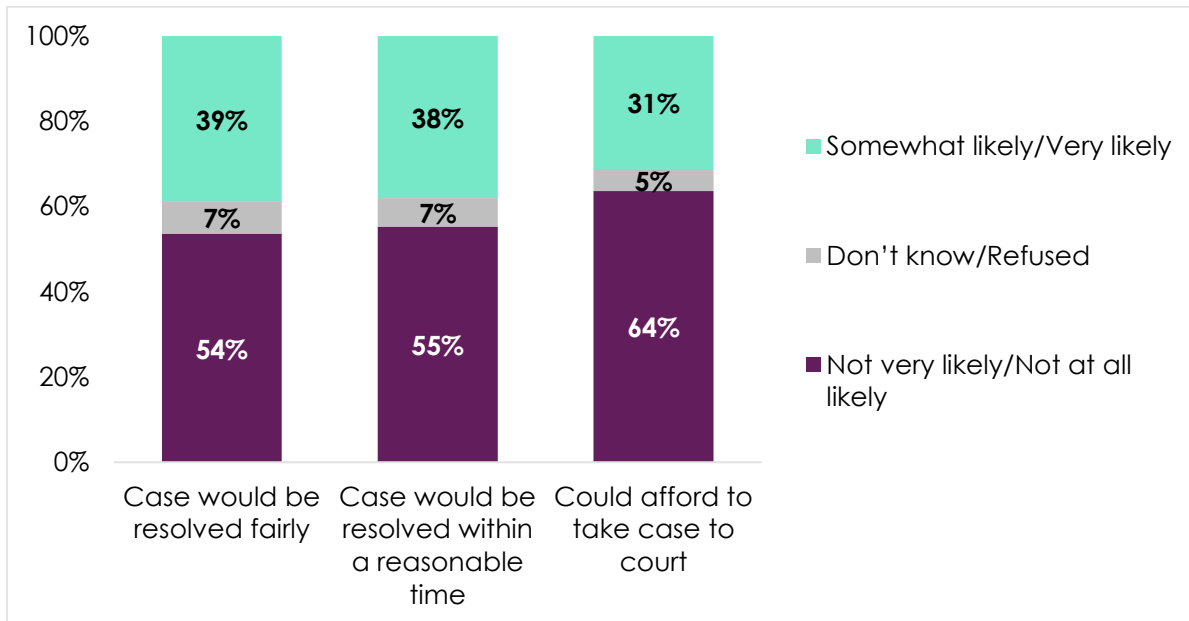
And almost two-thirds (64%) doubt that they could afford to pursue such a case in court.

Confidence in the court system to resolve legal issues in a timely and fair manner shows considerable variation across key demographic categories, especially by respondents’ level of education and economic well-being (Figure 4).

Expectations of a fair resolution are far higher among citizens with post-secondary education (52%) than among those with less schooling (35%-38%). And well-off citizens are three times as likely to express confidence in a fair resolution than the poorest respondents (50% vs. 17%). Men and urban residents also express somewhat greater confidence in a fair outcome than women and rural residents.

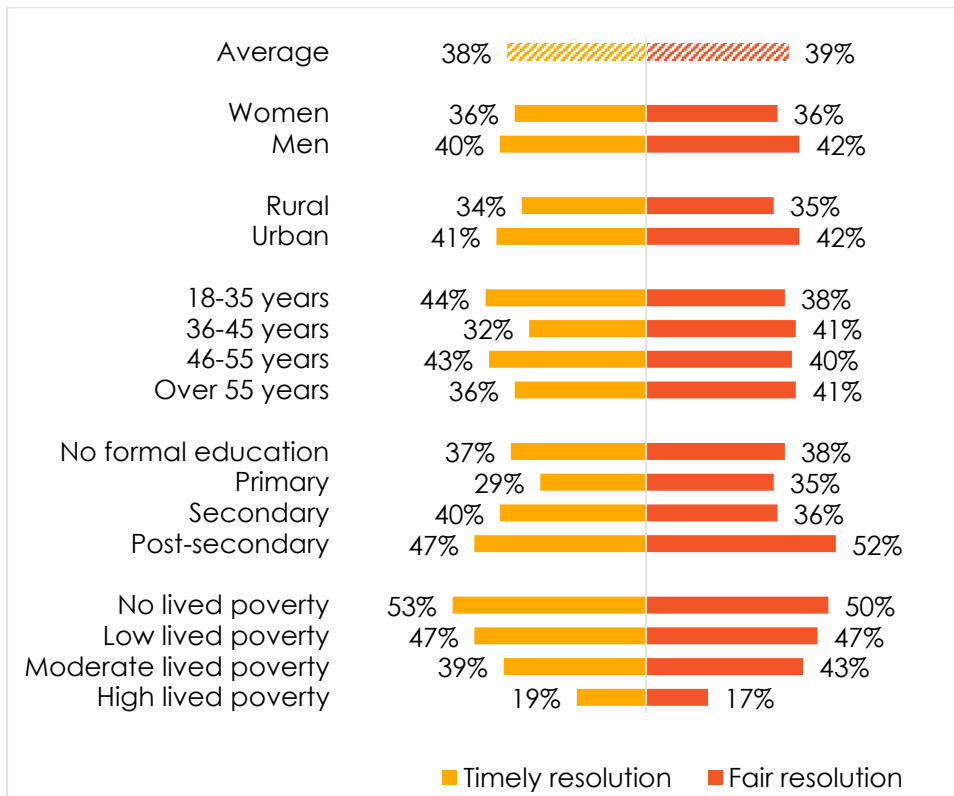
As for confidence in a timely resolution, we again see the greatest gaps between the poorest (19%) and the well-off (53%), along with above-average levels of optimism among those with tertiary education, urban residents, and men.

