



**Ambitious SDG goal confronts
challenging realities: Access to justice
is still elusive for many Africans**

By Carolyn Logan

Introduction

Access to justice for all citizens has long been recognized as a cornerstone of democracy, good governance, and effective and equitable development. Its centrality has recently been highlighted in the United Nations' Sustainable Development Goal 16 (SDG16), which calls for all societies to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” (United Nations, 2016). The United Nations Development Programme (2004) has even described access to justice as a basic human right.

Access to justice is described broadly as the ability of citizens to “seek and obtain remedies” (American Bar Association, 2012, i) and to “prevent the abuse of their rights and obtain remedies when such rights are abused” (United States Agency for International Development, 2010, 12). Providing access to justice requires meeting several conditions. It requires a legal framework that protects citizens' rights and that is known and comprehensible to ordinary people. It requires that court costs are reasonable and that legal counsel is both available and affordable. And it requires that citizens are confident that laws will be fairly and effectively applied. In short, it requires the existence of a remedy, citizens with the legal empowerment and capacity to seek a remedy, and a court system with the capacity and will to provide an effective remedy (International Commission of Jurists, 2009, p. 9).

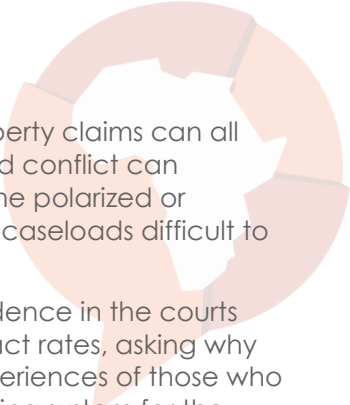
These conditions are often evaluated through expert assessments. However, the perspectives of ordinary citizens – including both the public at large and actual users of the legal system – can shed critical light on the extent to which people enjoy access to justice. Do ordinary citizens use the legal system to resolve disputes, or do they avoid it? Do they have confidence in court decisions, and in their own ability to secure just outcomes? Can they obtain the legal advice they need, and afford to pursue a case? And when they do go to court, what are their experiences? Are women, the poor, or marginalized groups treated differently than men or wealthy elites?

To explore some of these questions, Afrobarometer included a special module on access to justice in its Round 6 questionnaire, implemented across 36 African countries during 2014/2015. The findings offer insight into the extent to which citizens interact with their legal systems and the quality of those interactions. And the findings are sobering. Overall it is clear that while some countries can boast significant success in providing access to justice to their citizens, most still have substantial work to do before they can claim to meet the goals set out in SDG16.

Citizens report a number of serious barriers to access to justice. Most significantly, the perception that cases move too slowly through the courts is widespread. But other hurdles – including costs, corruption, the complexity of legal processes, lack of legal counsel, and concerns about court fairness – also emerge as significant impediments to access in many countries.

There are vast differences between the relatively high performance observed in countries such as Botswana, Cape Verde, and Lesotho and the dismal indicators emerging from places such as Liberia and Sierra Leone. In general, democracies do markedly better than less open societies in providing access to justice. On average, citizens in democracies report higher levels of trust in the courts, lower levels of bribe-paying and perceived corruption, and greater ease of obtaining assistance than those living under more autocratic regimes. But there is still substantial room for improvement even in most of the best performers (see also Shivji, 2004; Kamau Kuria, 2004). Moreover, this positive relationship is by no means automatic: Ghana and Benin – two countries rated highly for their political freedoms – both score quite poorly on access-to-justice indicators, especially compared to other democracies.

Conflict, on the other hand, appears to severely undermine access to justice. The importance of access is often felt especially acutely in post-conflict countries, where rights



violations, violence and war crimes, displacement, and contested property claims can all generate high demand for justice services. At the same time, prolonged conflict can degrade the credibility of legal systems as they lose capacity or become polarized or politicized, driving away potential users and making extra post-conflict caseloads difficult to manage (United States Agency for International Development, 2016).

In the following sections, we will begin with a discussion of public confidence in the courts and popular commitment to the rule of law. We will then explore contact rates, asking why some people avoid the courts and then focusing in on the specific experiences of those who had direct contact with the courts. Finally, we will develop a loose ranking system for the quality and extent of access to justice across the continent and evaluate how a range of factors – including region, level of democracy, colonial legacy, and experience of conflict – appear to undermine or support access to justice in each country.

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 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. This policy paper draws primarily on Round 6 data from a special module on access to justice (see Appendix Table A.1 for a list of countries and survey dates).

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.

We note that one of the challenges of studying access to justice through opinion surveys concerns contact rates: In most countries, relatively small proportions of the population have direct interaction with the courts. Nationally representative surveys can reveal the popular perspectives of all citizens on the broad workings of justice systems, including trust, perceptions of corruption, and an indication of how willing people are to either engage with or avoid the system when they experience legal problems.

But insights based on the experiences of those who actually have direct experience with the courts will be based on relatively small pools of respondents, and so offer less statistical reliability. In fact, in a few countries the share that had contact with courts was so small that it is not statistically credible to report the results. Thus, the findings presented here related to actual court experience should ideally be supplemented with data gathered by targeted surveys aimed at identifying larger samples of individuals who have had direct interaction with the courts in order to add greater robustness to the conclusions.

Key findings

Among all citizens, confidence in courts is weak, but African publics are nonetheless convinced of their legitimacy. Specifically:

- Across 36 countries, a slim majority express confidence in the courts, but in 10 countries, 40% or fewer trust the courts. One in three respondents 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 a fraction of citizens have direct experience with the courts, and contact rates for some marginalized groups (women, uneducated) are even lower:

- About one in eight citizens (13%) report contact with courts in the past five years, but there is a wide range 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%).
- Men (15% contact) and more educated citizens (16% of those with post-secondary qualifications) make up a significantly larger share of those engaging with the courts than women (11% contact) and uneducated citizens (10%).
- On average, contact rates across poverty groups are relatively constant, although at the country level 16 countries show a pattern of increased contact at higher levels of poverty.

Many of those who interact directly with the courts encounter problems, but the situation is especially acute for poorer and less educated citizens:

- Among those reporting contact with the courts, fewer than half (45%) say that obtaining the needed assistance was easy, compared to 54% who say it was difficult. Thirty percent of those who had contact with the courts report paying bribes to court officials, an experience shared by virtually no Batswana (0%) but nearly two out of three Sierra Leoneans (65%).
- The experience of problems is common, led by “long delays in handling or resolving the case” (60%). 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.
- 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. Differences between men and women, however, are quite modest or, in some cases, non-existent.

Many reasons are given for avoiding the courts, but costs are a leading concern:

- The most commonly cited reasons for avoiding courts (among all citizens) are high court costs (18%) and expensive lawyers (17%), along with lack of confidence in the courts, including expectations of unfair treatment (14%) and lack of trust (13%).
- 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.

While nearly all countries show substantial room for improvement, some perform far better than others:

- 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.

Access to justice: Perceptions and experiences

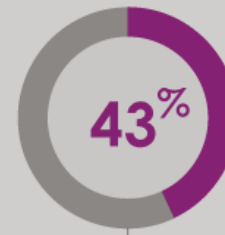
36 African countries | 2014/2015



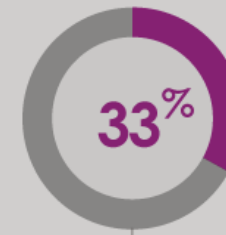
Among all respondents



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**



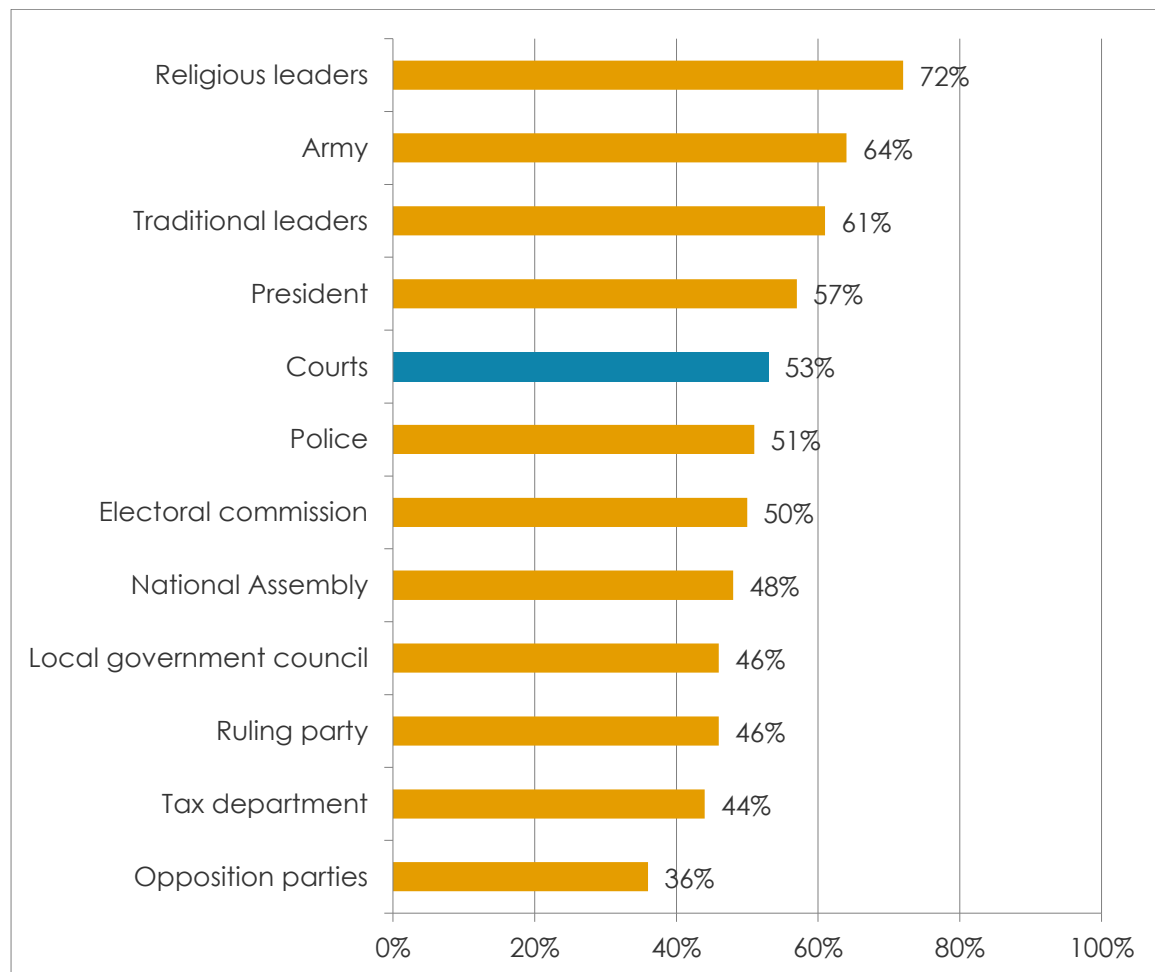
Unable to **pay** legal costs

The big picture: Confidence in the courts and commitment to the rule of law

How much confidence do ordinary Africans have in the integrity of their judicial system and the judges they will face if they engage with it? Across 36 countries, just half (53%) of citizens trust the courts “somewhat” or “a lot,” compared to 43% who trust them “not at all” or “just a little.” This puts courts roughly in the middle when compared with other key institutions (Figure 1). Trust in courts is far lower than in religious leaders and the army but is comparable to that in presidents, traditional leaders, and police,¹ and significantly above both ruling and opposition political parties as well as local councils and national legislatures.

But trust in the courts is not uniformly low. In Niger, fully 82% trust the courts at least somewhat, and courts in several other countries enjoy levels of trust above 70% (Figure 2). But less than one in three citizens trust courts in Madagascar, Liberia, and Sierra Leone.

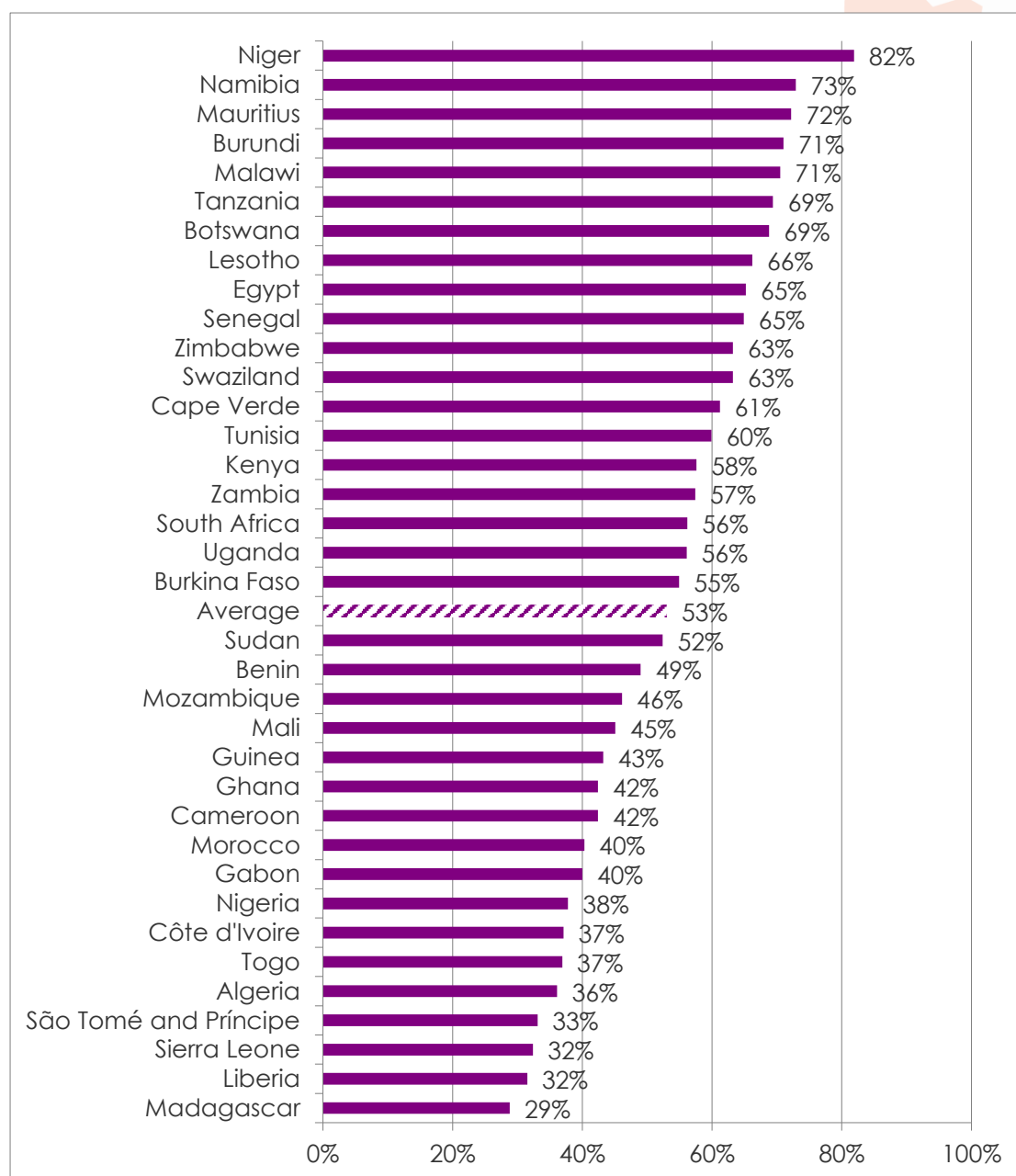
Figure 1: Trust in courts compared to other institutions | 36 countries | 2014/2015



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”)

¹ Although police are potentially important actors in the access-to-justice system, this paper will focus on courts and judges. For a detailed review of Afrobarometer findings regarding trust in police, perceived corruption, crime reporting, and related issues, see Wambua, P. M. (2015), Call the police? Across Africa, citizens point to police and government performance issues on crime, Afrobarometer Dispatch No. 57, available at http://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r6_dispatchno57_crime_perceptions_and_reporting_in_34_african_countries.pdf.

Figure 2: Trust in courts of law | 36 countries | 2014/2015

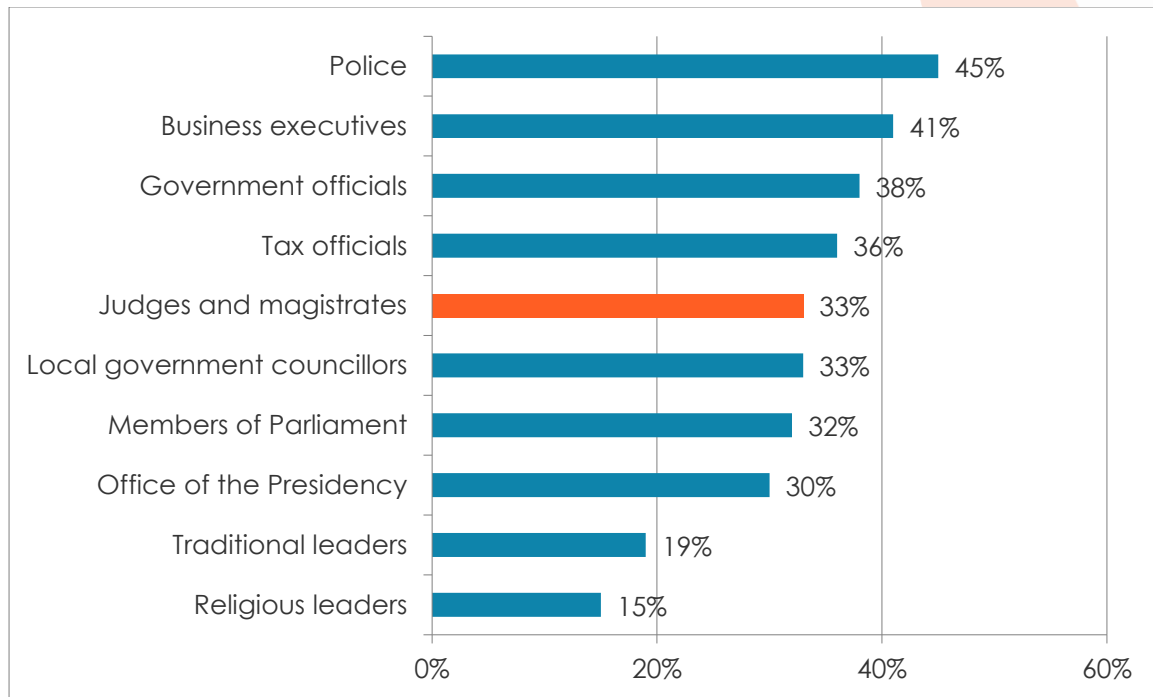


Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say: Courts of law? (% who say they trust them "somewhat" or "a lot")

Patterns are similar with respect to perceptions of corruption among judges and magistrates, which are strongly negatively correlated with trust at the country level (Pearson's $r = -.636$, significant at the 0.01 level). Among the various institutions tested, judges and magistrates again fall in the middle of the pack, with one in three citizens (33%) expressing the view that "most of them" or "all of them" are involved in corruption. This places judges and magistrates in a far better position than police (45% think "most" or "all" are corrupt), though far worse than traditional (19%) or religious (15%) leaders (Figure 3).

