

Afrobarometer Round 6

New data from
across Africa



Accra, Ghana
13 March 2017

News release

Access to justice still elusive for many Africans, Afrobarometer survey finds

In most African countries, substantial barriers still inhibit citizens' access to justice, a new Afrobarometer analysis finds.

Based on a special access-to-justice module in national surveys in 36 African countries, the sobering report identifies long delays, high costs, corruption, the complexity of legal processes, and a lack of legal counsel as major obstacles for citizens seeking legal remedies.

The analysis finds vast differences between relatively good access to justice in Botswana, Cape Verde, and Lesotho and the dismal indicators emerging from places such as Liberia and Sierra Leone. In general, the quality and extent of access to justice are worse in less democratic and post-conflict countries. But even most of the best-performing countries have substantial work to do before they can claim to meet the United Nations Sustainable Development Goal 16 call for "access to justice for all."

The Afrobarometer findings released today (13 March) are detailed in Afrobarometer Policy Paper No. 39 ([LINK in English](#), [LINK in French](#)). Watch for country-specific analyses for six fragile and conflict-affected countries (Burundi, Côte d'Ivoire, Mali, Niger, Sierra Leone, and Togo) during the coming months. All documents will be available at www.afrobarometer.org.

Access to justice: Perceptions and experiences

36 African countries | 2014/2015



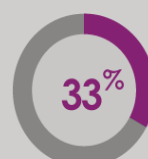
Among all respondents



72% believe courts have the right to make decisions that people **always have to** abide by



Trust courts 'not at all' or 'just a little'



Believe 'most' or 'all' judges and magistrates are corrupt



Had contact with courts during past five years

Among respondents reporting contact with courts



Obtaining assistance from courts 'difficult' or 'very difficult'



Paid **bribe** to get assistance from courts



Experienced **long delays** in court case



Could **not understand** legal procedures



Could **not obtain** legal counsel



Judge **did not listen**



Unable to **pay** legal costs

Key findings

- Across 36 countries, a slim majority (53%) of Africans express confidence in the courts (Figure 1), but in 10 countries, 40% or fewer trust the courts. One in three believe that “most” or “all” judges and magistrates engage in corruption.
- Even so, 72% say courts have the right to make decisions that people always have to abide by.
- Only about one in eight citizens (13%) report contact with the courts in the past five years, ranging from just 4% in Burkina Faso and 6% in Senegal and Côte d'Ivoire to more than one in four citizens in Egypt (28%), Morocco (28%), and Liberia (27%). Contact rates for some marginalized groups (women, uneducated) are even lower.
- Among those reporting contact with the courts, a majority (54%) say that obtaining the needed assistance was difficult. Three out of 10 (30%) report paying bribes to court officials, an experience shared by virtually no Batswana (0%) but nearly two out of three Sierra Leoneans (65%) (Figure 2).
- The experience of problems is common, led by “long delays in handling or resolving the case” (60%) (Figure 3). Nearly half also report that they have difficulty understanding legal processes and procedures, and lack of legal advice, judges who do not listen, and high expenses are all common experiences as well. Liberians, who have some of the highest contact rates, report the most problems by a wide margin (Figure 4).
- Poor, uneducated, and rural respondents are significantly more likely – in some cases more than twice as likely – to encounter problems compared to their wealthier, better-educated, and/or urban counterparts (Figure 5).
- Among the many reasons cited for avoiding the courts, but costs and a lack of confidence in the courts are leading concerns (Figure 6).
- However, country profiles vary markedly. In some countries, the main reason people do not go to courts is that they turn to traditional leaders or local councils instead. In others, people are driven away by expectations of unfair treatment or fear of consequences.
- On average, justice systems in Southern Africa receive the highest marks for the quality and extent of access to justice, while West African nations get the lowest marks, although there are exceptions in both regions.
- Democracies are doing a markedly better job of providing access to justice for their citizens than autocracies, but there are notable outliers, especially Ghana and Benin.
- Post-conflict countries, especially Liberia and Sierra Leone, face much greater challenges in providing access to justice to their citizens than countries that have enjoyed greater internal stability.