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



**Respondents were asked:** 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? The case could be resolved in a reasonable amount of time? You could get a fair resolution in the courts?

**Figure 4: Likelihood of fair and timely resolution of a court case | Gambia | 2024**

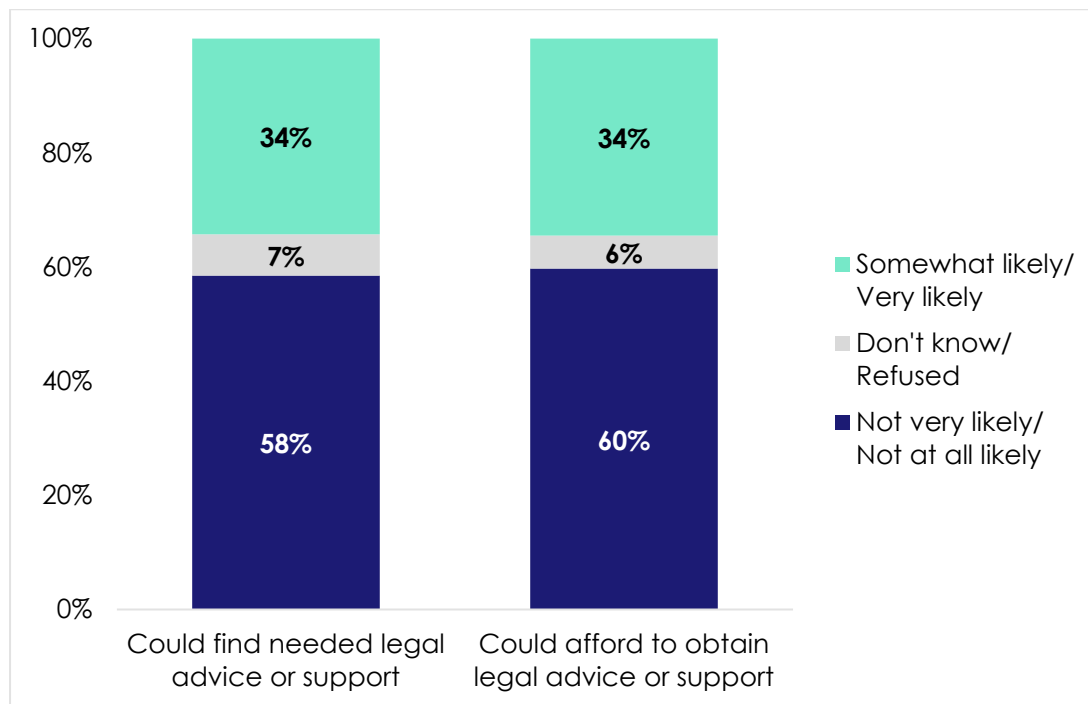


**Respondents were asked:** If you had a case that needed to go to court, how likely do you think it is that: The case could be resolved in a reasonable amount of time? You could get a fair resolution in the courts? (% who say "somewhat likely" or "very likely")

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

Only about one-third of survey respondents consider it “somewhat likely” or “very likely” that they could find the legal advice or support they need (34%) and could afford to obtain it (34%), leaving majorities who doubt they could do either (Figure 5).

**Figure 5: Ability to find and afford legal support | Gambia | 2024**



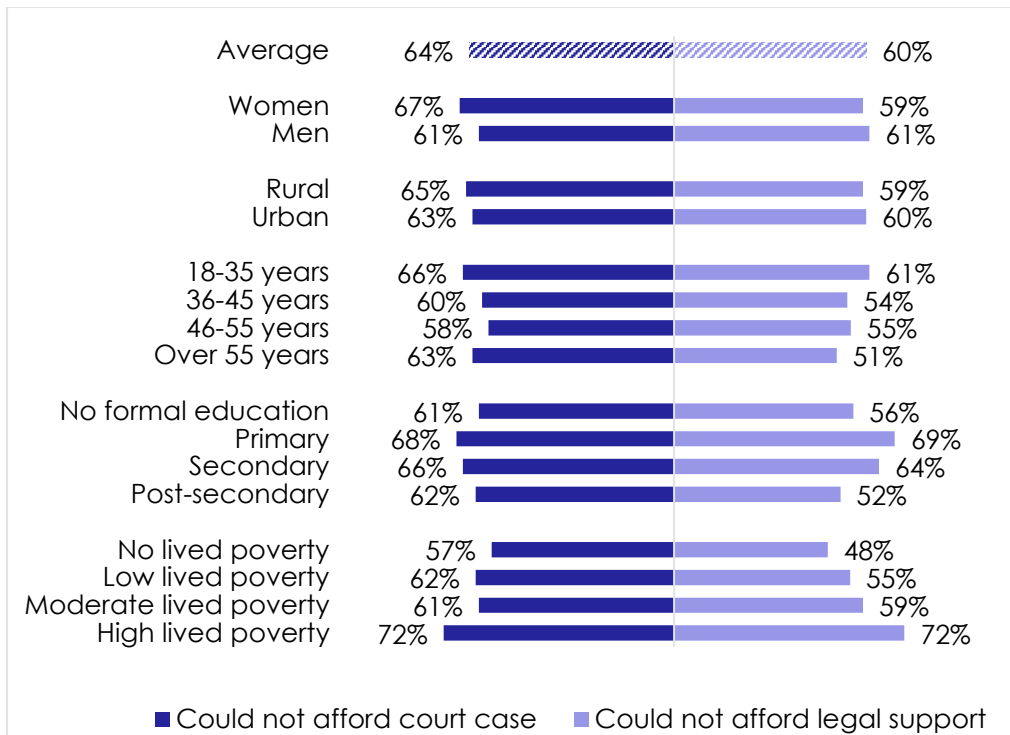
**Respondents were asked:** *If you had a legal problem like a serious complaint against a business or member of your community, how likely do you think it is that: You could find the advice or support you need from lawyers or legal services to address or resolve the problem? You could afford to obtain the legal advice or support that you need?*