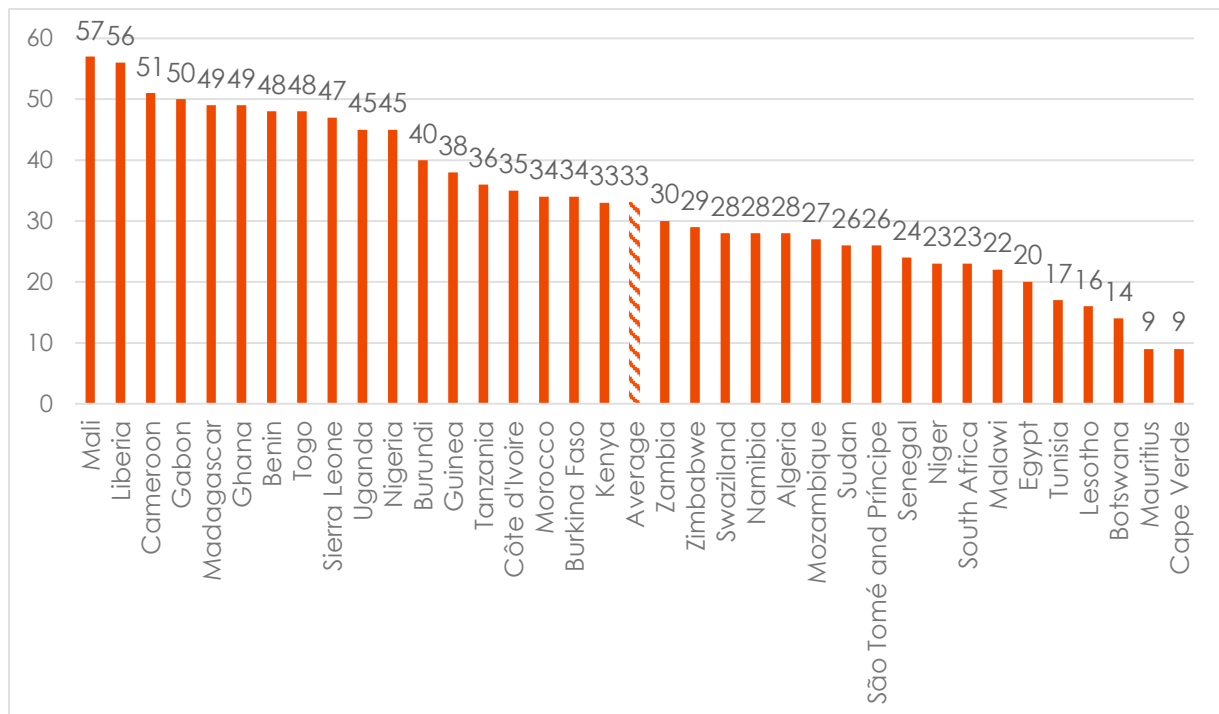
More than half of Malians, Liberians, and Cameroonians think that "most" or "all" of their judges and magistrates engage in corruption, but less than one-fifth of citizens share this view in Tunisia, Lesotho, Botswana, Cape Verde, and Mauritius (Figure 4).

Figure 3: Corruption among judges and magistrates vs. other institutions
 | 36 countries | 2014/2015



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? (% who say "most of them" or "all of them" are corrupt)

Figure 4: Perception of corruption among judges and magistrates (%) | 36 countries
 | 2014/2015



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? (% who say "most of them" or "all of them" are corrupt)

Note: In Egypt, the question asked about corruption among "court officials."

There are some pronounced demographic patterns in levels of trust and the extent of perceived corruption. Given that the poor are a primary target of efforts to improve access to justice (Brems & Adekoya, 2010), it is of particular note that trust is markedly lower among this group²: 47% trust courts “somewhat” or “a lot,” compared to 58% among the wealthy (Figure 5). The gap is even more pronounced (16 percentage points) with respect to perceived corruption (Figure 6).

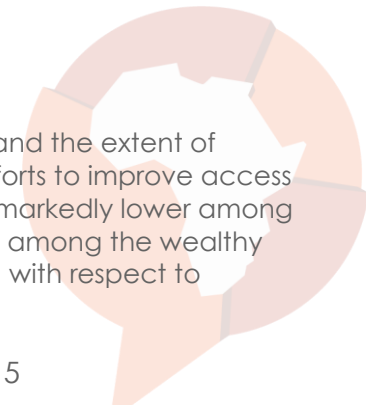
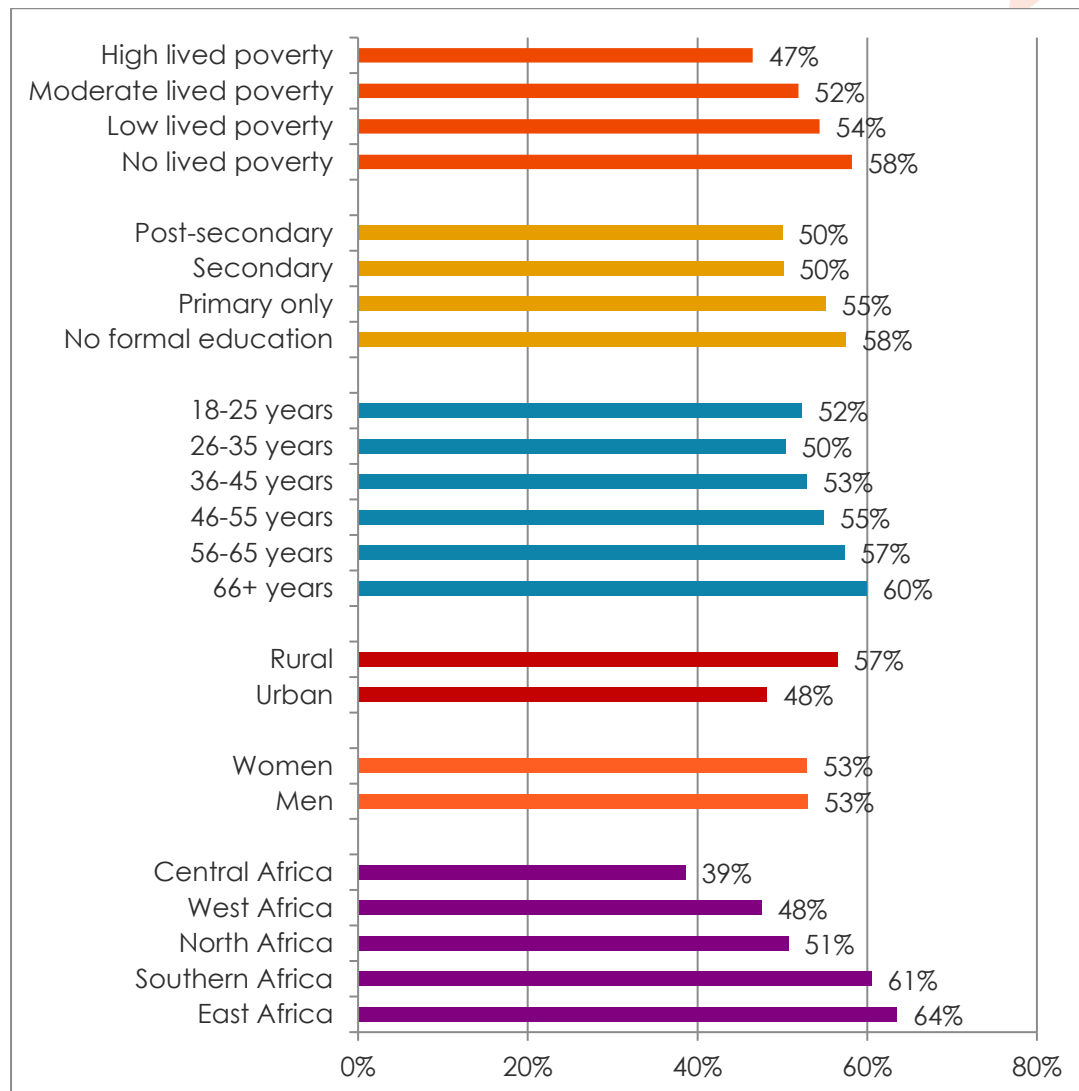


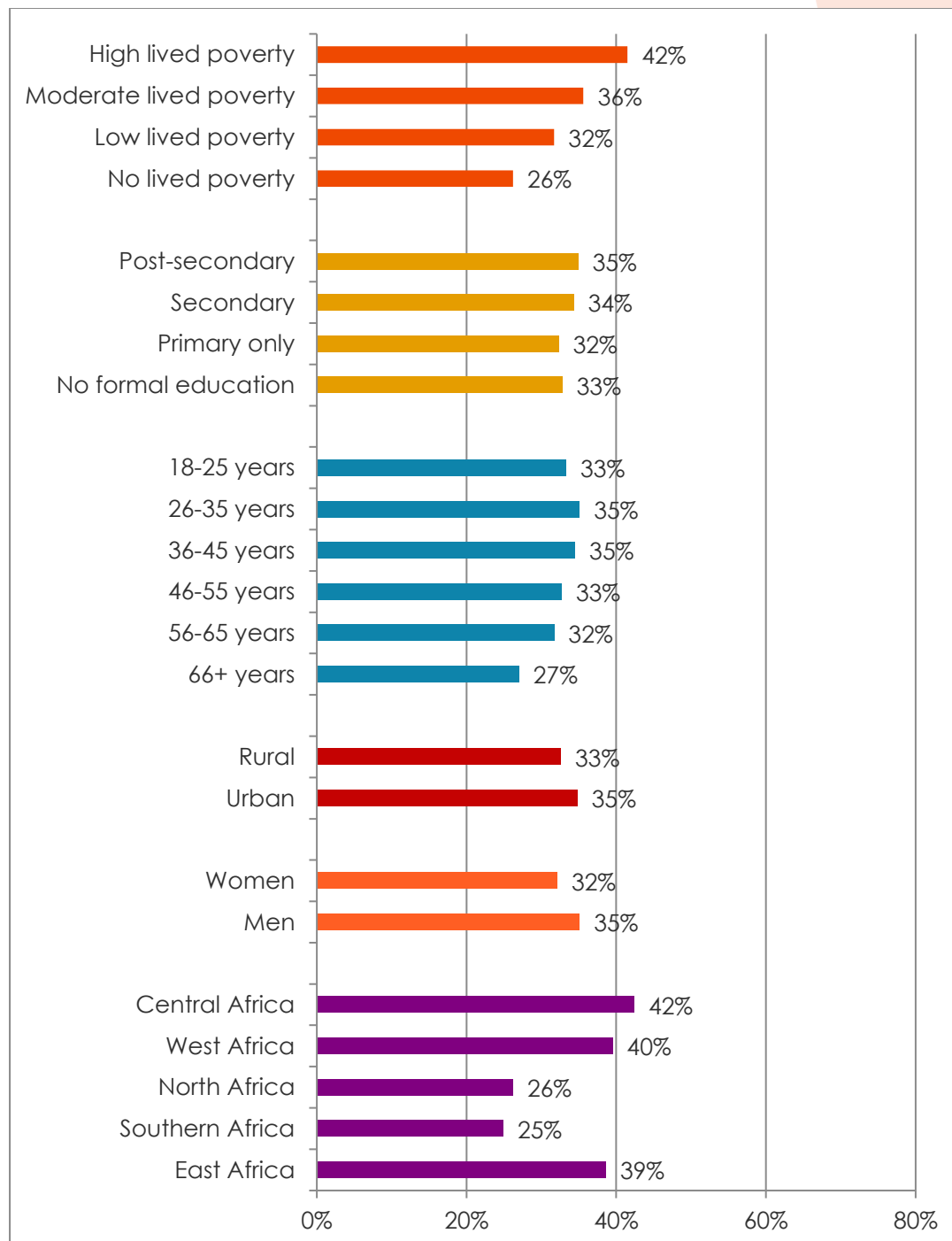
Figure 5: Patterns of trust in the courts | 36 countries | 2014/2015



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

² Afrobarometer assesses poverty through its Lived Poverty Index (LPI), an experiential measure based on how frequently respondents or their families went without five basic necessities (enough food, enough clean water, medicines or medical treatment, enough cooking fuel, and a cash income) during the year preceding the survey. Using response options of “never,” “just once or twice,” “several times,” “many times,” and “always,” LPI scores calculated for individuals or countries reflect the extent of deprivation ranging from no lived poverty to high lived poverty. For more on lived poverty, see “Africa’s growth dividend? Lived poverty drops across much of the continent,” Afrobarometer Policy Paper No. 29, available at <http://www.afrobarometer.org/publications/pp29-africas-growth-dividend-lived-poverty-drops-across-the-continent>.

Figure 6: Patterns of perceived corruption among judges and magistrates
 | 36 countries | 2014/2015



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? (% who say "most of them" or "all of them" are corrupt)

In contrast, we find that lower levels of education (which are normally associated with higher levels of poverty) are associated with higher levels of institutional trust. Among those with no formal education, 58% trust the courts to do what is right, compared to just 50% among those with secondary or post-secondary education. There is also an 8-point gap between rural



residents (57%) and urbanites (48%).³ Older respondents tend to be more trusting. There is, however, no gender gap. Patterns are similar, but somewhat more muted, with respect to perceptions of corruption.

Region also seems to matter. Levels of trust range from a low of just 39% in Central Africa to 61% in Southern Africa and 64% in East Africa.⁴ Corruption perceptions are similarly highest in Central Africa (42%) and lowest in Southern Africa (25%). But East Africa stands out, registering both the highest level of trust in the courts and one of the highest levels of perceived corruption, perhaps indicating a tolerance for corruption that is not evident in other regions.

Over the past decade, courts have suffered far more losses than gains in public esteem. Across 18 countries monitored since 2005/2006, trust has dropped 6 percentage points, from 62% in 2005/2006 (and again in 2011/2013) to 56% in the most recent surveys (Table 1). While several countries have shown net improvement over this period, including Benin, Namibia, Zambia, and Zimbabwe, none has recorded consistent gains throughout the decade. In the

meantime, trust in courts dropped 28 points in Mozambique over the same period, and 20 points in Ghana.

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Across 34 countries included in both Rounds 5 and 6 of the Afrobarometer surveys, 18 recorded declines of 5 percentage points or more (and another seven showed losses of less than 5 points), compared to just three –

Tunisia, Morocco, and Lesotho – that reported sizeable gains. Confidence in the courts in Algeria plummeted 26 percentage points during this short time span, but Sierra Leone (19-point decline), Mozambique (16 points), Ghana⁵ and Liberia (14 points each) all suffered major declines in public confidence as well.

Average perceptions of corruption have generally been steadier over time, with little change between 2005/2006 and 2011/2013, but this has been followed by a significant increase in Round 6 (Table 2). The 34-country average increased by 5 percentage points, from 27% saying most or all are corrupt to 32% in Round 6. Over the past decade, Benin and Namibia recorded net improvements (declines) of 11 and 5 points, and another nine countries recorded little net change. In contrast, Madagascar (+23 points), Ghana (+13 points), Mozambique (+11 points), and Tanzania (+11 points) recorded the worst performances. Only five of 34 countries recorded declines in perceived levels of corruption between Round 5 and Round 6.

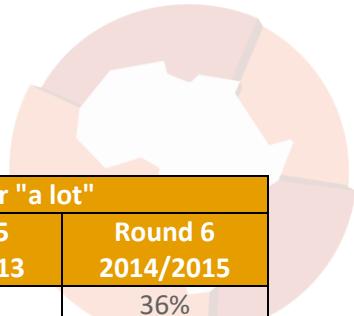
³ Due to rounding, percentage-point differences may appear to vary from differences between reported percentages.

⁴ Afrobarometer regional groupings are: Central Africa (Cameroon, Gabon, São Tomé and Príncipe), East Africa (Burundi, Kenya, Tanzania, Uganda); North Africa (Algeria, Egypt, Morocco, Sudan, Tunisia), Southern Africa (Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Zambia, Zimbabwe), West Africa (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo).

⁵ Moreover, the survey in Ghana was conducted *before* undercover journalist Anas Aremeyaw Anas' exposé of widespread judicial corruption – which he caught extensively on film – was revealed in September 2015. See "Anas uncovers 34 judges in corruption scandal," 8 September 2015.

<http://www.ghanaweb.com/GhanaHomePage/NewsArchive/Anas-uncovers-34-Judges-in-corruption-scandal-380603>.

Table 1: Trends in trust in courts | 18-36 countries | 2005-2015



	Trust courts "somewhat" or "a lot"			
	Round 3 2005/2006	Round 4 2008/2009	Round 5 2011/2013	Round 6 2014/2015
Algeria			62%	36%
Benin	40%	49%	60%	49%
Botswana	69%	73%	67%	69%
Burkina Faso		60%	63%	55%
Burundi			67%	71%
Cameroon			42%	42%
Cape Verde	66%	51%	69%	61%
Côte d'Ivoire			44%	37%
Egypt			65%	65%
Gabon				40%
Ghana	62%	58%	56%	42%
Guinea			46%	43%
Kenya	56%	42%	61%	58%
Lesotho	75%	63%	60%	66%
Liberia		45%	45%	32%
Madagascar	43%	37%	38%	29%
Malawi	78%	74%	81%	71%
Mali	55%	43%	46%	45%
Mauritius			79%	72%
Morocco			34%	40%
Mozambique	74%	70%	62%	46%
Namibia	66%	74%	75%	73%
Niger			79%	82%
Nigeria	37%	41%	43%	38%
São Tomé and Príncipe				33%
Senegal	72%	70%	73%	65%
Sierra Leone			51%	32%
South Africa	69%	60%	66%	56%
Sudan			56%	52%
Swaziland			70%	63%
Tanzania	86%	73%	74%	69%
Togo			41%	37%
Tunisia			43%	60%
Uganda	72%	51%	65%	56%
Zambia	49%	61%	62%	57%
Zimbabwe	53%	51%	61%	63%
<i>Rolling averages</i>				
36 countries, Round 6				53%
34 countries, Rounds 5/6			59%	54%
20 countries, Rounds 4/5/6		57%	61%	55%
18 countries, Rounds 3/4/5/6	62%	58%	62%	56%

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?