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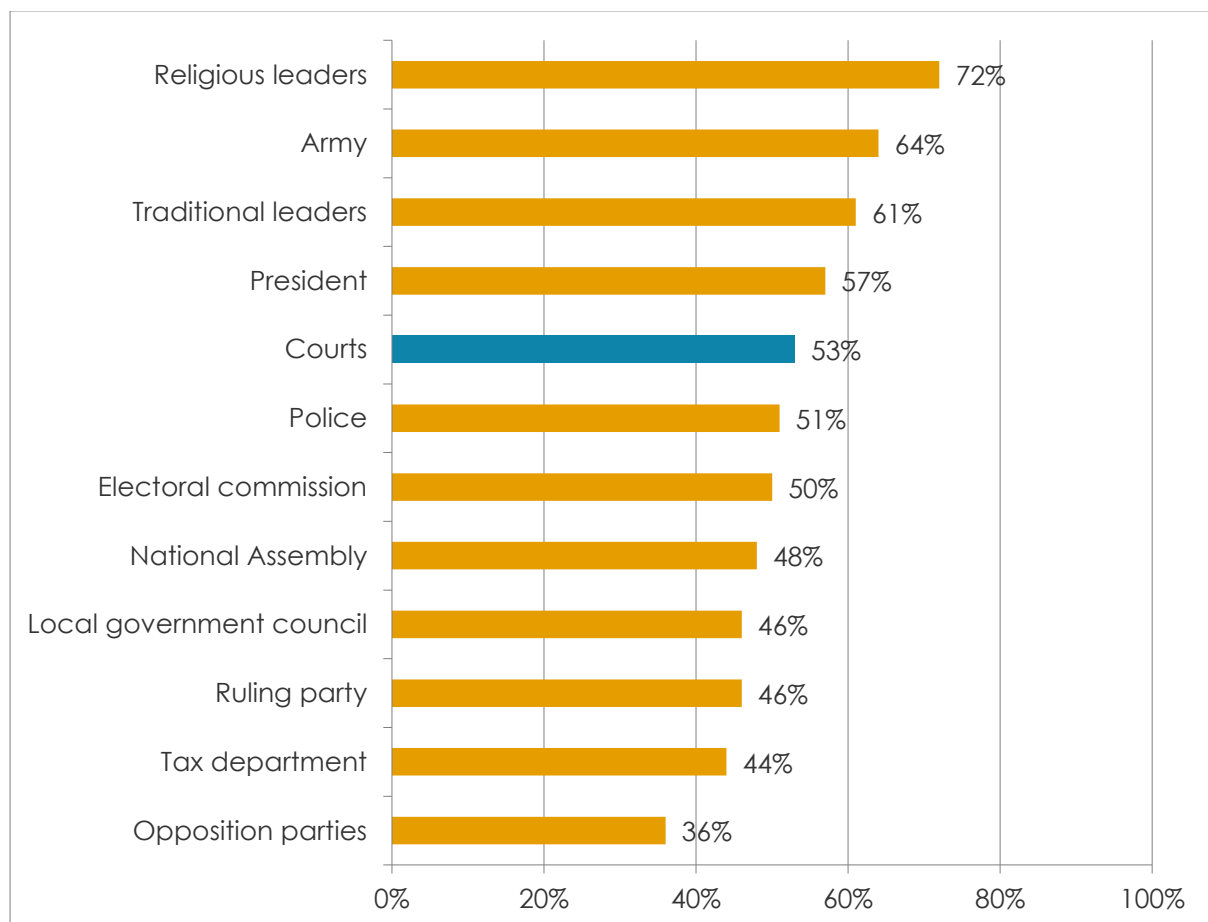
Afrobarometer is a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across 36 countries in Africa. Five rounds of surveys were implemented between 1999 and 2013, and results from Round 6 surveys (2014/2015) are currently being released.

Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples, which yield country-level results with a margin of error of +/-2% (for a sample of 2,400) or +/-3% (for a sample of 1,200) at a 95% confidence level. Round 6 interviews with 53,935 citizens represent the views of more than three-fourths of the continent's population.

Interested readers should visit <http://globalreleases.afrobarometer.org> for previous Round 6 releases and watch for additional analyses over the coming months.

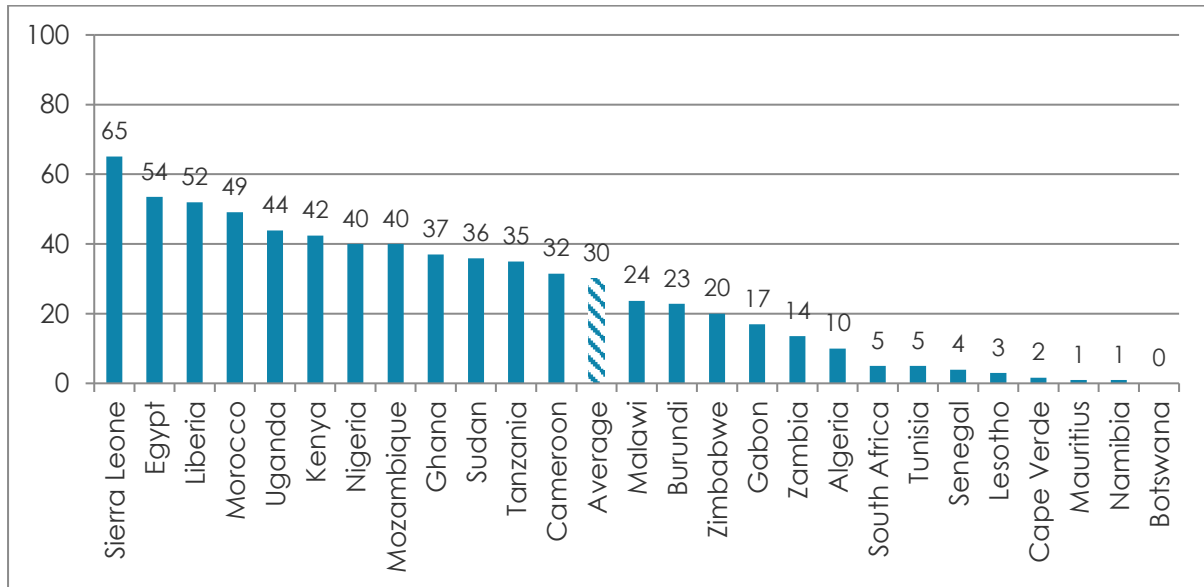
Figures

Figure 1: Trust in courts compared to other institutions | 36 countries | 2014/2015



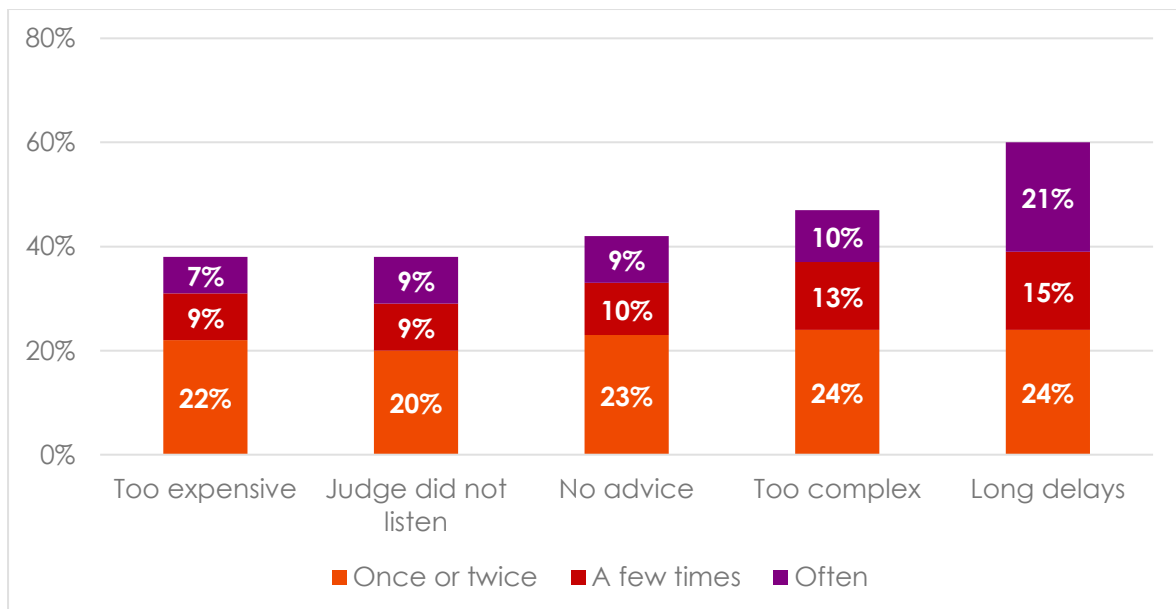
Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say? (% who say they trust them "somewhat" or "a lot")