Not surprisingly, citizens experiencing high lived poverty are most likely to say that they probably could not afford to hire legal support or to take a case to court (72% each) (Figure 6). Well-off respondents are the only group in which fewer than half (48%) doubt their ability to pay for legal support, and even in this group, a majority (57%) say they probably could not afford a court case.

Women are more likely to men to say they probably couldn't afford a court case (67% vs. 61%). And young respondents are less confident than their elders that they could pay for legal support or a court case.

While legal aid services might provide free or reduced-price legal services to people who qualify, only 10% of Gambians say they are aware of such services that are available in their community (Figure 7). The youth (13%) and the poorest respondents (12%) are slightly more likely to be aware of legal aid services than their older and better-off counterparts.

**Figure 6: Could not afford court case and legal support | Gambia | 2024**



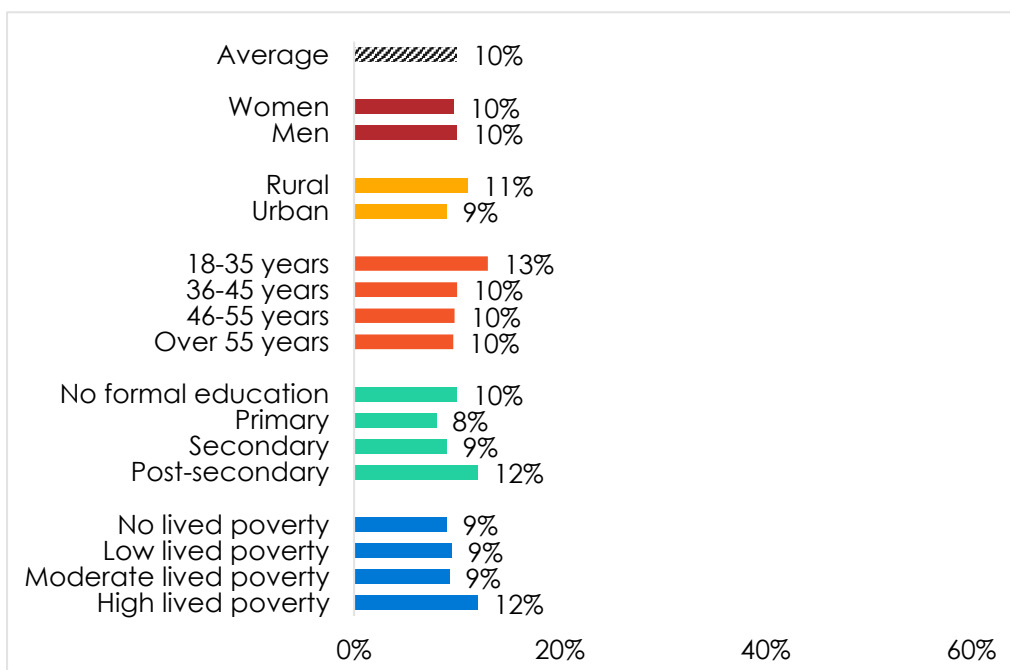
**Respondents were asked:**

*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 | Gambia | 2024**

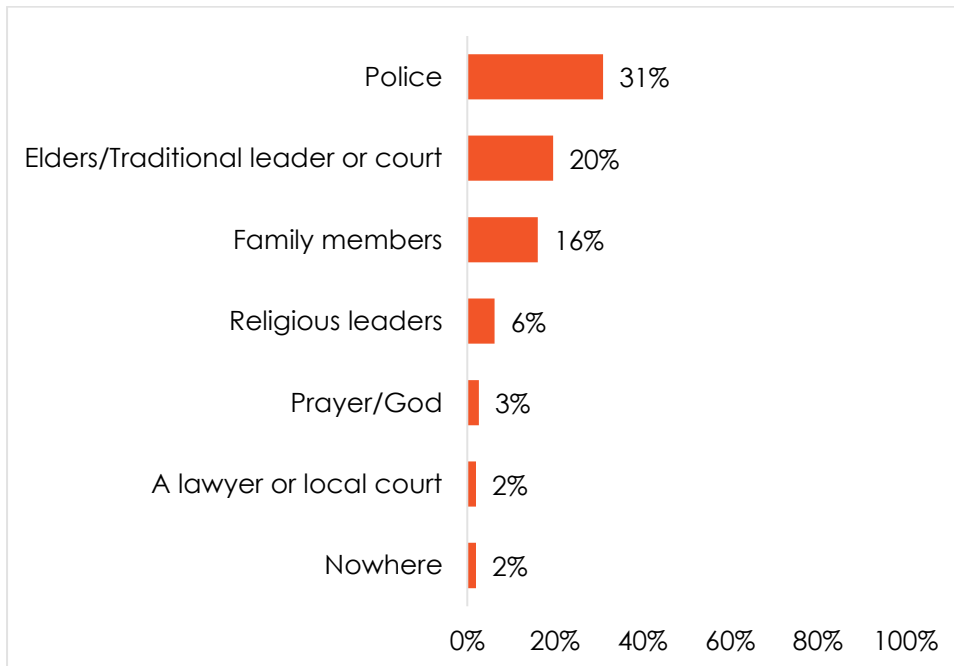


**Respondents were asked:**

*Are you aware of any legal aid services available to you and others in your community? (% "yes")*