Table 2: Trends in perceived corruption among judges | 18-36 countries | 2005–2015

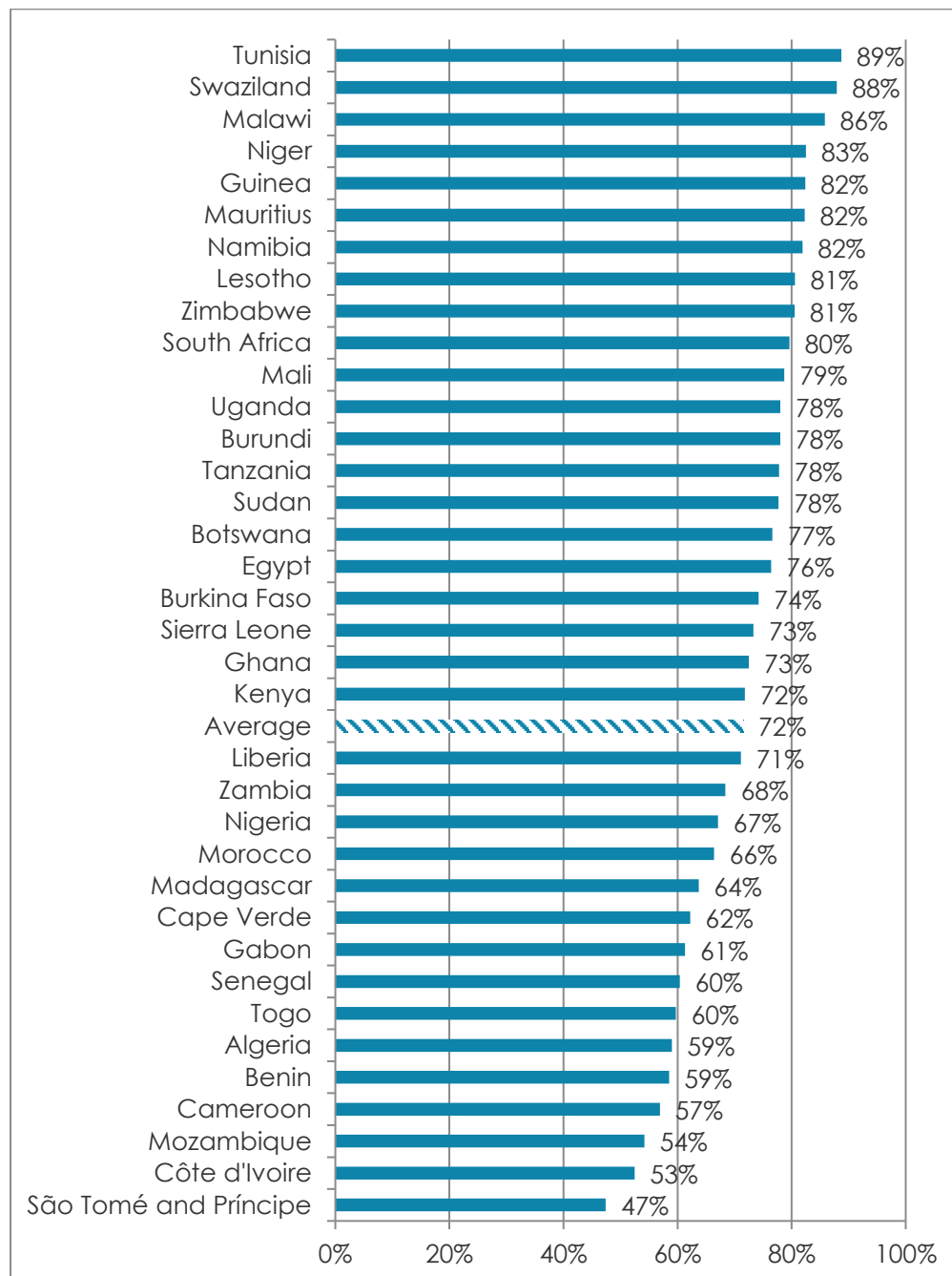
	Perceive "most" or "all" judges and magistrates as corrupt			
	Round 3	Round 4	Round 5	Round 6
	2005/2006	2008/2009	2011/2013	2014/2015
Algeria			16%	28%
Benin	58%	48%	46%	48%
Botswana	14%	8%	12%	14%
Burkina Faso		23%	24%	34%
Burundi			48%	40%
Cameroon			47%	51%
Cape Verde	5%	10%	8%	9%
Côte d'Ivoire			27%	35%
Egypt			18%	20%
Gabon				50%
Ghana	36%	29%	34%	49%
Guinea			35%	38%
Kenya	28%	36%	28%	33%
Lesotho	11%	15%	19%	16%
Liberia		37%	43%	56%
Madagascar	25%	24%	29%	49%
Malawi	20%	27%	18%	22%
Mali	56%	54%	50%	57%
Mauritius			7%	9%
Morocco		0%	35%	34%
Mozambique	16%	13%	15%	27%
Namibia	32%	18%	21%	28%
Niger		0%	22%	23%
Nigeria	41%	38%	38%	45%
São Tomé and Príncipe				26%
Senegal	23%	24%	22%	24%
Sierra Leone			50%	47%
South Africa	22%	26%	27%	23%
Sudan			16%	26%
Swaziland			16%	28%
Tanzania	25%	24%	32%	36%
Togo			45%	48%
Tunisia			13%	17%
Uganda	35%	37%	29%	45%
Zambia	31%	23%	22%	30%
Zimbabwe	25%	23%	26%	29%
<i>Rolling averages</i>				
36 countries, Round 6				33%
34 countries, Rounds 5/6			27%	32%
20 countries, Rounds 4/5/6		27%	27%	34%
18 countries, Rounds 3/4/5/6	28%	27%	26%	32%

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?



Although the standing of courts and judges is mixed in terms of trust and perceived corruption, Africans are generally convinced of the legitimacy of court decisions. Nearly three-quarters (72%) “agree” or “strongly agree” that “courts have the right to make decisions that people always have to abide by” (Figure 7). This includes overwhelming majorities in Tunisia (89%), Swaziland (88%), and Malawi (86%). In fact, it is the majority view in every country except São Tomé and Príncipe (47%), though only slim majorities in Côte d'Ivoire (53%) and Mozambique (54%) confirm the legitimacy of the courts. These countries merit special attention as we review findings on court contact and court function.

Figure 7: Judicial legitimacy: Court decisions are binding | 36 countries | 2014/2015



Respondents were asked: For each of the following statements, please tell me whether you disagree or agree: The courts have the right to make decisions that people always have to abide by. (% who “agree” or “strongly agree”)



Who goes to court?

Adequate access to justice implies that citizens who face legal issues suited to resolution in the formal legal system will be willing and able to engage with that system to try to resolve them. Many factors, both positive and negative, can affect contact rates with the legal system. On the one hand, a system with reasonable costs, clear procedures, and fair outcomes will make citizens more likely to engage to protect their rights or resolve disputes. On the other hand, high levels of contact could also be generated by lack of alternative (e.g. informal) resolution mechanisms, high crime rates, or contested legal rights and responsibilities, especially in a post-conflict situation.

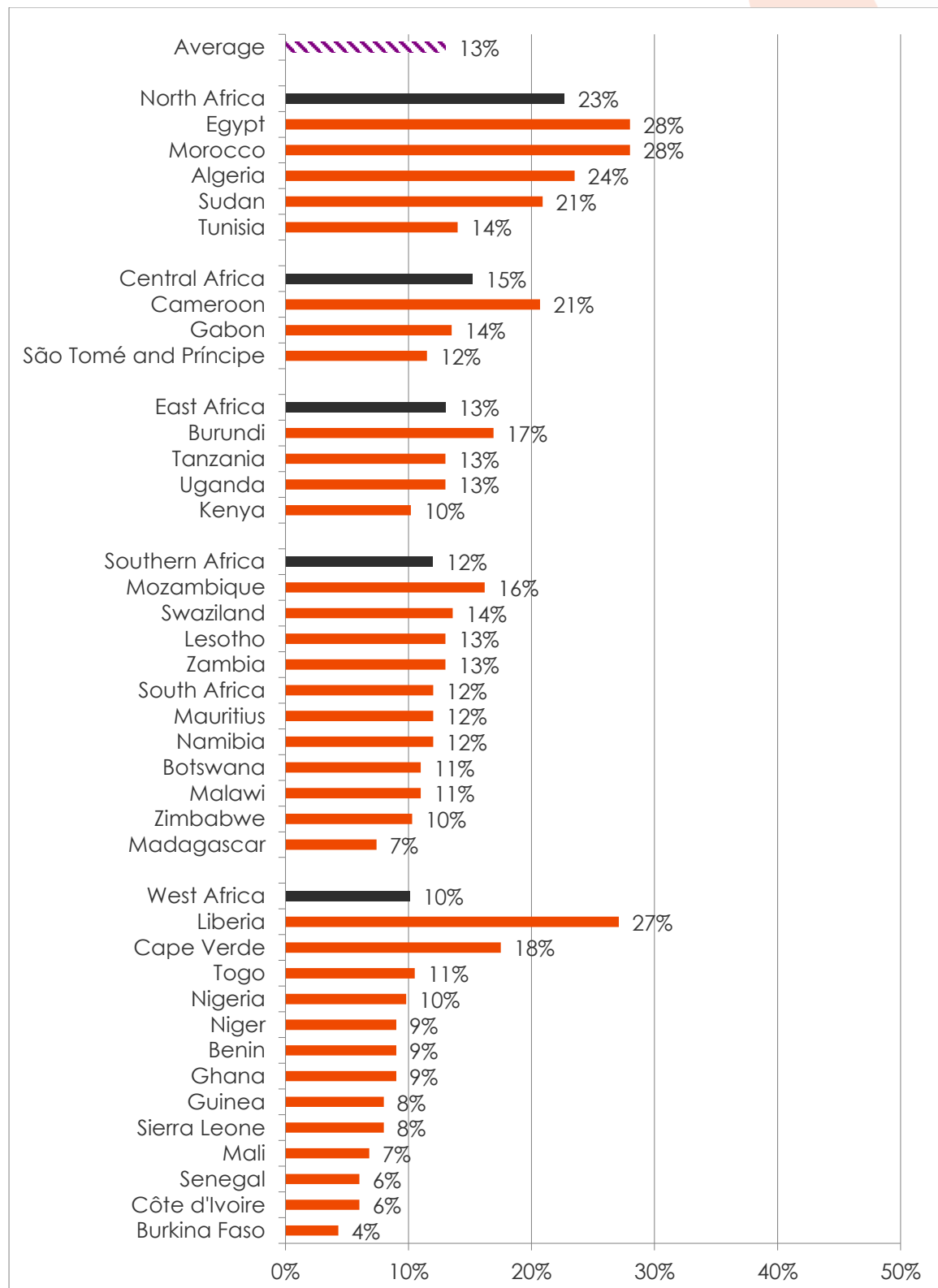
There is thus no “right” level of contact with a legal system. But exploring contact rates is a good starting point for exploring whether a justice system is meeting the needs of society and providing real access to justice for all citizens.

We begin, therefore, with findings from a direct question that asked respondents whether they or anyone in their family had any kind of contact with government courts or tribunals in the past five years, whether in a civil, administrative, or criminal case. Not surprisingly, overall contact rates are relatively low – about one in every eight citizens (13%) report such contact (Figure 8). But the range in contact rates across 36 countries reveals a seven-fold difference, from lows of 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%).

By region, North Africans are about twice as likely to have contact with the courts as residents of West and Southern Africa. Four of the six countries with the highest levels of contact are in the North. West Africa stands out for low levels of contact: With the marked exceptions of Liberia and Cape Verde, contact rates in all of the other countries are among the lowest on the continent.

Some demographic differences in contact rates are evident, most noticeably with respect to education and gender. Those with post-secondary education have contact rates that are on average 6 percentage points higher than those with no formal education (Figure 9). Thus, although fewer people have post-secondary education (16%) than no education (21%), those with post-secondary education make up 20% of the population that has contact with the courts, compared to just 15% for those with no education. Men are 4 points more likely than women to have contact; this difference may seem small, but put another way, it means that 58% of those in contact with courts are men, compared to just 42% who are women. Contact also varies with age, peaking in the 36- to 45-year-old group, when adults are most economically active. Counter-intuitively, there are almost no aggregate differences across poverty levels or between urban and rural residents.

Figure 8: Contact with courts in past five years, by region and country | 36 countries
| 2014/2015



Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")*

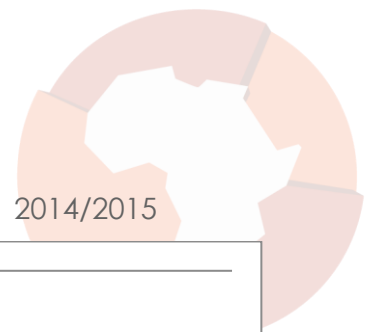
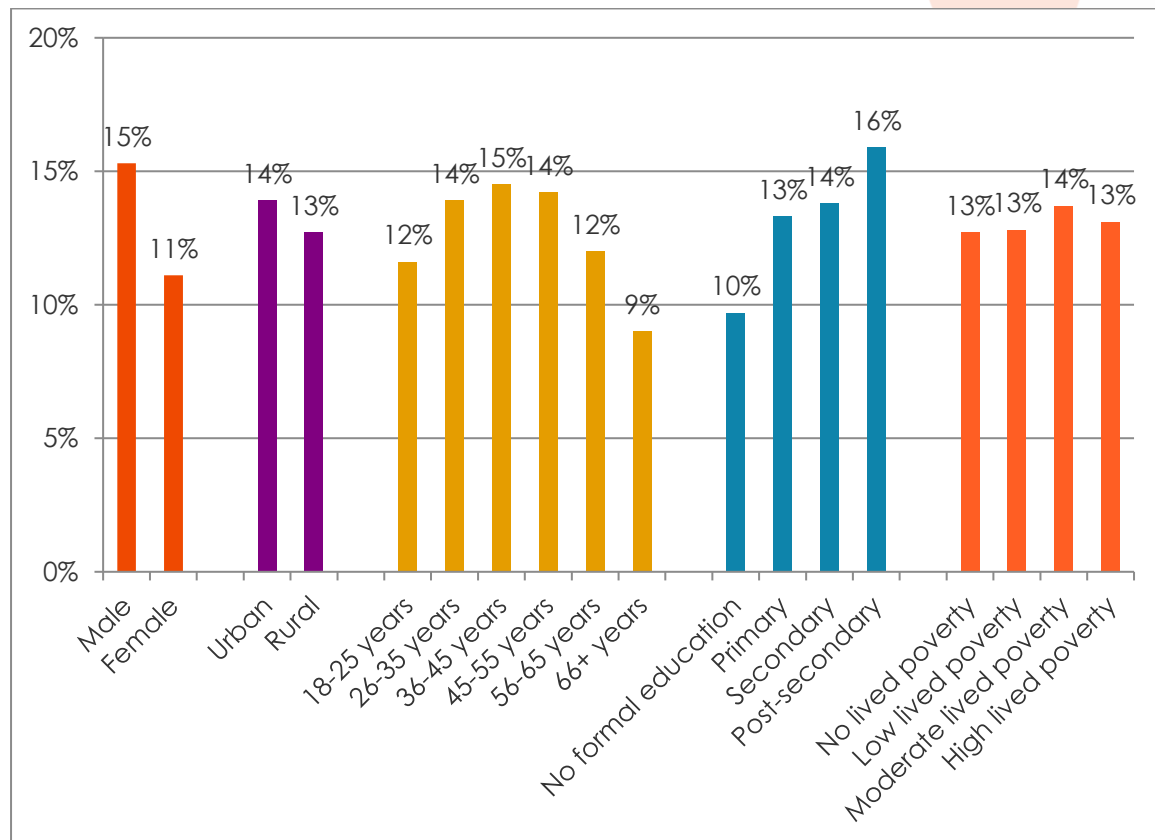


Figure 9: Contact with courts by demographics | 36 countries | 2014/2015



Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")*

However, these aggregate patterns can obscure substantial variation at the country level. For example, while aggregate differences based on poverty level are negligible, a noticeable pattern of increased contact with courts at higher levels of poverty prevails in 16 countries, while contact declines substantially with increasing poverty in just two, Egypt and Sierra Leone (Figures 10a, b, and c). In Algeria, Ghana, Liberia, Mozambique, Niger, Nigeria, São Tomé and Príncipe, Sudan, Tunisia, Uganda, and Zambia, citizens experiencing moderate levels of lived poverty are roughly twice (or more) as likely to have engaged with the judicial system as those with no lived poverty, whereas in Egypt and Sierra Leone, they are only about half as likely to have done so.

Differential country patterns are occasionally evident with respect to other demographics as well. For example, gaps between men and women exceed 8 percentage points in Algeria, Burundi, Mauritius, and Tunisia, whereas men and women have roughly equal engagement with the courts in Mozambique, São Tomé and Príncipe, Sierra Leone and Zambia. And while in aggregate there is little difference in contact rates between urban and rural residents, in Egypt and Liberia rural dwellers are significantly more likely to engage with courts (gaps of 8 and 13 percentage points, respectively) while in Sierra Leone they are much less likely to do so (14% contact rate for urbanites compared to just 5% for rural dwellers). This suggests that while the aggregate findings reveal some important information, specific country contexts are important for understanding patterns and problems in access to justice. (Full details of the demographic patterns for each country can be found in Appendix Tables A.2-A.6.)