Figure 2: Paid bribe to get assistance from the courts (%) | 26 countries* | 2014/2015



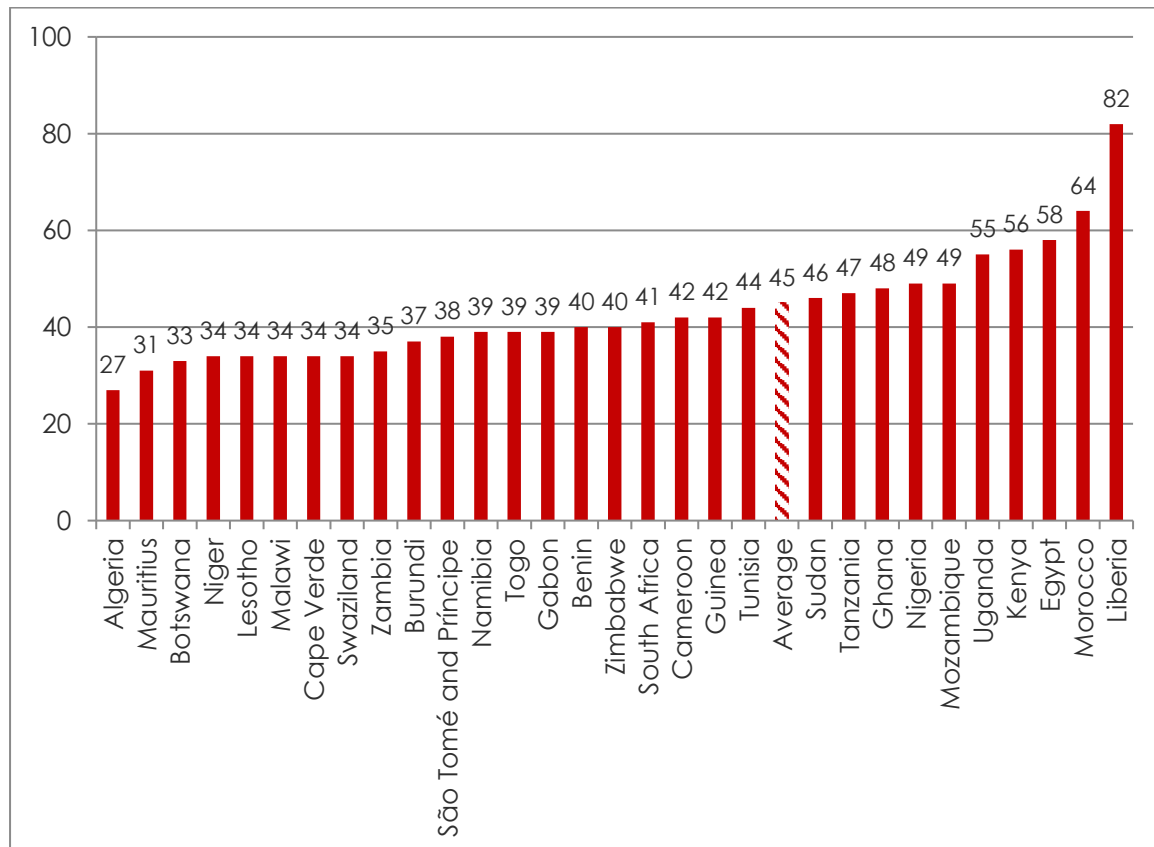
Respondents who reported contact with the courts were asked: *And how often, if ever, did you have to pay a bribe, give a gift, or do a favour for a judge or court official in order to get the assistance you needed from the courts? (% who ever paid a bribe, i.e. "once or twice," "a few times," or "often")*
Note: Percentages reported are only among those who report contact with the courts. Only countries with 100 or more respondents reporting contact are shown; average includes all 36 countries.