Given Gambians' doubts about their ability to afford legal support, it is not surprising that the justice system is not the main institution they trust to resolve legal issues (Figure 8). 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," 31% say they would turn to the police, while others would look to elders or traditional leaders or courts (20%), family members (16%), or religious leaders (6%). Only one in 50 (2%) say they would go to a lawyer or a local court.

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



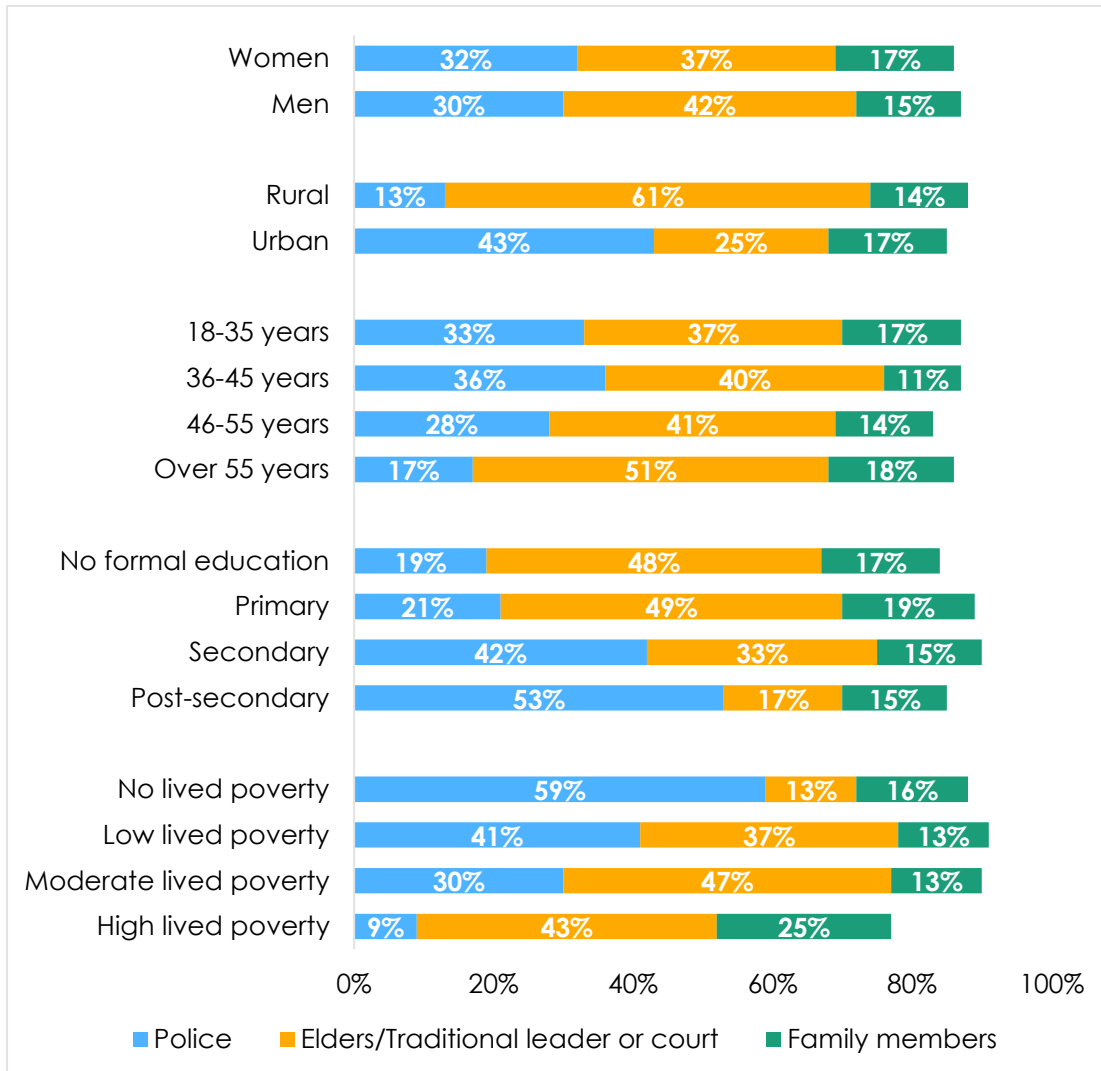
**Respondents were asked:** *If you had a legal problem like a serious complaint against a business or member of your community, where would you be most likely to go to try to find a resolution?*

Looking at citizens' top three preferences for where to seek a resolution to a legal problem, we see that the police are the most popular option among urban residents (43%), citizens with secondary (42%) or post-secondary (53%) education, and economically well-off individuals (59%) (Figure 9).