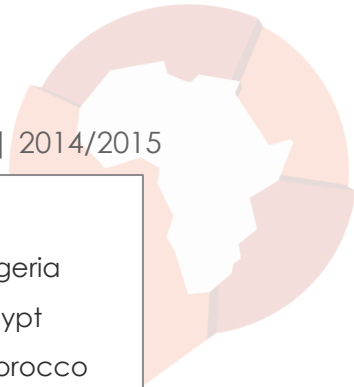


Figure 10a: Contact with courts by poverty level | North Africa | 2014/2015

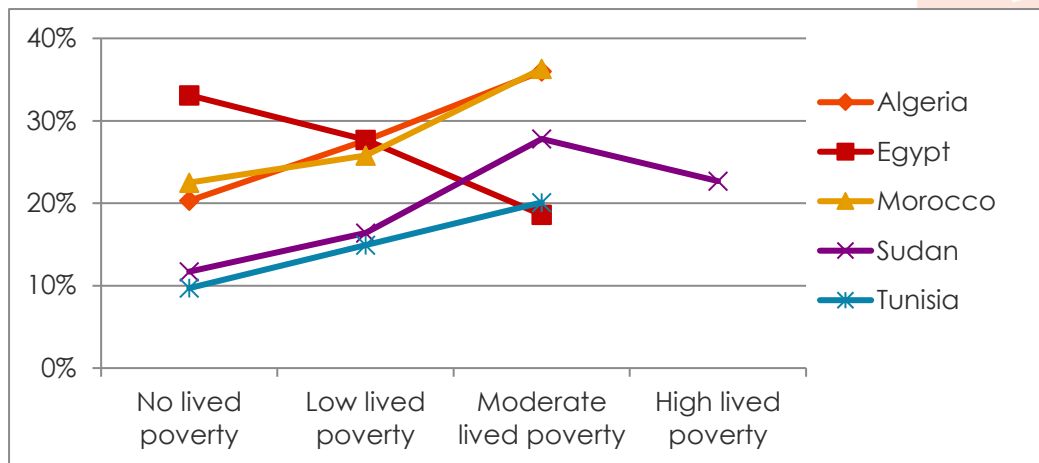


Figure 10b: Contact with courts by poverty level | 6 West African countries | 2014/2015

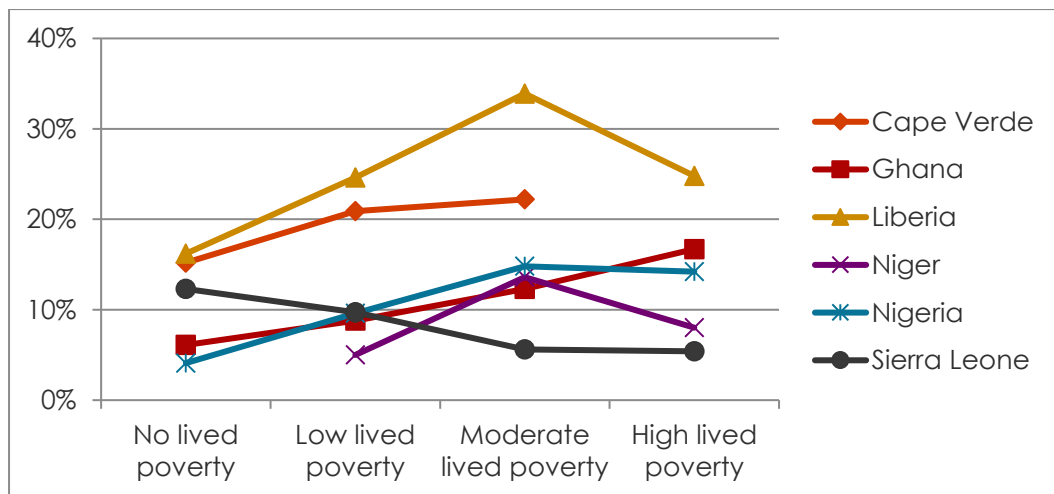
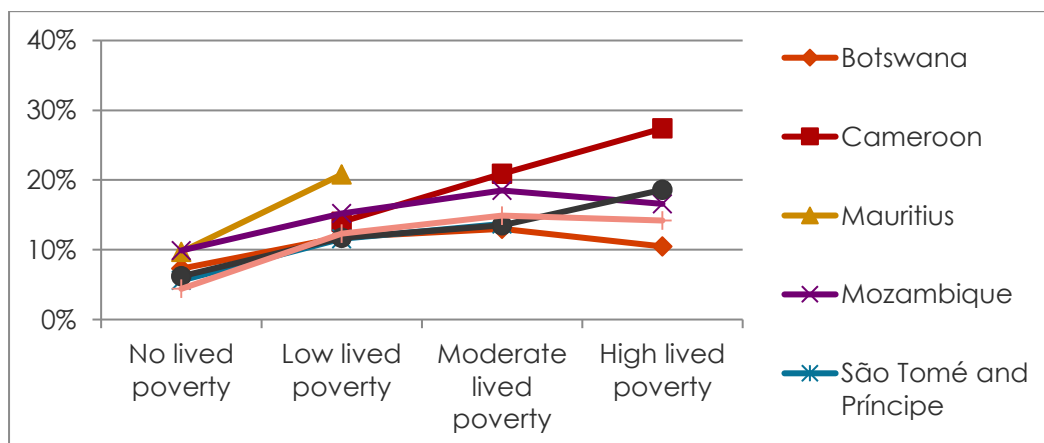
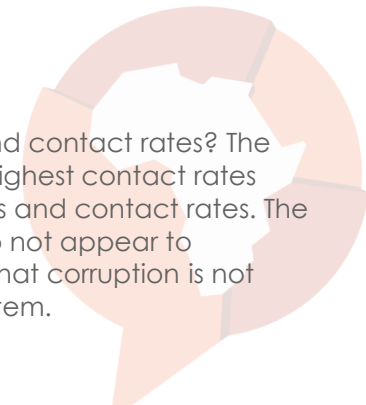


Figure 10c: Contact with courts by poverty level | Other selected African countries | 2014/2015



Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")*



Are there connections between levels of confidence in the courts and contact rates? The fact that Liberia has one of the lowest levels of trust and one of the highest contact rates suggests that there is no significant correlation between trust in courts and contact rates. The same holds true for perceived levels of corruption. These attitudes do not appear to significantly drive contact. In particular, the preliminary indication is that corruption is not systematically driving people away from engaging with the legal system.

Quality of court interactions

The experiences of citizens who have had contact with the courts may reveal a great deal about why people are – or are not – engaging with the courts. Respondents who had contact with the courts⁶ were asked how easy or difficult it was for them to obtain the assistance they needed from the courts and whether they had to pay a bribe to a judge or court official to obtain assistance. Those who had been involved with a court case were asked whether they encountered problems such as delays or lack of legal advice, or whether they incurred expenses they could not afford. Experience of these problems is widespread.

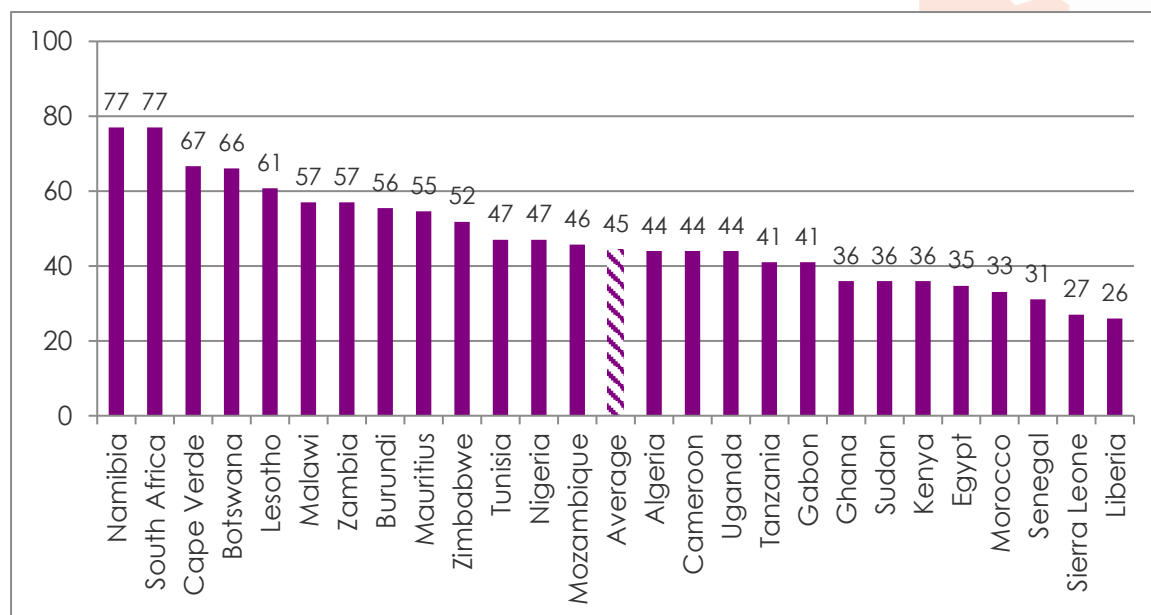
Ease of getting court assistance

Among respondents who reported some kind of contact with the courts in the previous year (12% of all respondents), 45% say that it was “easy” or “very easy” to obtain the assistance they needed from the courts, while 54% found it “difficult” or “very difficult” (Figure 11). In general, Southern Africans find court assistance much easier to access than other Africans: Namibia (77% easy/very easy), South Africa (77%), Botswana (66%), Lesotho (61%), Malawi (57%), Zambia (57%), Mauritius (55%), and Zimbabwe (52%) comprise eight of the 10 countries where majorities (in some cases very slim majorities) say that getting service was easy. In contrast, more than two-thirds of citizens say that getting assistance from courts was difficult or very difficult in Morocco (67%), Sierra Leone (70%), and Liberia (72%).

Those who reported contact were asked how often, in the course of this contact, they had to “pay a bribe, give a gift, or do a favour for a judge or court official” in order to get the assistance they needed. On average, 30% of those reporting contact say they had to pay a bribe at least once. But the range is remarkable (Figure 12). Botswana boast an exceptionally clean judicial system, with 0% reporting bribe payment, and they are again joined by several other countries in Southern Africa – Namibia (1%), Mauritius (1%), Lesotho (3%), and South Africa (5%) – where 5% or fewer report encountering such demands. But the magnitude of the problem is startling in Sierra Leone, where nearly two-thirds (65%) of those who encountered the legal system report paying bribes, along with more than half in Egypt (54%) and Liberia (52%).

⁶ Responses reported in this section are only among respondents who had contact with the judicial system, not all respondents. The smaller sample sizes mean that margins of error are greater. Findings are not reported for countries where fewer than 100 respondents reported contact. There are two different sets of questions with different measures of contact. The first two questions, on ease of getting services and payment of bribes, asked respondents whether they had contact of any type with the courts in the previous 12 months. Ten countries had fewer than 100 respondents and are not reported in the country breakdowns, although these cases are included in the aggregate totals (Benin, Burkina Faso, Côte d'Ivoire, Guinea, Madagascar, Mali, Niger, São Tomé and Príncipe, Swaziland, and Togo). The second set of questions, about problems encountered when engaging with the court system, asked respondents whether they or anyone in their family had been directly involved in a court case in the previous five years. Sample sizes were too small to report country-level results in six countries (Burkina Faso, Côte d'Ivoire, Madagascar, Mali, Senegal, and Sierra Leone).

Figure 11: Ease of getting assistance from the courts (%) | 36 countries | 2014/2015

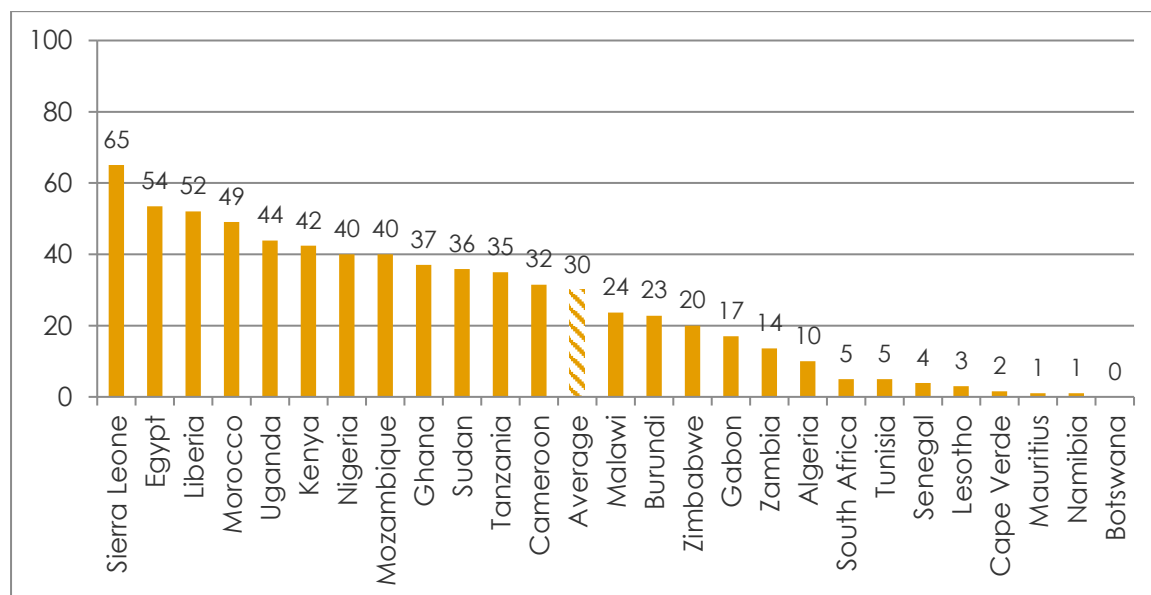


Respondents were asked: In the past 12 months, have you had contact with the courts? [If yes:] How easy or difficult was it to obtain the assistance you needed from the courts? (% who say “easy” or “very easy”)

Note: Percentages reported are only among those who report contact with the courts. Those with no contact are excluded.

Note: Only countries with 100 or more respondents reporting contact are shown; average includes all 36 countries.

Figure 12: Paid a bribe to get assistance from the courts (%) | 36 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. Those with no contact are excluded.

Note: Only countries with 100 or more respondents reporting contact are shown; average includes all 36 countries.



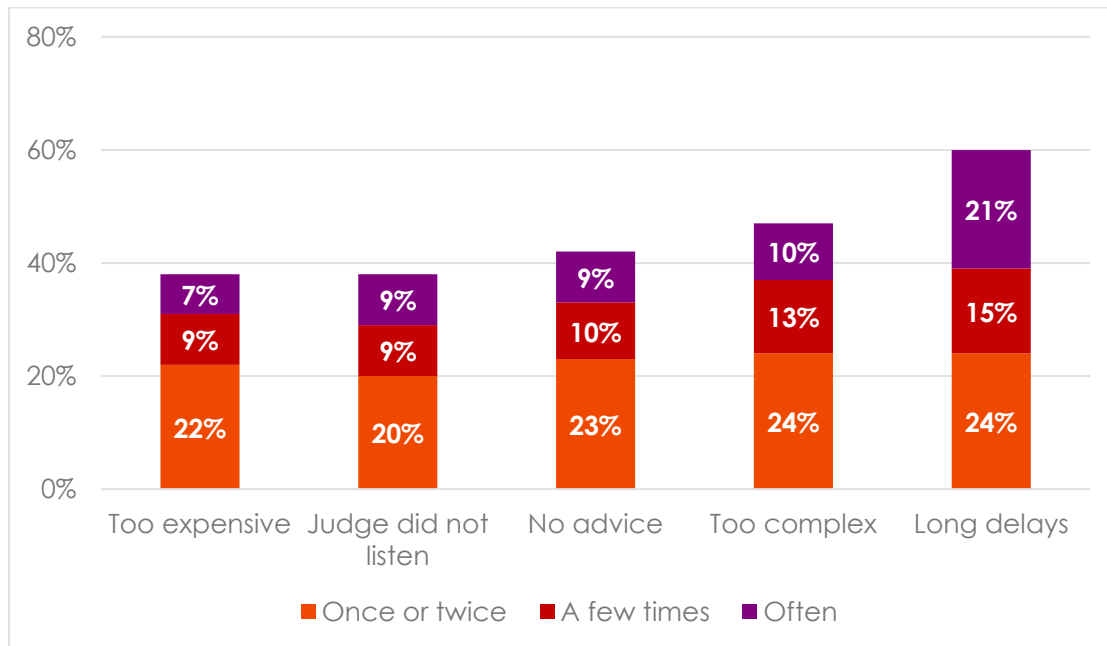
Which problems?

We now return to the question that asked who had been involved in a case in the courts in the previous five years. Those respondents who reported such involvement were then asked whether they encountered various difficulties during their interactions with the courts. On average, nearly four in 10 (38%) encountered difficulties paying legal costs and fees, and concerns that judges or magistrates were not listening to respondents were equally widespread (38%) (Figure 13). Many respondents (42%) also had difficulties obtaining necessary legal counsel or advice, and nearly half (47%) report that they “could not understand the legal processes and procedures.” Many programs designed to enhance access to justice focus specifically on improving access to legal aid as a key goal (Penal Reform International & Bluhm Legal Clinic of the Northwestern University School of Law, 2007; United Nations Office on Drugs and Crime, 2011), and this is clearly one key impediment. But the most commonly cited problem is “long delays in handling or resolving the case”; six in 10 respondents (60%) who engaged with the courts report this problem.

Country profiles vary widely (Figures 14a-e). Citizens of Niger, for example, are least likely to report problems with expenses (13%), lack of legal advice (24%), or judges who don’t listen (13%). But they are above the mean in reporting difficulties in understanding the legal system (51%) and encountering delays in court proceedings (68%). Liberians, in contrast, report the highest rates of encountering all of these problems.

Algerians, Mauritians, and Batswana report the lowest average level of problems (Figure 15). Uganda and Kenya in East Africa, and Egypt and Morocco in North Africa, join Liberia as the countries with the highest average reporting of problems in the courts; all five top 50%, and Liberia soars to an average of 82% who report encountering each problem.

Figure 13: 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:
 a. You were unable to pay necessary costs and fees?
 b. You could not understand the legal processes and procedures?
 c. You could not obtain legal counsel or advice?
 d. The judge or magistrate did not listen to your side of the story?
 e. 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.



Figures 14a-e: Problems encountered in court interactions, by country | 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:*

- 14a: You were unable to pay necessary costs and fees?
- 14b: You could not understand the legal processes and procedures?
- 14c: You could not obtain legal counsel or advice?
- 14d: The judge or magistrate did not listen to your side of the story?
- 14e: 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. Those with no contact are excluded.

Note: Only countries with 100 or more respondents reporting contact are shown; average includes all 36 countries.