Figure 3: Problems encountered in court interactions | 36 countries | 2014/2015



Respondents who had contact with the courts in the previous five years 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: Percentages reported are only among those who report contact with the courts. Those with no contact are excluded.

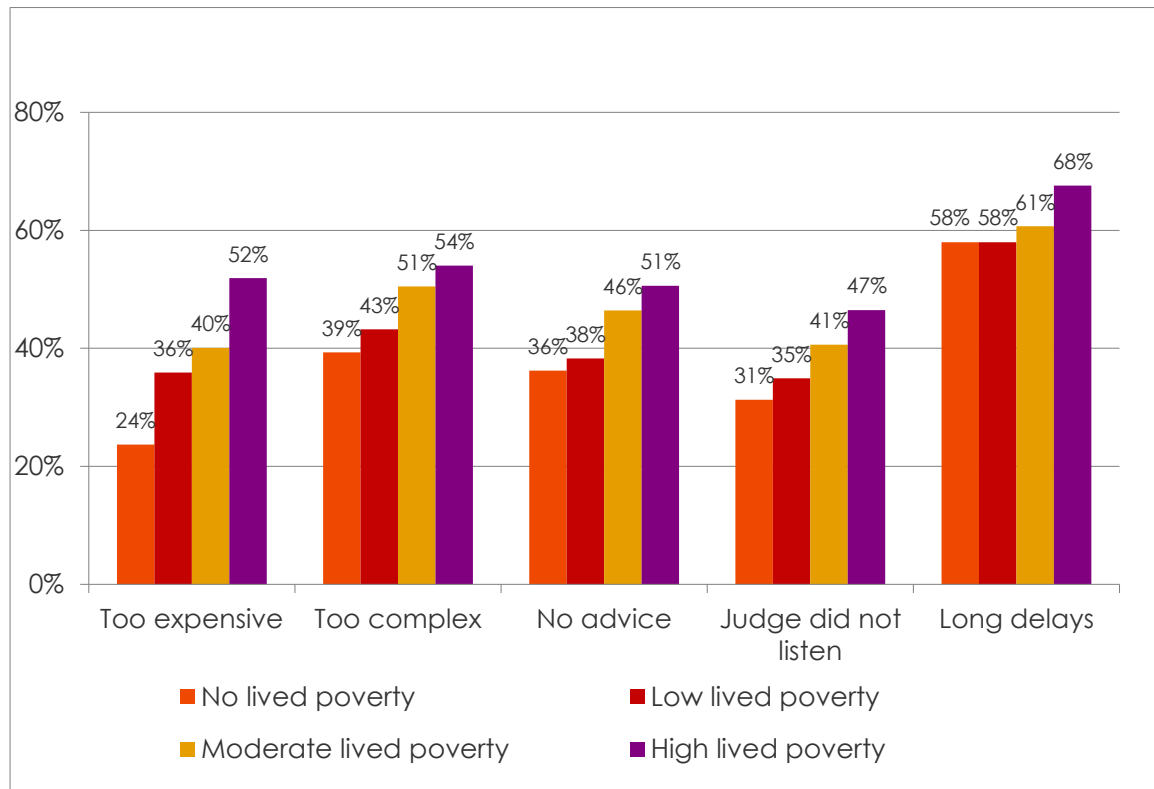
Figure 4: Average experience of problems in courts, by country (%) | 36 countries
 | 2014/2015



Respondents 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? (% who say "yes")

Note: Figure shows average of responses to all five questions, as a percentage of respondents who had contact with the courts. Those with no contact are excluded. Individual country results are not reported for countries where fewer than 100 respondents had contact with the courts.