In contrast, elders or traditional leaders/courts are far more popular in rural areas (61%), among those with primary schooling or less (48%-49%), and those experiencing moderate or high lived poverty (43%-47%). Among the poorest respondents, only 9% would turn to the police, while 25% would look for a solution within the family.



**Figure 9: Where to go to resolve a legal problem** | by demographic group  
 | Gambia | 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?*

### Integrity, independence, and neutrality of the judiciary

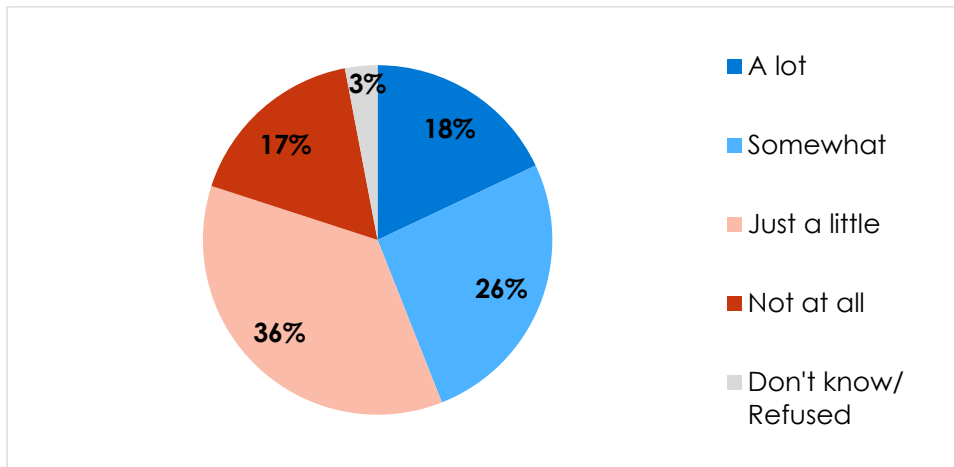
In addition to issues of access, cost, and expectations of a fair and timely resolution, people's trust in the judiciary may influence their willingness to engage with the court system. How confident are Gambians in the integrity of the system and the judges they would face?

#### Trust in the court system

Fewer than half (44%) of Gambians say they trust the courts even "somewhat," including just 18% who express "a lot" of trust. More than half (53%) say they trust the courts "just a little" (36%) or "not at all" (17%) (Figure 10).

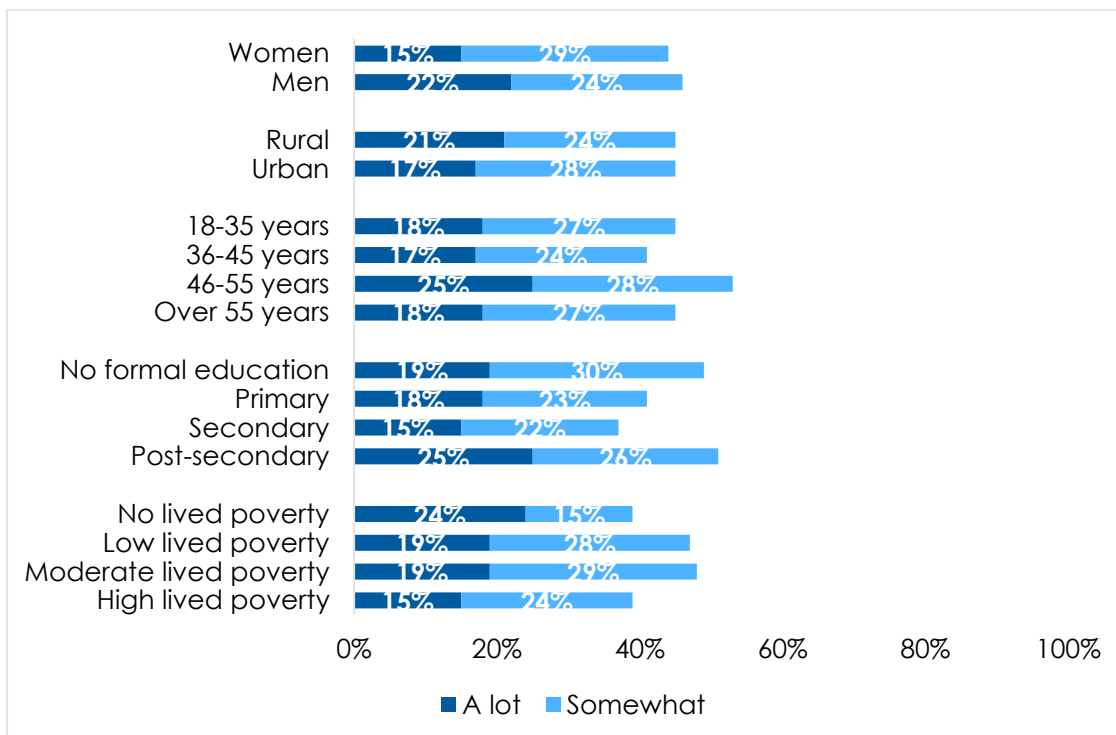
Trust in the courts does not show clear patterns differentiating key demographic groups, although "a lot" of trust is more common among men than women (22% vs. 15%) and among rural residents than urbanites (21% vs. 17%) (Figure 11).