Figure 14a: Courts too expensive, by country (%) | 36 countries | 2014/2015

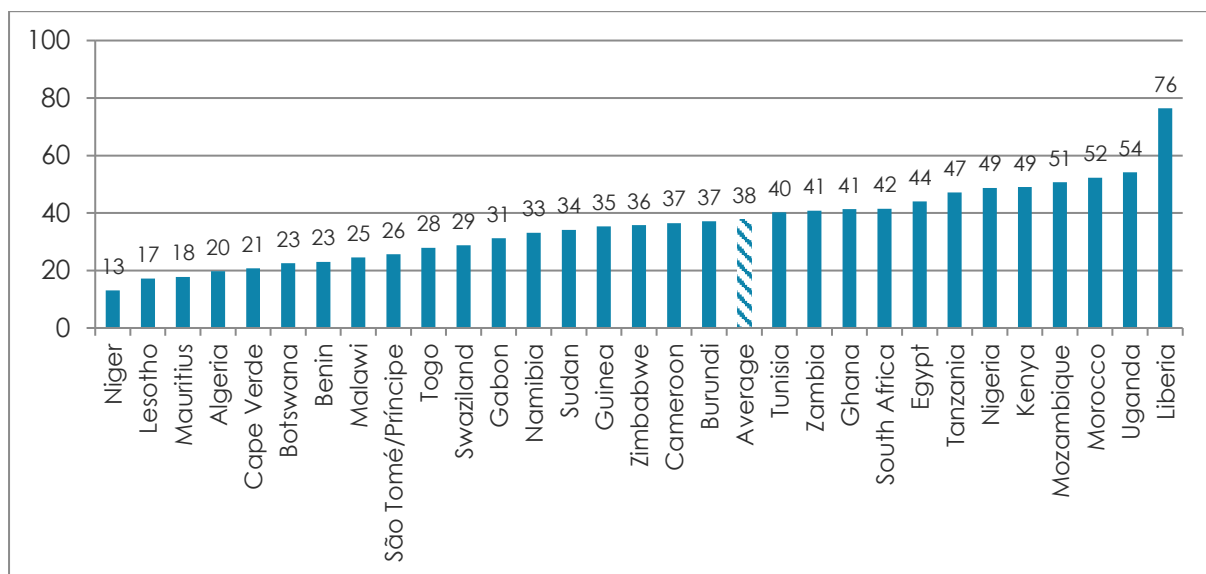


Figure 14b: Difficulty understanding legal processes and procedures, by country (%) | 36 countries | 2014/2015

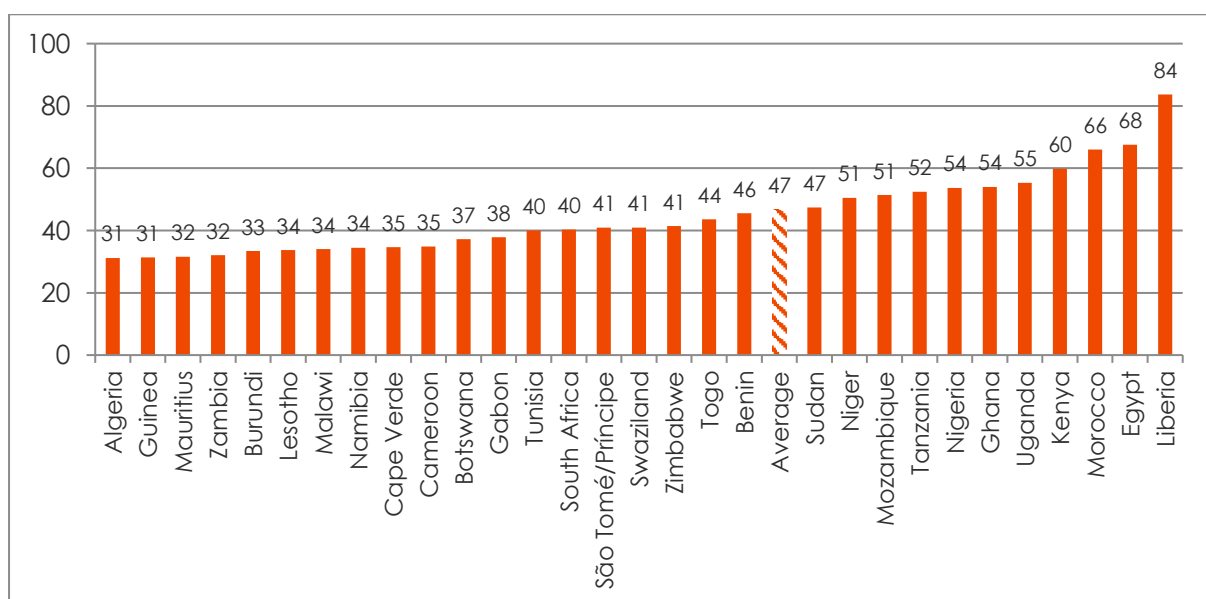


Figure 14c: Could not obtain advice, by country (%) | 36 countries | 2014/2015

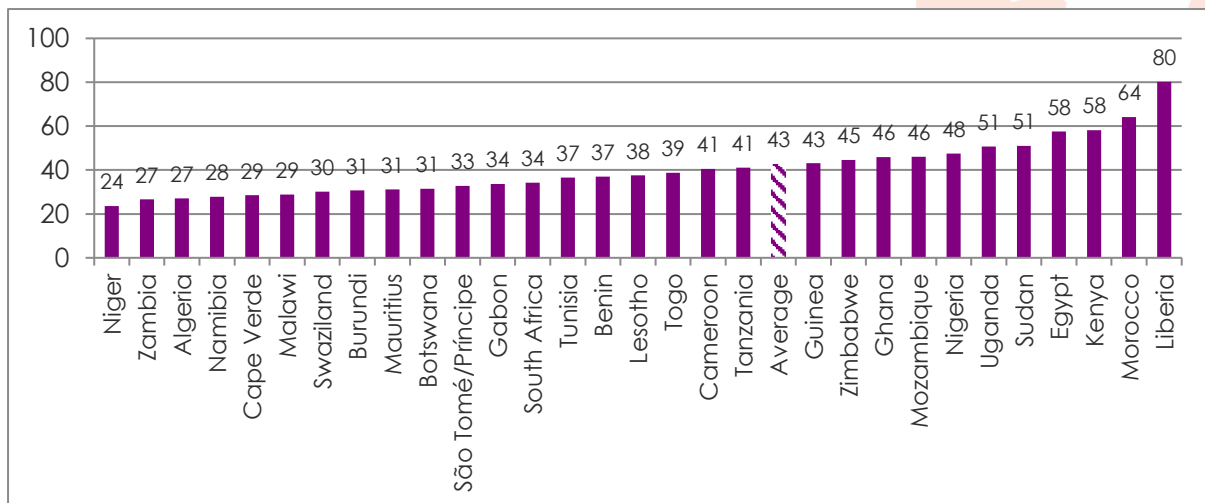


Figure 14d: Judges don't listen, by country (%) | 36 countries | 2014/2015

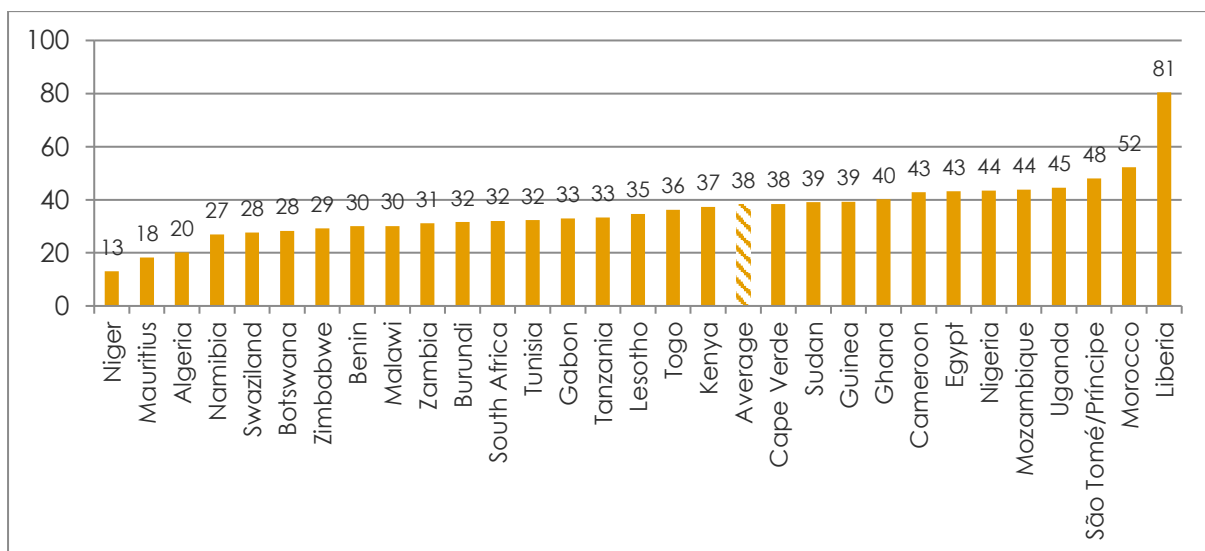


Figure 14e: Long court delays, by country (%) | 36 countries | 2014/2015

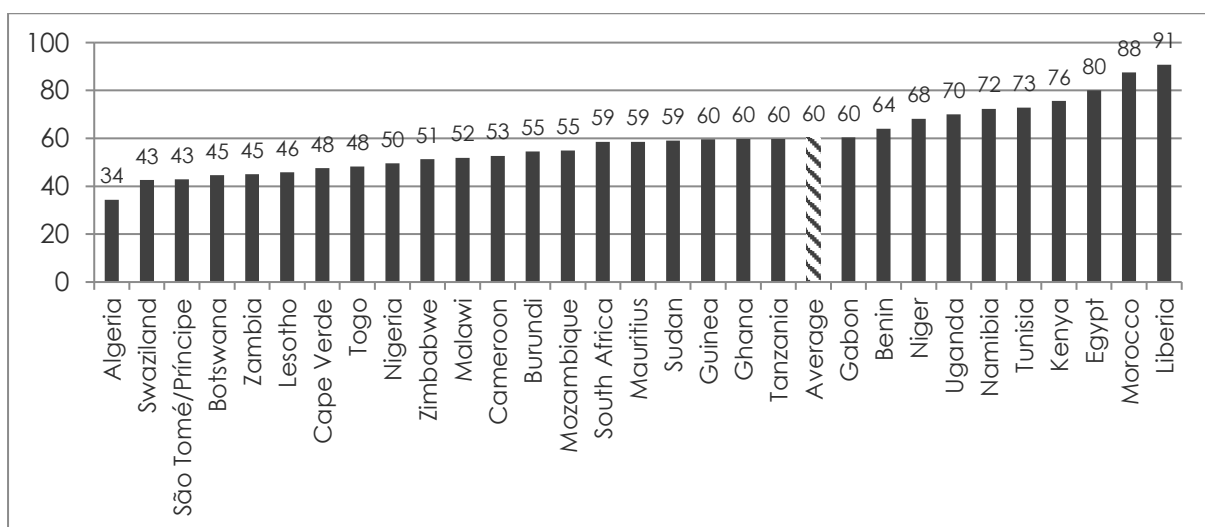
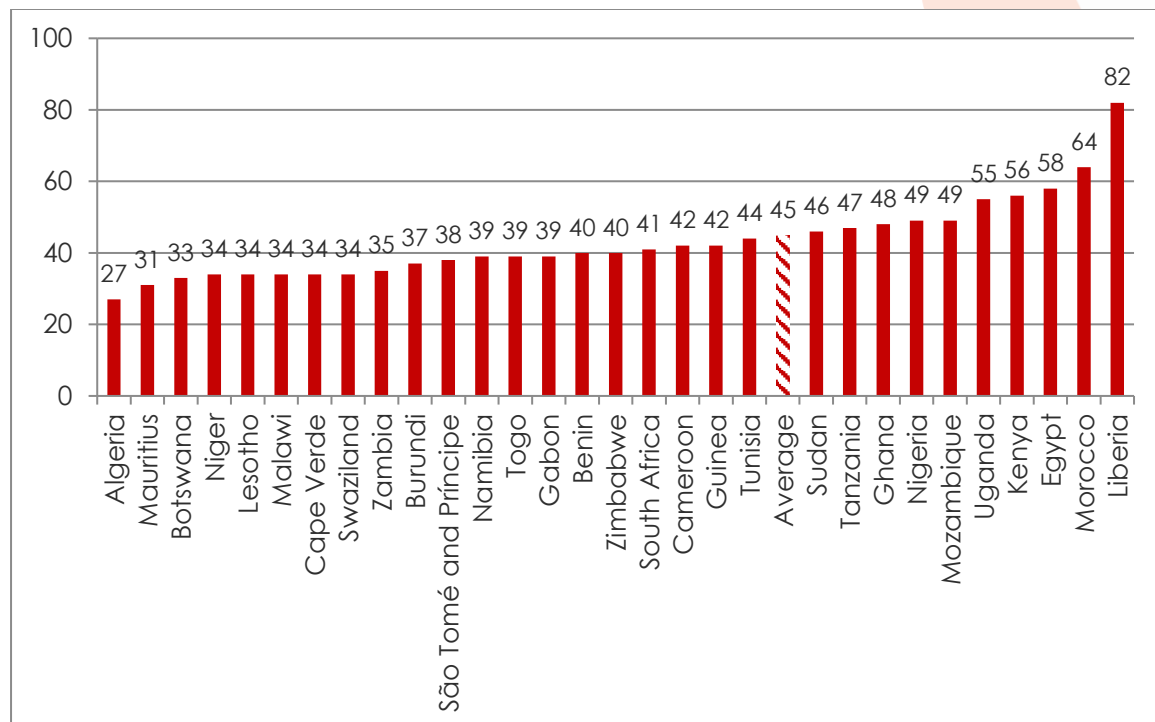


Figure 15: Average experience of problems in courts, by country (%) | 36 countries | 2014/2015



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 “once or twice”, “a few times” or “often”)

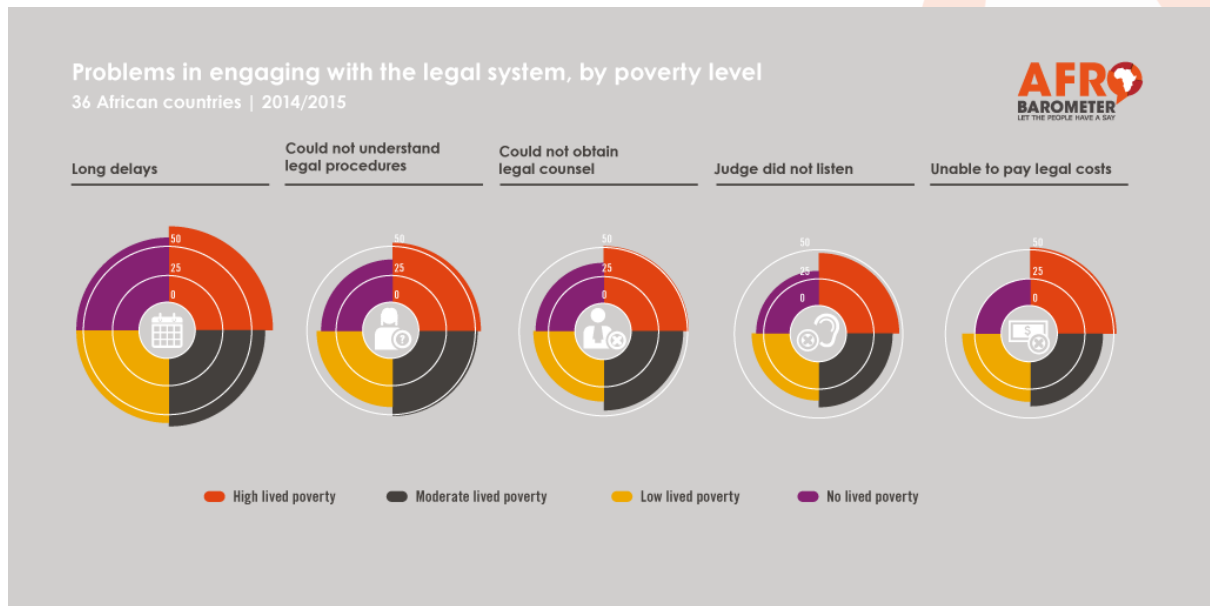
Note: Figure shows average of responses to all five questions, as a percentage of respondents who had contact with the courts. Those with no contact are excluded. Individual country results are not reported for countries where fewer than 100 respondents had contact with the courts.

Do these experiences of problems affect the likelihood of citizens engaging with courts, perhaps driving them to avoid engaging with the legal system? This does not appear to be the case. In fact, initial analysis suggests the opposite, i.e. that higher experience of problems may actually be correlated with higher contact rates. However, this finding is largely driven by the outlier findings for Liberia, a country that has both the highest experience of problems and one of the highest contact rates. If Liberia is dropped from the analysis, there are no significant correlations between contact rates and any of the indicators of the quality of court experiences. Other factors evidently drive contact rates with courts.

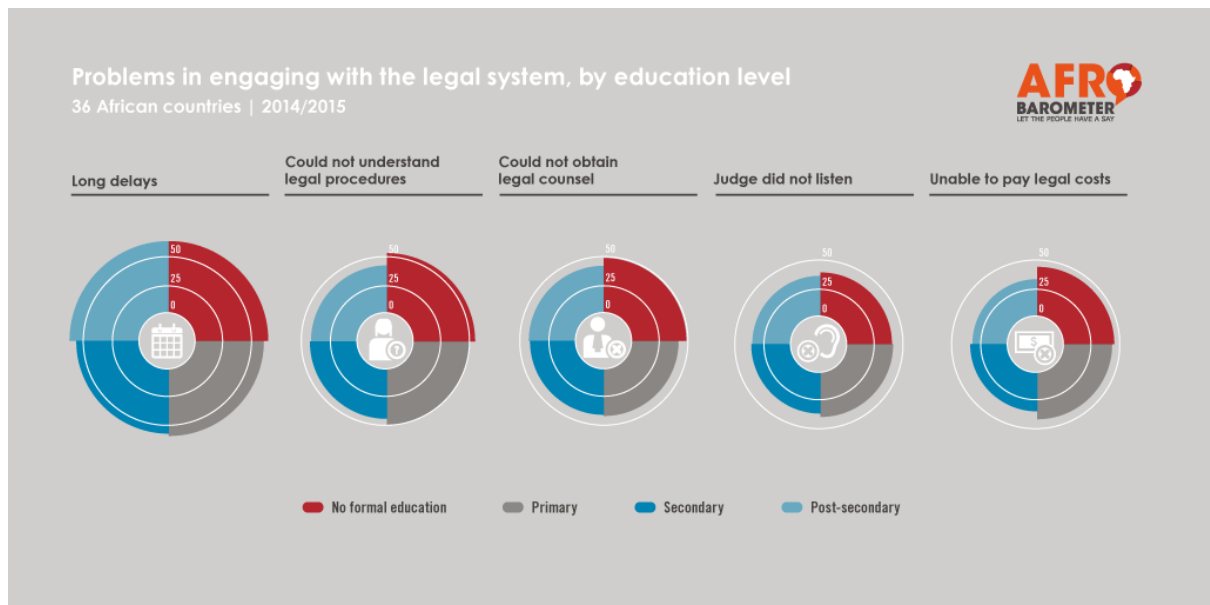
Who experiences problems?

Are the problems encountered by users of the court system experienced by all users equally, or are some groups more susceptible than others?