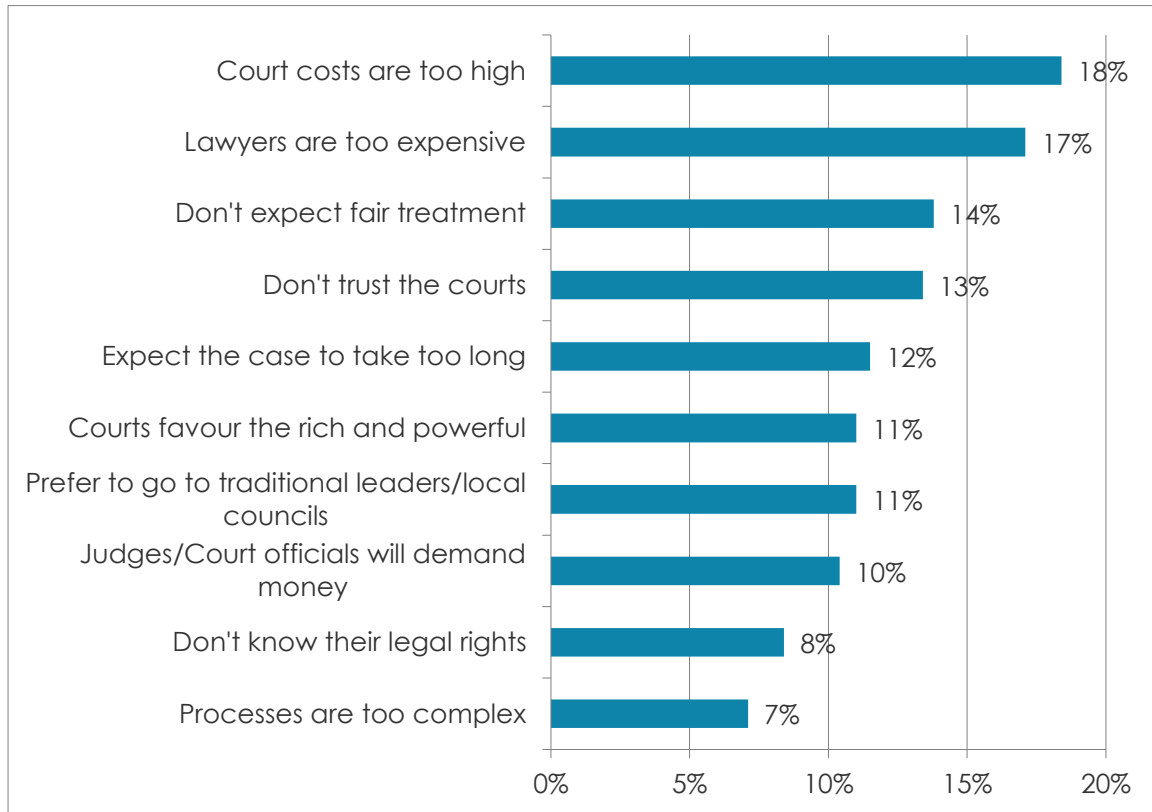
Figure 5: Experience of problems in courts, by poverty level | 36 countries
 | 2014/2015



Respondents 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? (% who say "yes")

Note: Percentages reported are only among those who had contact with the courts. Only countries with 100 or more respondents reporting contact are shown; average includes all 36 countries.

Figure 6: Why people avoid the courts | 36 countries | 2014/2015



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? (% who cite each option as one of up to two responses)*

For more information, please contact:

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