**Figure 10: Trust in courts of law | Gambia | 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?

**Figure 11: Trust in courts of law | by demographic group | Gambia | 2024**



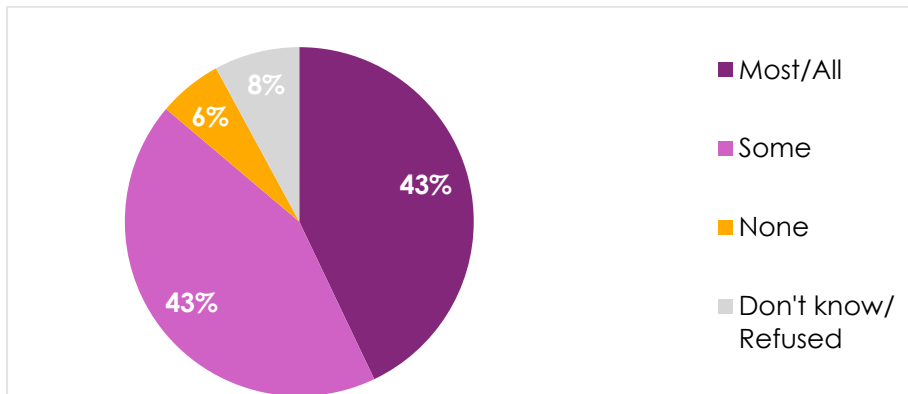
**Respondents were asked:** How much do you trust each of the following, or haven't you heard enough about them to say: Courts of law?

### Perceived corruption in the courts

Gambians overwhelmingly (86%) say there is at least "some" corruption among judges and magistrates, including 43% who say that "most" or "all" of them are corrupt (Figure 12). Only 6% believe that "none" of the country's judges and magistrates are involved in corruption.

Perceptions of widespread graft in the judiciary are fairly consistent across key demographic groups (not shown).

**Figure 12: Perceived corruption among judges and magistrates | Gambia | 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?

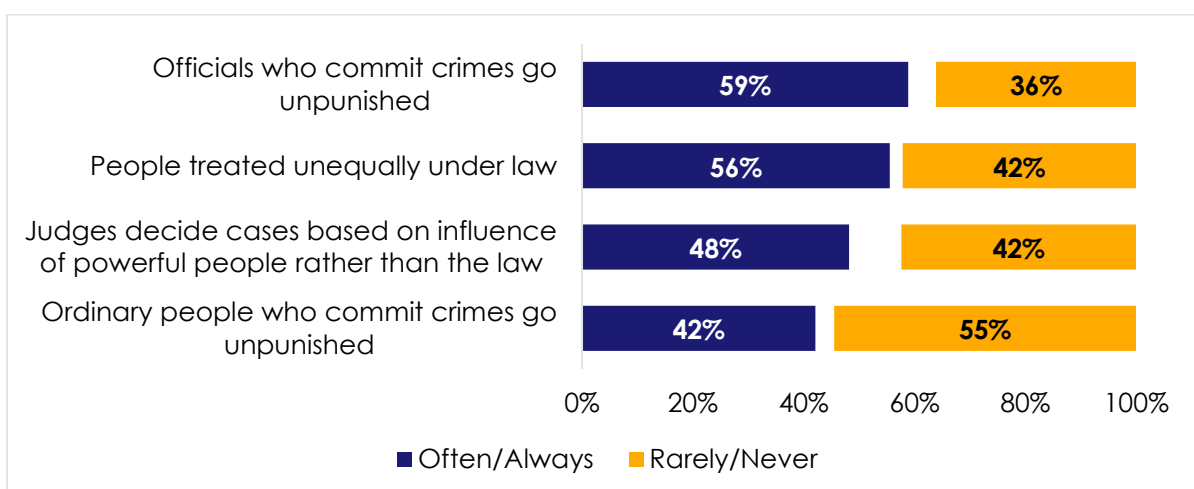
### Independence and neutrality of the courts

Gambia'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 (Nabaneh, 2018; Judiciary of the Gambia, 1997).

Survey responses depict a different reality (Figure 13). A majority (56%) of Gambians say that people are "often" or "always" treated unequally under the law. Six in 10 respondents (59%) see officials who commit crimes as frequently going unpunished, while 42% say the same thing about ordinary people who break the law.

And almost half (48%) of Gambians 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. Only 42% disagree with this assessment.

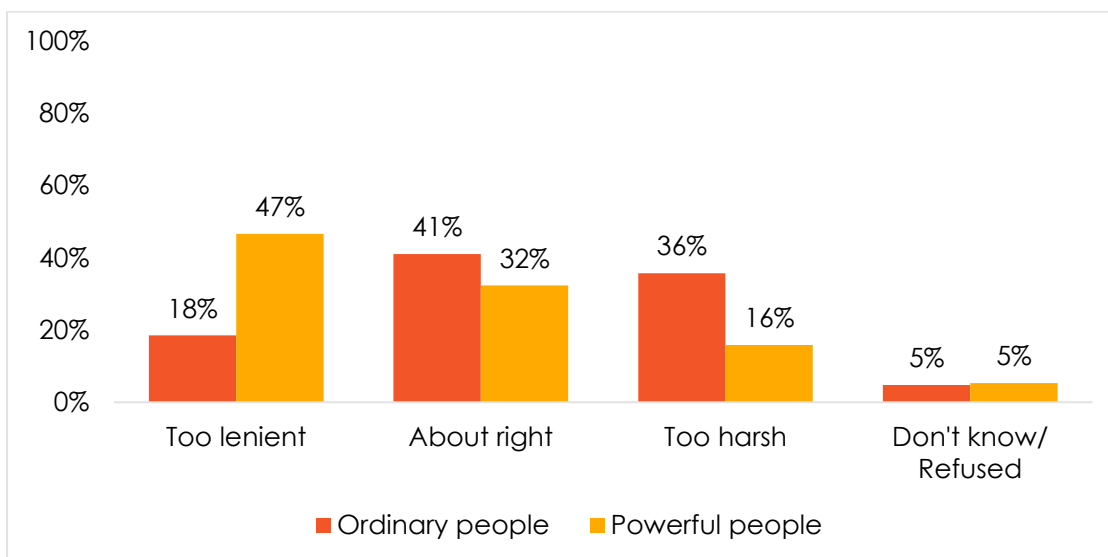
**Figure 13: Equality under the law | Gambia | 2024**