The most important demographic distinctions in court experience are linked to poverty level. Respondents with the highest levels of lived poverty are much more likely to experience all five problems than their less-poor counterparts (Figure 16). Compared to those with no lived poverty, the poorest are more than twice as likely to find courts too expensive (52% vs. 24%), 16 percentage points more likely to report that judges do not listen to them, 15 points more likely to find the courts too complex and to suffer from lack of legal counsel or advice, and 10 points more likely to face long delays. The poorest Africans are clearly encountering far more challenges in accessing justice than the wealthiest.



Education also has pronounced effects. For most problems, more educated respondents report far better experiences with the courts than the less educated, with the gap reaching 11 percentage points for reports of court complexity and court costs (Figure 17). However, delays are universal: Those with post-secondary education are just as likely as those with no education to report this problem.



Rural respondents also consistently report encountering challenges more often than urbanites; the gap reaches 7 percentage points for reports of complexity and lack of advice (Figure 18). People in the prime of adulthood, ages 26-55 years, are somewhat more likely to report encountering problems in the courts than the youngest (18-25 years) and oldest (over 65 years) respondents (Figure 19). Contrary to conventional wisdom about discrimination against women in public institutions, the smallest differences are based on gender: Women (49%) are slightly more likely than men (45%) to report finding the court system too complex to understand, but on other issues there are only marginal gender differences (Figure 20).

Figures 16-20: Problems encountered in court interactions | 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. Those with no contact are excluded.

Note: Only countries with 100 or more respondents reporting contact are shown; average includes all 36 countries.

Figure 16: Experience of problems in courts, by poverty level | 36 countries | 2014/2015

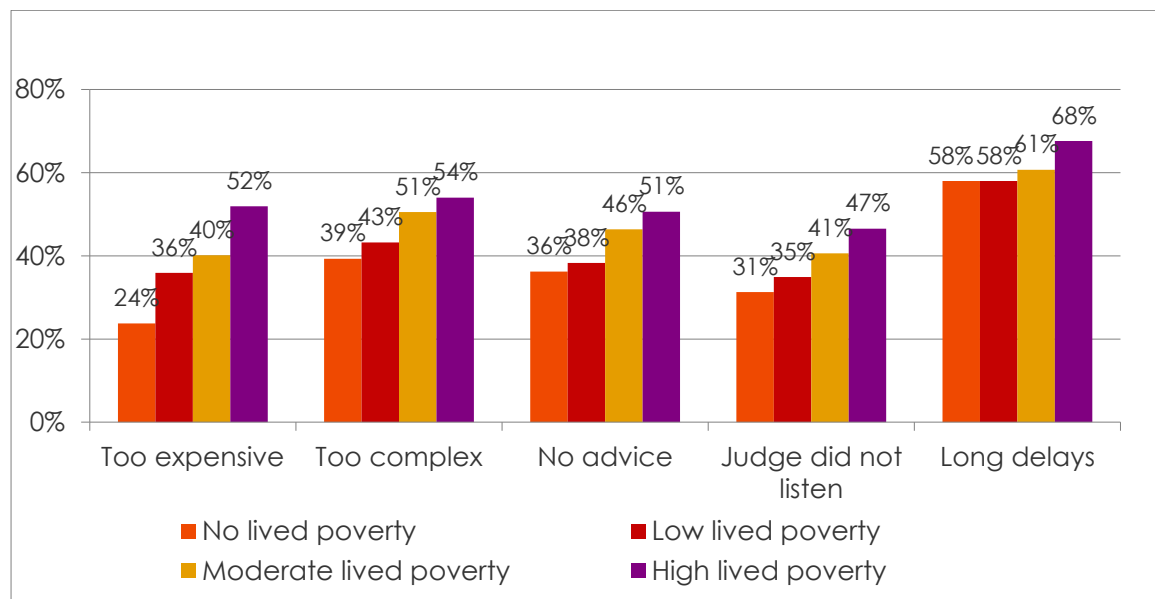
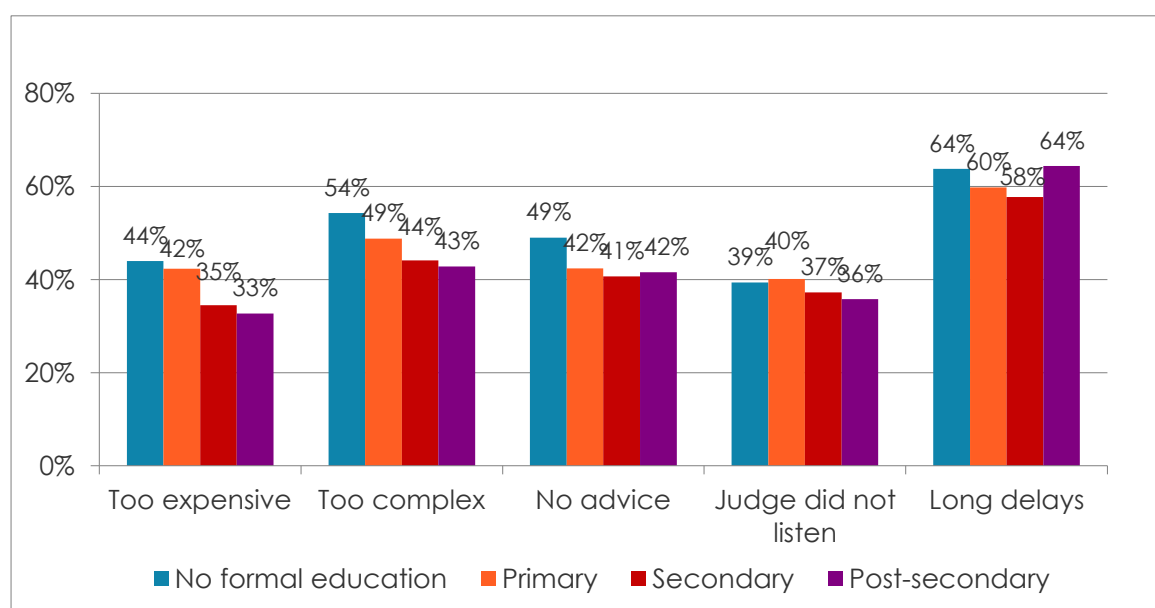


Figure 17: Experience of problems in courts, by education level | 36 countries | 2014/2015



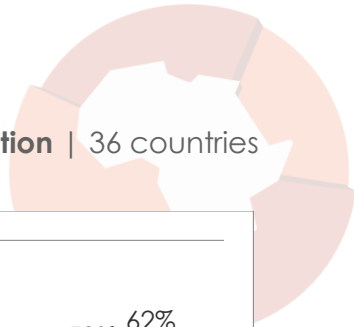


Figure 18: Experience of problems in courts, by urban-rural location | 36 countries | 2014/2015

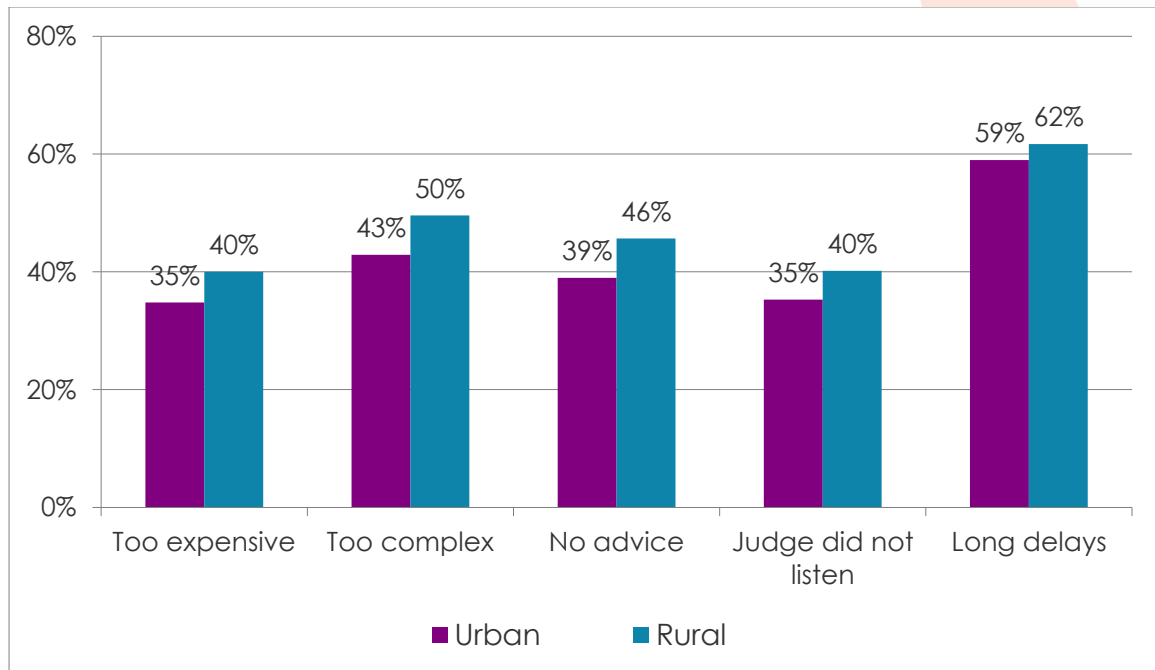


Figure 19: Experience of problems in courts, by age | 36 countries | 2014/2015

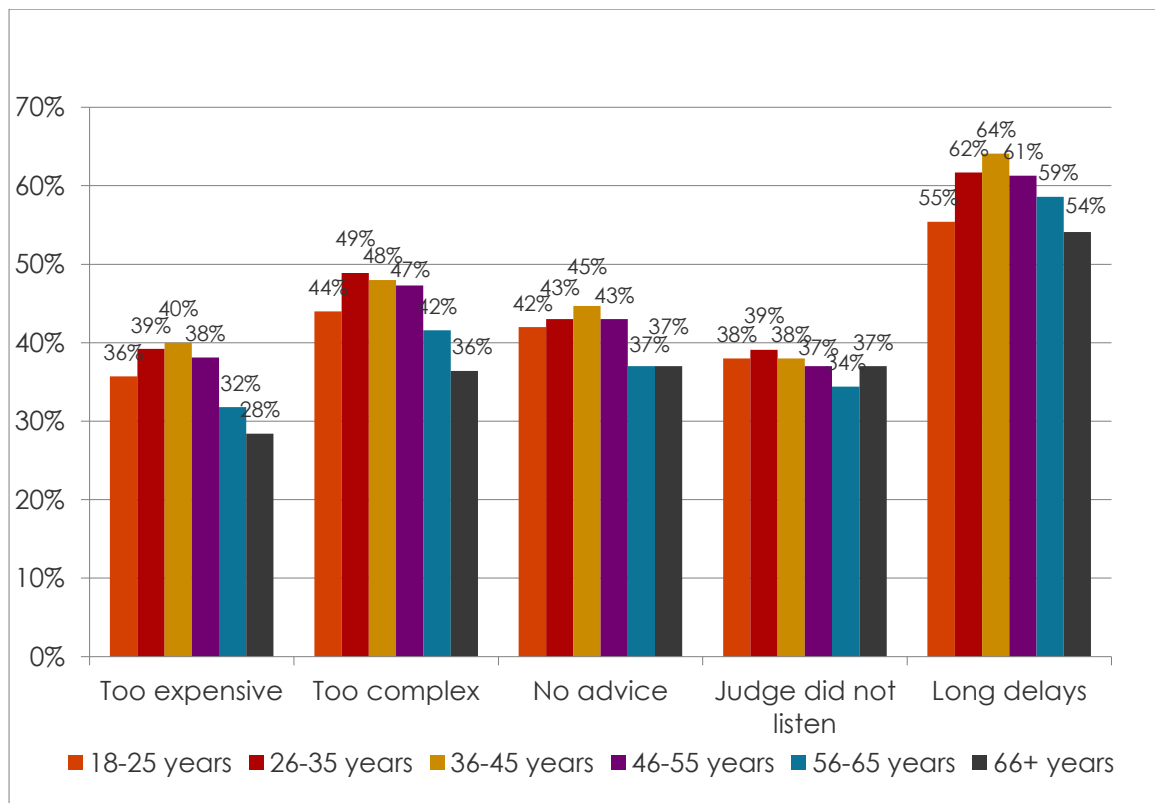
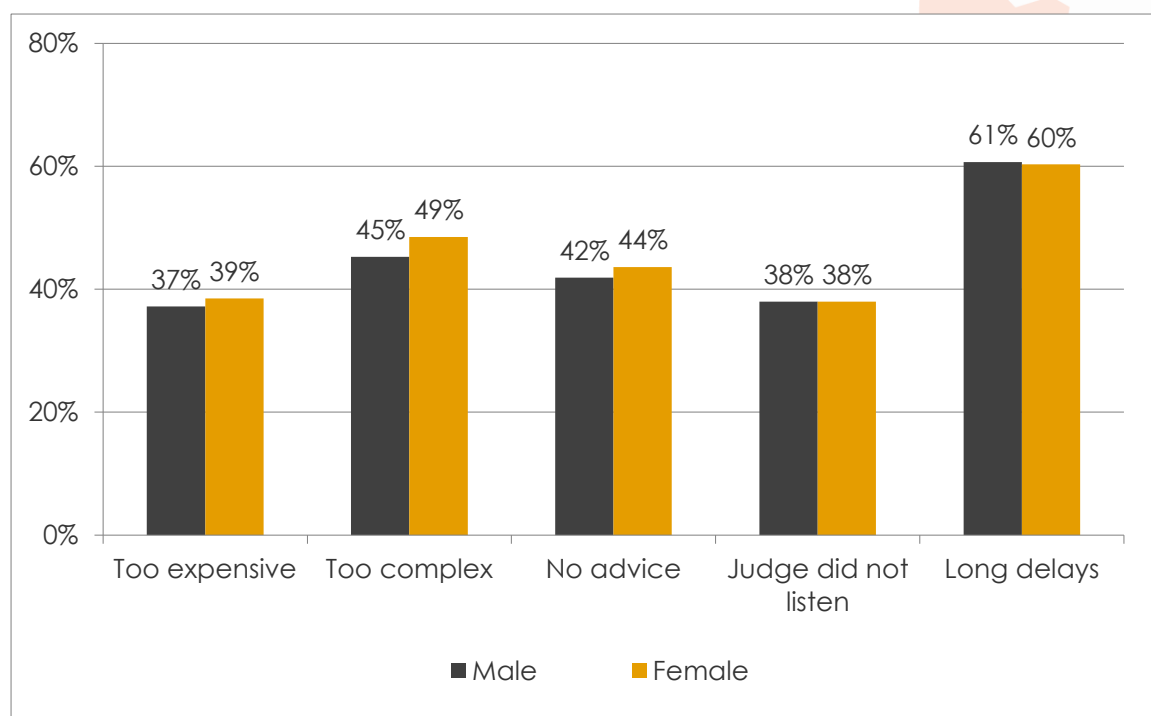


Figure 20: Experience of problems in courts, by gender | 36 countries | 2014/2015



Avoiding the courts

Are Africans avoiding going to court, even if they have a valid case? We asked respondents about the main reasons why “people like yourself” might decide not to take cases to court even when they “have a legitimate complaint and deserve justice.”⁷

Costs are a paramount concern. Nearly one in five respondents cite the problem of high court costs (18%), and nearly as many say lawyers are too expensive (17%) (Figure 21). Other responses highlight concerns about the integrity of court officers and proceedings, including expectations of unfair treatment (14%), lack of trust in the courts (13%), and perceptions of the courts as favouring the rich and powerful (11%). The expectation that the case would take too long is cited by 12%. Just 5% of respondents challenge the premise of the question and instead report that “most people do take cases to court.” In Egypt, fully one in four respondents (26%) say this, as do 15% in Burundi, 12% in Sudan, and 10% in Mali. But in 14 countries, 2% or less of respondents argue that court avoidance is not a problem.

Some surprising differences emerge if we compare the responses among the poorest respondents to those among the wealthiest (Figure 22). Court costs are important to both groups, but they are only slightly more important to poorer respondents, while costs for lawyers are a much more significant impediment in the minds of wealthier respondents than among the poorest (cited by 22% vs. 14%). Beyond costs, the wealthy identify long wait times as the next most important impediment, citing delays twice as frequently as the poor (16% vs 8%). Poorer respondents, on the other hand, are more likely to cite lack of trust in the courts, along with the expectation that they won't be treated fairly, that the courts will favour the rich and powerful, and that court officials will demand bribes. In short, the poor are significantly less likely to mention time or money concerns (a combined 55% among the wealthy, and 41% among the poorest), and significantly more likely to mention the expectation of inequitable or improper treatment by the courts (a combined 55% among

⁷ Respondents could give up to two answers to this question. Percentages reported are the proportions of respondents who cite the response as one of their two responses. Totals can therefore equal more than 100%.

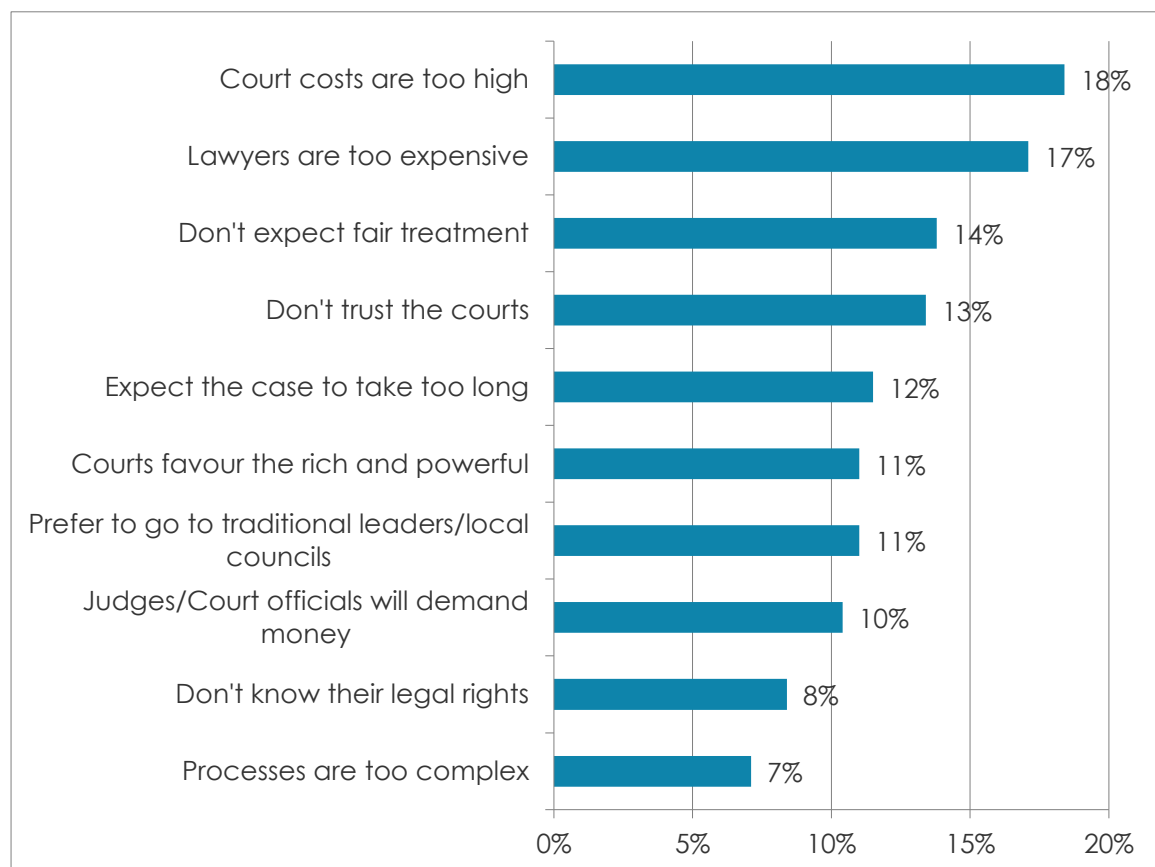


the poorest, and 43% among the wealthy). Poorer respondents are also much more likely (13%) to prefer informal justice mechanisms via traditional leaders or local councils than those who are better off (5%).