**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?

Moreover, citizens see differences between the sentences given to ordinary people who break the law and the penalties assessed when political leaders, government officials, and other powerful people are convicted of crimes (Figure 14). Survey respondents are more than twice as likely to see sentences given to the powerful as too lenient (47%, vs. 18% for sentences given to ordinary criminals). And while only 16% see penalties given to the powerful as too harsh, more than twice as many (36%) say the same about sentences for ordinary lawbreakers.

**Figure 14: Severity of penalties for crimes** | ordinary people vs. powerful people  
 | Gambia | 2024



**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?*

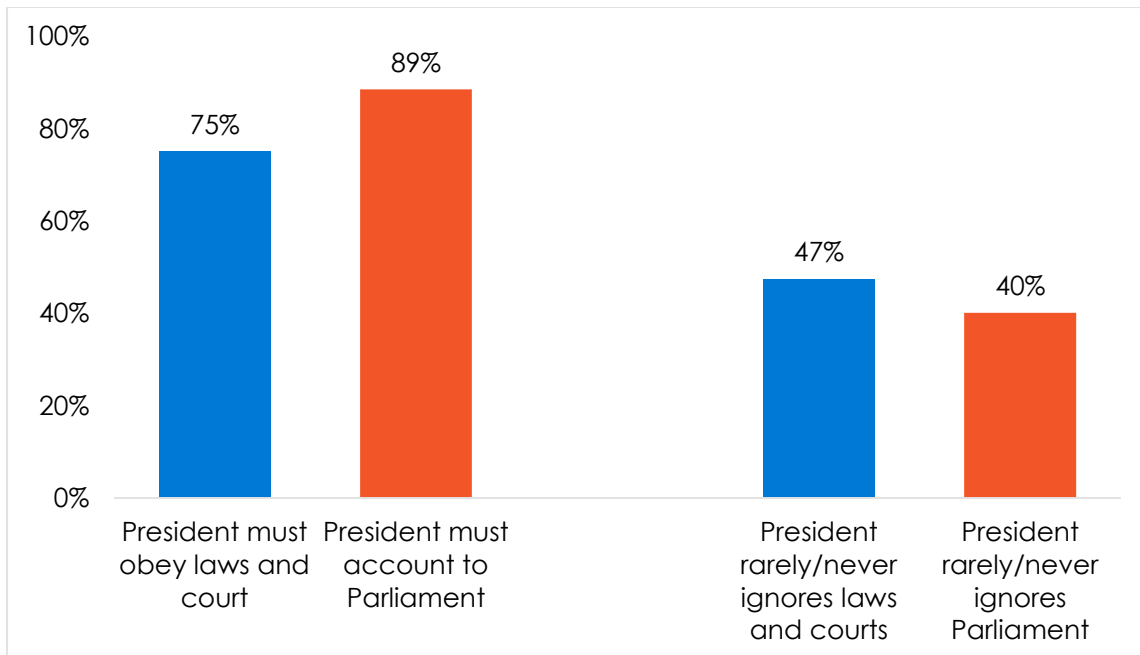
**Executive respect for the rule of law**

Three-quarters (75%) of Gambians say the president “must always obey the laws and the courts, even if he thinks they are wrong” (Figure 15). Only 24% instead think the president “should not be bound by laws or court decisions that he thinks are wrong.”

Similarly, 89% say that Parliament should ensure that the president regularly explains how his administration uses taxpayers' money.

In practice, Gambians are divided in their assessments of whether their president respects these mandates: Fewer than half say the president “rarely” or “never” ignores the country's laws and courts (47%) and Parliament (40%).