Across countries, too, considerations of cost dominate. In 24 of the 36 surveyed countries, either court costs or the costs of lawyers are the most commonly cited problem, and in 10 countries these two responses rank No. 1 and 2. More than one-third (36%) of Ugandans cite high court costs as a top reason that people don't go to court, and Liberians are equally concerned about the price of lawyers (36%). There are only a few countries where costs do not register as a major issue, including Niger (where court costs and lawyer fees are cited by 7% each), Mali, Malawi, and Senegal. (For details by country, see Appendix Table B.1.)

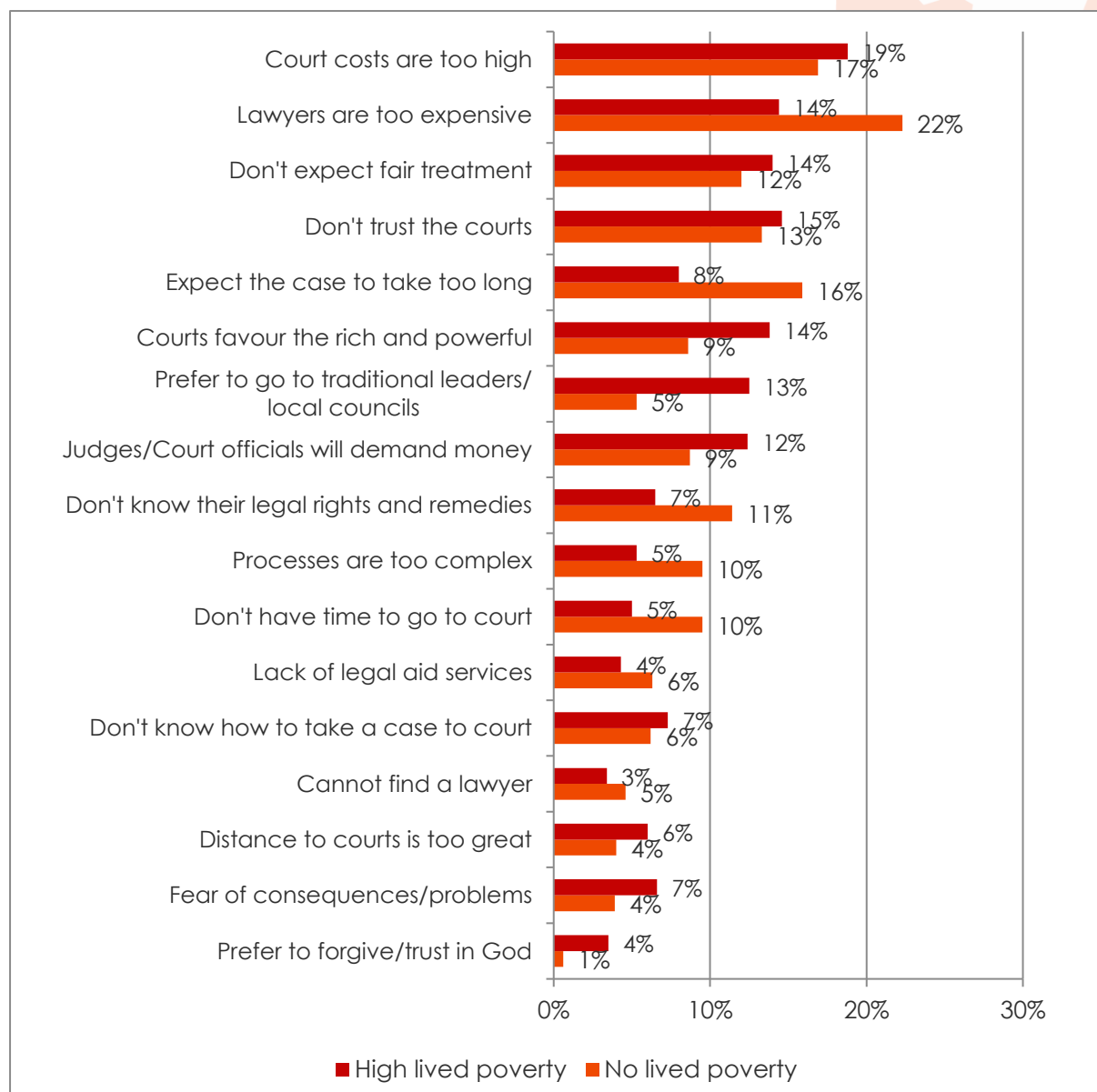
But distinctive patterns are also noticeable in some countries. For example, in seven countries, a preference for going to traditional leaders or local councils to resolve issues is the most common response: Senegal (40%), Mali (32%), Malawi (27%), Niger (24%), Côte d'Ivoire (20%), Guinea (20%), and Benin (16%). Delays are the most frequently cited reason for avoiding courts in Cape Verde (21%) and Sudan (30%). The expectation of unfair treatment is the most frequently cited reason to avoid the courts in Tanzania (23%) and Zimbabwe (19%), and perhaps most troubling, large numbers in Burkina Faso (25%) and Madagascar (31%) identify fear of consequences or a desire to avoid additional problems as their topmost concerns. An understanding of country contexts and these varied reasons for under-utilization of formal court systems will be critical to any effort to address impediments to access to justice at the country level.

Figure 21: Why people avoid 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)

Figure 22: Why people avoid courts, wealthy vs. poor | 36 countries | 2014/2015

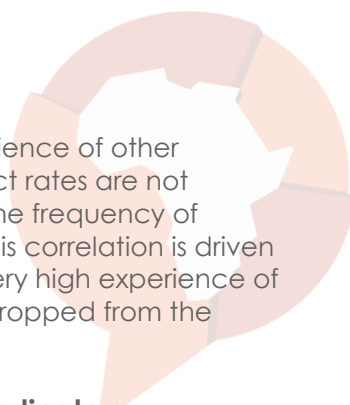


Respondents were asked: *Sometimes people do not take a case to the government courts, even if they think they have a legitimate complaint and deserve justice. In your opinion, what would be the most important reason that people like yourself would not take a case to court? (% who cite each option as one of up to two responses)*

Summary findings: Access to justice by country

The findings reported above on trust and perceived levels of corruption in courts, court accessibility, frequency of bribery, and problems encountered during court proceedings provide indicators of the quality and extent of access to justice in each country's legal system from a number of different angles. We now aim to provide a summary of the experience in each country while also exploring several factors that may shape the wide cross-country differences reported above.

We note first that as we might expect, these country-level indicators are all significantly correlated with each other. Countries that report higher levels of positive characteristics, such as trust and ease of obtaining assistance, generally report lower levels of negative



indicators, including perceived corruption, bribe payment, and experience of other problems in the courts (Table 3). As previously noted, however, contact rates are not significantly correlated with these factors, with the sole exception of the frequency of problems experienced by those who engaged with the courts, and this correlation is driven by the Liberia case, where very high contact rates occur alongside very high experience of problems. The correlation becomes insignificant if the Liberia case is dropped from the analysis.

Table 3: Country-level correlations between access-to-justice indicators
| 36 countries | 2014/2015

	Trust in courts	Corruption in courts	Ease of obtaining assistance from courts	Paid bribe in courts	Experienced problems in courts (avg. across five problems)
Corruption in courts	-.636** (n=35)				
Ease of obtaining assistance from courts	.616** (n=25)	-.583** (n=25)			
Paid bribe in courts	-.632** (n=25)	.728** (n=25)	-.735** (n=26)		
Experienced problems in courts	-.433* (n=29)	.530** (n=29)	-.676** (n=24)	.818** (n=24)	
Contact with courts in past five years	-.155 (n=35)	-.027 (n=35)	-.267 (n=26)	.317 (n=26)	.479**† (n=30)

** Correlation is significant at the 0.01 level (2-tailed).

* Correlation is significant at the 0.05 level (2-tailed).

† Correlation is not significant if Liberia is dropped from the analysis.

To assess overall country status, we rank each country as scoring “low,” “medium,” or “high” (relative to other countries) on each of these five indicators. Of course, it is preferable to score “high” on the positive indicators (trust, ease of assistance) and “low” on the negative indicators (corruption, bribes, experience of problems). In Table 4, more positive results are shown with darker shadings, and more negative results are indicated by lighter shadings. (Cells where the sample size is too small to report are left blank – see Footnote No. 6). Note that contact rates are ranked high, medium, or low and also shaded, but they are not treated as quality indicators since it is not clear whether higher or lower levels of contact are necessarily better or worse. Country rankings are thus based on the five indicators in columns 3 through 7 of Table 4.

The table reveals that the countries that are performing best in terms of providing their citizens with the highest extent and quality of access to justice are Lesotho, Botswana, and Cape Verde, all of which rank in the best category (i.e. all dark shadings) across all five quality indicators. In addition, Niger ranks in the top category on all three of the indicators reported there. Other countries ranking high include Mauritius and Malawi (ranked in the best category on four of five indicators), along with South Africa, Namibia, and Senegal (ranked in the best category on three indicators). Swaziland ranks in the top category on two of the three indicators reported there.

In contrast, Liberia scores in the lowest category on all five indicators, while Sierra Leone and Madagascar rank in the lowest category for all indicators reported in each. Morocco and Nigeria fare only slightly better, scoring in the lowest group on four of five indicators, closely followed by Uganda, Kenya, Togo, Ghana, Malawi, and Côte d'Ivoire.

Table 4: Contact and quality indicators, by country and region | 36 countries
| 2014/2015

(Darker shades indicate better performance; blank cells indicate samples too small to report.)

	Contact rates	Trust (% somewhat/ a lot)	Corruption (% most/all)	Ease of assistance (% easy/very easy)	Paid a bribe (% ever paid)	Encountering problems (Avg. % across five problems)
	High: 21-30% Med: 11-20% Low: 0-10%	High: 61-82% Med: 41-60% Low: 29-40%	High: 41-57% Med: 26-50% Low: 9-25%	High: 56-77% Med: 41-55% Low: 26-40%	High: 40-65% Med: 11-39% Low: 0-10%	High: 46-82% Med: 36-45% Low: 26-35%
North Africa						
Egypt	High (28%)	High (65%)	Low (20%)	Low (35%)	High (54%)	High (58%)
Morocco	High (28%)	Low (40%)	Med (34%)	Low (33%)	High (49%)	High (64%)
Algeria	High (24%)	Low (36%)	Med (28%)	Med (44%)	Low (10%)	Low (27%)
Sudan	High (21%)	Med (52%)	Med (26%)	Low (36%)	Med (36%)	High (46%)
Tunisia	Med (14%)	Med (60%)	Low (17%)	Med (47%)	Low (5%)	Med (44%)
Central Africa						
Cameroon	High (21%)	Med (42%)	High (51%)	Med (44%)	Med (32%)	Med (42%)
Gabon	Med (14%)	Low (40%)	High (50%)	Med (41%)	Med (17%)	Med (39%)
São Tomé and Príncipe	Med (12%)	Low (33%)	Med (26%)			Med (38%)
East Africa						
Burundi	Med (17%)	High (71%)	Med (40%)	High (56%)	Med (23%)	Med (37%)
Tanzania	Med (13%)	High (69%)	Med (36%)	Med (41%)	Med (35%)	High (47%)
Uganda	Med (13%)	Med (56%)	High (45%)	Med (44%)	High (44%)	High (55%)
Kenya	Low (10%)	Med (58%)	Med (33%)	Low (36%)	High (42%)	High (56%)
Southern Africa						
Mozambique	Med (16%)	Med (46%)	Med (27%)	Med (46%)	High (40%)	High (49%)
Swaziland	Med (14%)	High (63%)	Med (28%)			Low (34%)
Lesotho	Med (13%)	High (66%)	Low (16%)	High (61%)	Low (3%)	Low (34%)
Zambia	Med (13%)	Med (57%)	Med (30%)	High (57%)	Med (14%)	Low (35%)
South Africa	Med (12%)	Med (56%)	Low (23%)	High (77%)	Low (5%)	Med (41%)
Mauritius	Med (12%)	High (72%)	Low (9%)	Med (55%)	Low (1%)	Low (31%)
Namibia	Med (12%)	High (73%)	Med (28%)	High (77%)	Low (1%)	Med (39%)
Botswana	Med (11%)	High (69%)	Low (14%)	High (66%)	Low (1%)	Low (33%)
Malawi	Med (11%)	High (71%)	Low (22%)	High (57%)	Med (24%)	Low (34%)
Zimbabwe	Low (10%)	High (63%)	Med (29%)	Med (52%)	Med (20%)	Med (40%)
Madagascar	Low (7%)	Low (29%)	High (49%)			
West Africa						
Liberia	High (27%)	Low (32%)	High (56%)	Low (26%)	High (52%)	High (82%)
Cape Verde	Med (18%)	High (61%)	Low (9%)	High (67%)	Low (2%)	Low (34%)
Togo	Med (11%)	Low (37%)	High (48%)			Med (39%)
Nigeria	Low (10%)	Low (38%)	High (45%)	Med (47%)	High (40%)	High (49%)
Niger	Low (9%)	High (82%)	Low (23%)			Low (34%)
Benin	Low (9%)	Med (49%)	High (48%)			Med (40%)
Ghana	Low (9%)	Med (42%)	High (49%)	Low (36%)	Med (37%)	High (48%)
Guinea	Low (8%)	Med (43%)	Med (38%)			Med (42%)
Sierra Leone	Low (8%)	Low (32%)	High (47%)	Low (27%)	High (65%)	
Mali	Low (7%)	Med (45%)	High (57%)			
Senegal	Low (6%)	High (65%)	Low (24%)	Low (31%)	Low (4%)	
Côte d'Ivoire	Low (6%)	Low (37%)	Med (35%)			
Burkina Faso	Low (4%)	Med (55%)	Med (35%)			
Averages						
North Africa	23%	51%	25%	39%	31%	48%
Central Africa	16%	38%	42%	43%	25%	40%
East Africa	13%	64%	39%	44%	36%	49%
Southern Africa	12%	60%	25%	61%	12%	37%
West Africa	10%	48%	40%	39%	33%	46%



Some countries defy categorization as being either good or poor performers. Egypt, for example, scores in the best category for both trust (high) and levels of corruption (low), but it scores in the worst categories for ease of assistance (low), bribe payments (high), and encountering problems (high). Senegal is also a portrait in contrasts: It ranks in the best category on trust (high), corruption (low), and bribe payments (low), but it ranks in the worst category for ease of assistance (low).

Overall, Table 4 reveals some sharp regional distinctions. On average, countries in Southern Africa clearly provide better access to justice for their citizens than countries of any other region. However, Madagascar is a particularly clear exception, and Mozambique, Zambia, and Zimbabwe lag well behind the others. West Africa, on the other hand, is home to many of the worst performers. But again there are prominent exceptions, with several of the best performers – Cape Verde, Niger, and Senegal – also located in the region. Results in Central, East, and North Africa are more mixed.

Table 4 also highlights the disconnect that appears to exist between contact and quality. Contact rates are consistently highest in North Africa, where country performance indicators are quite mixed. And they tend to be lowest in West Africa, where performance indicators tend to be worst (although Liberia stands out as having the highest contact rate alongside the worst standing in terms of performance). Meanwhile in Southern Africa, where performance indicators are strongest, most countries fall solidly into mid-ranking in terms of levels of contact. All of this suggests that factors other than performance are driving contact rates, a topic that requires exploration that is beyond the scope of the current analysis.

Democracy and access to justice

Regrouping countries according to other factors is also revealing. When countries are ordered according to their Freedom House status and combined political rights/civil liberties scores, it is clear that many of the best performers on access to justice – including Cape Verde, Mauritius, South Africa, Namibia, Senegal, Lesotho, and Botswana – are countries ranked as “free” according to Freedom House (Table 5) (Freedom House, 2014). Ghana, however, stands out in this group. Ghana’s Freedom House score places it second-highest (along with Mauritius) among the countries included in this study, yet in terms of the perceived quality and extent of access to justice in the country, Ghana is one of the poorest overall performers, scoring in the worst category on three of five indicators (corruption (high), ease of assistance (low), and encountering problems (high)) and only reaching the middle category on trust and bribery. São Tomé and Príncipe and Benin are two other countries that rank high in terms of their level of democracy, but neither scores in the best category on any access-to-justice performance indicator, and both score in the worst category on at least one indicator.

Nor are all of the best performers in terms of access to justice “free” countries. Malawi and Niger are both rated as “partly free,” and “not free” Swaziland also attains quite positive access-to-justice ratings.

On average, though, it is clear that “free” countries significantly outperform both “partly free” and “not free” countries on all indicators. The margin is more than 20 percentage points on payment of bribes. However, the difference between “free” and “not free” countries on encountering problems in the courts is just 3 percentage points, barely surpassing the margin of error. It is also notable that the “not free” countries do substantially better than the “partly free” countries on several indicators, especially experience of problems, as well as payment of bribes and corruption. The “partly free” countries appear to be occupying an uncomfortable middle ground, not authoritarian enough to provide good services by decree and yet not democratic enough to improve their performance due to the pressures of accountability. It is also striking that on average, rates of contact are much higher in the “not free” countries than in either “free” or “partly free” countries.