**Figure 15: Presidential respect for the rule of law | Gambia | 2024**



**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?

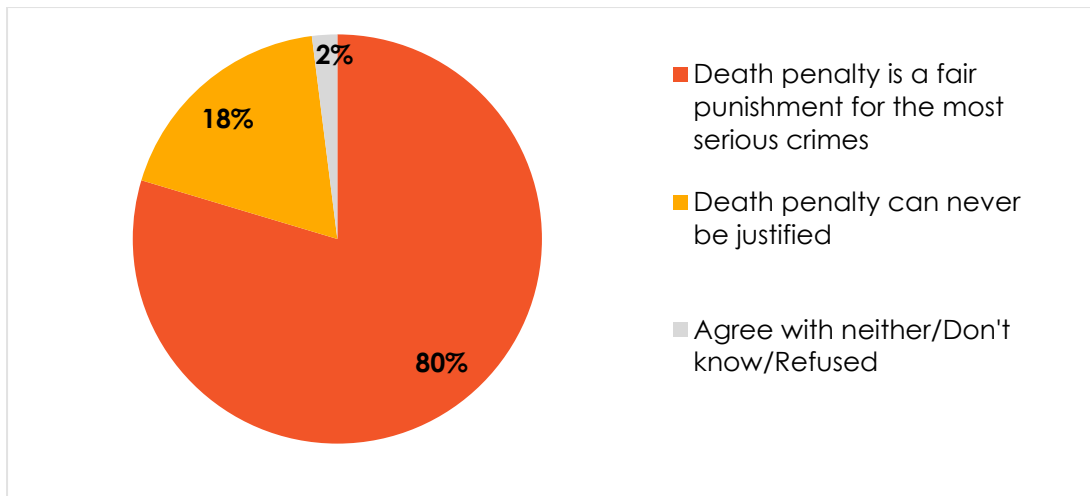
### Views on the death penalty

Afrobarometer also asked survey respondents about their views on the death penalty. The Gambian Constitution allows for the death penalty for such crimes as murder and treason, though at times the country has had moratoriums on executions and public discussion on abolishing capital punishment. In 2018, the president declared a moratorium on executions, indicating that none would be carried out during his term in office (Africanews, 2018).

Survey findings show that an overwhelmingly share (80%) of Gambians believe that the death penalty is a fair punishment for people who commit the most serious crimes, such as murder, while only 18% say the death penalty is never justified (Figure 16).

Support for the death penalty is consistent across key demographic groups, with slightly weaker-than-average – but still overwhelming – support among older citizens (75%) and the most educated (75%) (Figure 17).

**Figure 16: Views on the death penalty | Gambia | 2024**

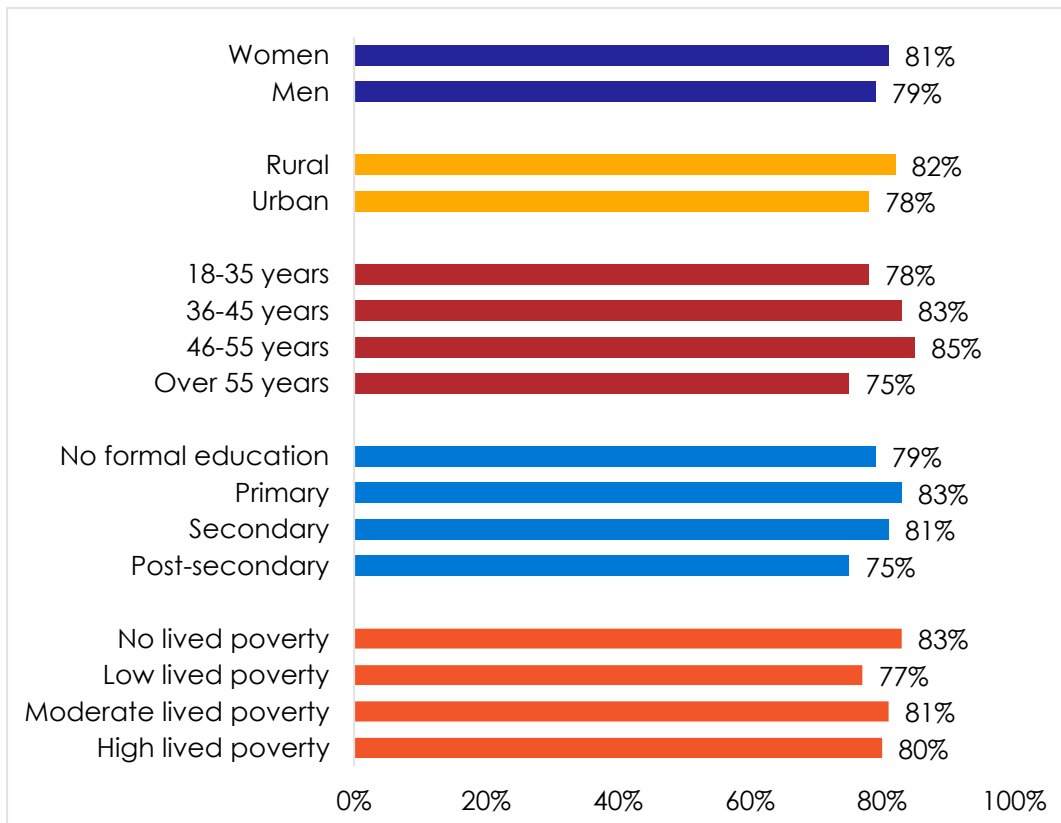


**Respondents were asked:** Which of the following statements is closest to your view?

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.

**Figure 17: Support for the death penalty | by demographic group | Gambia | 2024**



**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  
 (% who agree with Statement 1)

## Conclusion

Survey findings suggest that access to justice is far from a reality in the Gambia. Citizens' assessments point to a lengthy list of challenges for the country's legal system, which many regard as untrustworthy, unfair, unaffordable, and unlikely to deliver justice in a timely manner. A majority of Gambians are of the opinion that the justice system is undermined by corruption and inefficiency. Only a minority think judges and magistrates usually put the law above the influence of powerful people. And most Gambians, if confronted with a legal problem, would likely look for resolution outside the formal justice system.

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Afrobarometer, a nonprofit corporation with headquarters in Ghana, is a pan-African, nonpartisan 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 (MSU) and the University of Cape Town (UCT) provide technical support to the network.

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