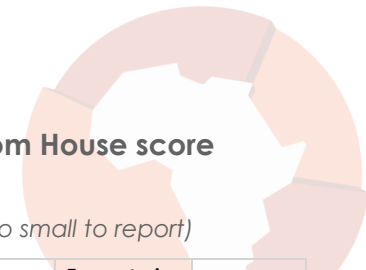


Table 5: Contact and quality indicators, by country and Freedom House score
 | 36 countries | 2014/2015

(Darker shades indicate better performance; blank cells indicate samples too small to report)

	Contact rates	Trust (% somewhat/ a lot)	Corruption (% most/all)	Ease of assistance (% easy/very easy)	Paid a bribe (% ever paid)	Encountering problems (Avg. % across five problems)	Freedom House 2014 combined score
	High: 21-30% Med: 11-20% Low: 0-10%	High: 61-82% Med: 41-60% Low: 29-40%	High: 41-57% Med: 26-50% Low: 9-25%	High: 56-77% Med: 41-55% Low: 26-40%	High: 40-65% Med: 11-39% Low: 0-10%	High: 46-82% Med: 36-45% Low: 26-35%	
Free							
Cape Verde	Med (18%)	High (61%)	Low (9%)	High (67%)	Low (2%)	Low (34%)	2
Mauritius	Med (12%)	High (72%)	Low (9%)	Med (55%)	Low (1%)	Low (31%)	3
Ghana	Low (9%)	Med (42%)	High (49%)	Low (36%)	Med (37%)	High (48%)	3
São Tomé and Príncipe	Med (12%)	Low (33%)	Med (26%)			Med (38%)	4
South Africa	Med (12%)	Med (56%)	Low (23%)	High (77%)	Low (5%)	Med (41%)	4
Namibia	Med (12%)	High (73%)	Med (28%)	High (77%)	Low (1%)	Med (39%)	4
Benin	Low (9%)	Med (49%)	High (48%)			Med (40%)	4
Senegal	Low (6%)	High (65%)	Low (24%)	Low (31%)	Low (4%)		4
Lesotho	Med (13%)	High (66%)	Low (16%)	High (61%)	Low (3%)	Low (34%)	5
Botswana	Med (11%)	High (69%)	Low (14%)	High (66%)	Low (1%)	Low (33%)	5
Partly free							
Tunisia	Med (14%)	Med (60%)	Low (17%)	Med (47%)	Low (5%)	Med (44%)	6
Tanzania	Med (13%)	High (69%)	Med (36%)	Med (41%)	Med (35%)	High (47%)	6
Sierra Leone	Low (8%)	Low (32%)	High (47%)	Low (27%)	High (65%)		6
Mozambique	Med (16%)	Med (46%)	Med (27%)	Med (46%)	High (40%)	High (49%)	7
Zambia	Med (13%)	Med (57%)	Med (30%)	High (57%)	Med (14%)	Low (35%)	7
Malawi	Med (11%)	High (71%)	Low (22%)	High (57%)	Med (24%)	Low (34%)	7
Liberia	High (27%)	Low (32%)	High (56%)	Low (26%)	High (52%)	High (82%)	7
Niger	Low (9%)	High (82%)	Low (23%)			Low (34%)	7
Kenya	Low (10%)	Med (58%)	Med (33%)	Low (36%)	High (42%)	High (56%)	8
Togo	Med (11%)	Low (37%)	High (48%)			Med (39%)	8
Nigeria	Low (10%)	Low (38%)	High (45%)	Med (47%)	High (40%)	High (49%)	8
Burkina Faso	Low (4%)	Med (55%)	Med (35%)				8
Morocco	High (28%)	Low (40%)	Med (34%)	Low (33%)	High (49%)	High (64%)	9
Madagascar	Low (7%)	Low (29%)	High (49%)				9
Mali	Low (7%)	Med (45%)	High (57%)				9
Côte d'Ivoire	Low (6%)	Low (37%)	Med (35%)				9
Burundi	Med (17%)	High (71%)	Med (40%)	High (56%)	Med (23%)	Med (37%)	10
Uganda	Med (13%)	Med (56%)	High (45%)	Med (44%)	High (44%)	High (55%)	10
Guinea	Low (8%)	Med (43%)	Med (38%)			Med (42%)	10
Not free							
Egypt	High (28%)	High (65%)	Low (20%)	Low (35%)	High (54%)	High (58%)	11
Algeria	High (24%)	Low (36%)	Med (28%)	Med (44%)	Low (10%)	Low (27%)	11
Gabon	Med (14%)	Low (40%)	High (50%)	Med (41%)	Med (17%)	Med (39%)	11
Zimbabwe	Low (10%)	High (63%)	Med (29%)	Med (52%)	Med (20%)	Med (40%)	11
Cameroon	High (21%)	Med (42%)	High (51%)	Med (44%)	Med (32%)	Med (42%)	12
Swaziland	Med (14%)	High (63%)	Med (28%)			Low (34%)	12
Sudan	High (21%)	Med (52%)	Med (26%)	Low (36%)	Med (36%)	High (46%)	14
Averages							
Free	11%	59%	25%	59%	7%	38%	
Partly free	12%	50%	38%	43%	36%	48%	
Not free	19%	52%	33%	42%	28%	41%	

Source: Freedom House, *Freedom in the World Ratings for 2014*, available at

<https://freedomhouse.org/sites/default/files/FIW%202014%20Scores%20-%20Countries%20and%20Territories.pdf>

Note: "FH 2014 Combined Score" is the combined scores from Freedom House (2014) for political rights and civil liberties; each is scored on a scale from 1 representing the most free to 7 representing the least free rating. Thus the minimum (best) possible score is 2 and the maximum (worst) is 14.



Colonial legacy and access to justice

Does a country's colonial legacy, especially as manifested in the nature of its inherited legal framework, make a difference? Broadly speaking, the French and Portuguese bequeathed their former colonies civil law systems, while the British left in place common law systems of justice. These different legal traditions may have significant implications not just for legal codes and practices, but also in terms of the quality of protection for human rights (Mitchell, Ring, & Spellman, 2013) and provision of equitable access to justice. A detailed exploration of these issues is beyond the scope of this analysis, but preliminary indications do not suggest consistent differences (Table 6).

Among the 16 former British colonies included in this analysis, six are among the best performers (Botswana, Lesotho, Malawi, Namibia, South Africa, and Swaziland), and five are among the worst (Ghana, Kenya, Nigeria, Sierra Leone, and Uganda). And as previously noted, Liberia, also a common law system, is the worst overall performer on access to justice.

Former French colonies fare somewhat worse, with just two (Niger and Senegal) ranking among top performers while five (Côte d'Ivoire, Madagascar, Mali, Morocco, and Togo) rank among the worst – a somewhat worse balance than among the former British colonies and protectorates, but hardly conclusive. Among former Portuguese colonies, Cape Verde is one of the top-performing countries in terms of access to justice, but Mozambique and São Tomé and Príncipe are quite far down the scale.

Overall, a few points are remarkable. First, although average rates of contact are roughly similar across the colonizers, and across type of legal system, it is immediately clear that almost all of the countries with very low contact rates – i.e. so low that we cannot report results on some indicators – are former French colonies with civil law systems, and another is São Tomé and Príncipe, with a civil law system inherited from the Portuguese. Among common law systems, only Swaziland (on one screening question) and Sierra Leone (on the other) have such low levels of contact.

In addition, the averages reveal even more clearly that neither colonial legacy nor type of legal system is determinative for the extent of access to justice. Comparing all common law systems (including Liberia) with all civil law systems (both French and Portuguese colonies), we find that common law systems perform better on trust (by a 9-percentage-point margin), perceived corruption (4 points), and ease of obtaining assistance (just 3 points). However, they perform substantially worse than civil law systems on payment of bribes (10 points) and overall problems encountered by system users (5 points).

The findings are even less decisive if we compare former British (i.e. not including Liberia) with French and Portuguese colonies. Levels of trust are significantly higher in former British colonies, but former Portuguese colonies outperform them on perceived corruption, ease of access, and (by narrow margins) problems encountered. Both former French and former Portuguese colonies do significantly better than former British colonies with regard to payment of bribes in the courts.

In short, these findings do not point to strong conclusions about the effects of either colonial legacy or type of legal system on access to justice – both common law and civil law systems can be found among the best and worst performers – but this topic warrants further exploration.

Table 6: Contact and quality indicators, by colonial power and legal system type
| 36 countries | 2014/2015

(Darker shades indicate better performance; blank cells indicate samples too small to report)

	Contact rates	Trust (% somewhat/ a lot)	Corruption (% most/all)	Ease of assistance (% easy/very easy)	Paid a bribe (% ever paid)	Encountering problems (Avg. % across five problems)
	High: 21-30% Med: 11-20% Low: 0-10%	High: 61-82% Med: 41-60% Low: 29-40%	High: 41-57% Med: 26-50% Low: 9-25%	High: 56-77% Med: 41-55% Low: 26-40%	High: 40-65% Med: 11-39% Low: 0-10%	High: 46-82% Med: 36-45% Low: 26-35%
British / Common law systems						
Botswana	Med (11%)	High (69%)	Low (14%)	High (66%)	Low (1%)	Low (33%)
Egypt	High (28%)	High (65%)	Low (20%)	Low (35%)	High (54%)	High (58%)
Ghana	Low (9%)	Med (42%)	High (49%)	Low (36%)	Med (37%)	High (48%)
Kenya	Low (10%)	Med (58%)	Med (33%)	Low (36%)	High (42%)	High (56%)
Lesotho	Med (13%)	High (66%)	Low (16%)	High (61%)	Low (3%)	Low (34%)
Liberia	High (27%)	Low (32%)	High (56%)	Low (26%)	High (52%)	High (82%)
Malawi	Med (11%)	High (71%)	Low (22%)	High (57%)	Med (24%)	Low (34%)
Namibia	Med (12%)	High (73%)	Med (28%)	High (77%)	Low (1%)	Med (39%)
Nigeria	Low (10%)	Low (38%)	High (45%)	Med (47%)	High (40%)	High (49%)
Sierra Leone	Low (8%)	Low (32%)	High (47%)	Low (27%)	High (65%)	
South Africa	Med (12%)	Med (56%)	Low (23%)	High (77%)	Low (5%)	Med (41%)
Sudan	High (21%)	Med (52%)	Med (26%)	Low (36%)	Med (36%)	High (46%)
Swaziland	Med (14%)	High (63%)	Med (28%)			Low (34%)
Tanzania	Med (13%)	High (69%)	Med (36%)	Med (41%)	Med (35%)	High (47%)
Uganda	Med (13%)	Med (56%)	High (45%)	Med (44%)	High (44%)	High (55%)
Zambia	Med (13%)	Med (57%)	Med (30%)	High (57%)	Med (14%)	Low (35%)
Zimbabwe	Low (10%)	High (63%)	Med (29%)	Med (52%)	Med (20%)	Med (40%)
French / Civil law systems						
Algeria	High (24%)	Low (36%)	Med (28%)	Med (44%)	Low (10%)	Low (27%)
Benin	Low (9%)	Med (49%)	High (48%)			Med (40%)
Burkina Faso	Low (4%)	Med (55%)	Med (35%)			
Burundi	Med (17%)	High (71%)	Med (40%)	High (56%)	Med (23%)	Med (37%)
Cameroon	High (21%)	Med (42%)	High (51%)	Med (44%)	Med (32%)	Med (42%)
Côte d'Ivoire	Low (6%)	Low (37%)	Med (35%)			
Gabon	Med (14%)	Low (40%)	High (50%)	Med (41%)	Med (17%)	Med (39%)
Guinea	Low (8%)	Med (43%)	Med (38%)			Med (42%)
Madagascar	Low (7%)	Low (29%)	High (49%)			
Mali	Low (7%)	Med (45%)	High (57%)			
Morocco	High (28%)	Low (40%)	Med (34%)	Low (33%)	High (49%)	High (64%)
Niger	Low (9%)	High (82%)	Low (23%)			Low (34%)
Senegal	Low (6%)	High (65%)	Low (24%)	Low (31%)	Low (4%)	
Togo	Med (11%)	Low (37%)	High (48%)			Med (39%)
Tunisia	Med (14%)	Med (60%)	Low (17%)	Med (47%)	Low (5%)	Med (44%)
Portuguese / Civil law systems						
Cape Verde	Med (18%)	High (61%)	Low (9%)	High (67%)	Low (2%)	Low (34%)
Mozambique	Med (16%)	Med (46%)	Med (27%)	Med (46%)	High (40%)	High (49%)
São Tomé and Príncipe	Med (12%)	Low (33%)	Med (26%)			Med (38%)
Hybrid systems						
Mauritius	Med (12%)	High (72%)	Low (9%)	Med (55%)	Low (1%)	Low (31%)
Averages						
British (excludes Liberia)	13%	58%	31%	50%	28%	43%
French	12%	49%	38%	42%	20%	41%
Portuguese	15%	47%	21%	57%	21%	40%
Common law (includes Liberia)	14%	57%	32%	48%	30%	46%
Civil law (French + Portuguese)	13%	48%	36%	45%	20%	41%

Note: Liberia was not a British colony but does use a common law system.



Access to justice in post-conflict countries

Finally we turn to the question of whether conflict is associated with poor access to justice. As noted, civil wars and other severe conflicts can decapacitate, delegitimize, or polarize legal systems at a time when post-conflict caseloads are soaring due to the need to address rights violations and resolve property disputes.

Among the 36 surveyed countries, four have engaged in full-scale civil wars within the past two decades (Burundi, Côte d'Ivoire, Liberia, and Sierra Leone), while four others have experienced major regional insurgencies that have been ongoing sources of violence and instability even if they have not directly threatened the survival of the central state (Mali⁸, Nigeria, Sudan, and Uganda). Another six have experienced either smaller-scale regional insurgencies (Cameroon, Niger) or significant episodes of election-related violence (Kenya, Madagascar, Togo, and Zimbabwe). How do these 14 countries compare to others in terms of the five indicators of extent and quality of access to justice explored in this analysis?

The answer is: not well. Three of the four countries battered by civil war – Côte d'Ivoire, Liberia, and Sierra Leone – are among the very worst performers in terms of access to justice (Table 7). In fact, Liberia and Sierra Leone both score in the worst category on all indicators. Given the high contact rates noted earlier alongside the exceptionally poor ratings of the legal system's performance, Liberia appears to be a classic worst-case example of the effects of conflict and violence: a weak, discredited, and decapacitated legal system that is overwhelmed by an exceptionally high post-conflict caseload (see United States Agency for International Development, 2012).

The significant exception among the conflict-affected countries is Burundi, which is one of the better-performing countries overall, with citizens giving their justice system high marks for trustworthiness and ease of getting assistance, along with “medium” rankings on all other indicators. It should be noted that the Round 6 survey in Burundi was conducted in late 2014, before the 2015 election and President Pierre Nkurunziza's successful effort to secure a third term reignited turmoil in the country. But to the extent that survey results reflect post-civil war reality, Burundi's legal system appears to have weathered or recovered from the storm of civil war more effectively than its counterparts in Côte d'Ivoire, Liberia, and Sierra Leone.

The story is similar for the countries that have suffered major regional insurgencies. Mali, Nigeria, and Uganda are among the poorest performers on our access-to-justice indicators, and Sudan fares only slightly better, scoring in the worst category on two of the five indicators.

Among countries that have experienced less severe levels of violent conflict, Kenya, Madagascar, and Togo are all poor performers. However, Niger is one of the highest-performing countries, and even long-troubled Zimbabwe scores moderately well on access-to-justice indicators (a “high” score on trust and “medium” ratings on all other indicators).

Comparing averages of performance indicators according to each of these sub-groups shows consistent findings. Across all indicators, countries with no major conflicts record the best performance, and those experiencing civil wars report the worst performance. However, the expectations that post-conflict countries will have higher overall contact rates due to a surge in conflict-related claims is not borne out. Among the civil-war cases, while Liberia has the highest contact rate of any country, rates in Côte d'Ivoire and Sierra Leone are among the lowest. Overall, contact rates in civil-war countries are essentially equal to those in non-conflict countries.

⁸ The central state in Mali was overthrown in a coup in 2012, in part as a direct result of the poor handling of the northern insurgency, but the insurgency itself did not threaten the central state's survival.

Table 7: Contact and quality indicators, by country and experience of conflict
| 36 countries | 2014/2015

(Darker shades indicate better performance; blank cells indicate samples too small to report)

	Contact rates	Trust (% somewhat/ a lot)	Corruption (% most/all)	Ease of assistance (% easy/very easy)	Paid a bribe (% ever paid)	Encountering problems (Avg. % across five problems)
	High: 21-30% Med: 11-20% Low: 0-10%	High: 61-82% Med: 41-60% Low: 29-40%	High: 41-57% Med: 26-50% Low: 9-25%	High: 56-77% Med: 41-55% Low: 26-40%	High: 40-65% Med: 11-39% Low: 0-10%	High: 46-82% Med: 36-45% Low: 26-35%
Civil war						
Burundi	Med (17%)	High (71%)	Med (40%)	High (56%)	Med (23%)	Med (37%)
Côte d'Ivoire	Low (6%)	Low (37%)	Med (35%)			
Liberia	High (27%)	Low (32%)	High (56%)	Low (26%)	High (52%)	High (82%)
Sierra Leone	Low (8%)	Low (32%)	High (47%)	Low (27%)	High (65%)	
Regional insurgency						
Mali	Low (7%)	Med (45%)	High (57%)			
Nigeria	Low (10%)	Low (38%)	High (45%)	Med (47%)	High (40%)	High (49%)
Sudan	High (21%)	Med (52%)	Med (26%)	Low (36%)	Med (36%)	High (46%)
Uganda	Med (13%)	Med (56%)	High (45%)	Med (44%)	High (44%)	High (55%)
Election-related or other conflict						
Cameroon	High (21%)	Med (42%)	High (51%)	Med (44%)	Med (32%)	Med (42%)
Kenya	Low (10%)	Med (58%)	Med (33%)	Low (36%)	High (42%)	High (56%)
Madagascar	Low (7%)	Low (29%)	High (49%)			
Niger	Low (9%)	High (82%)	Low (23%)			Low (34%)
Togo	Med (11%)	Low (37%)	High (48%)			Med (39%)
Zimbabwe	Low (10%)	High (63%)	Med (29%)	Med (52%)	Med (20%)	Med (40%)
No major experience of violent conflict						
Algeria	High (24%)	Low (36%)	Med (28%)	Med (44%)	Low (10%)	Low (27%)
Benin	Low (9%)	Med (49%)	High (48%)			Med (40%)
Botswana	Med (11%)	High (69%)	Low (14%)	High (66%)	Low (1%)	Low (33%)
Burkina Faso	Low (4%)	Med (55%)	Med (35%)			
Cape Verde	Med (18%)	High (61%)	Low (9%)	High (67%)	Low (2%)	Low (34%)
Egypt	High (28%)	High (65%)	Low (20%)	Low (35%)	High (54%)	High (58%)
Gabon	Med (14%)	Low (40%)	High (50%)	Med (41%)	Med (17%)	Med (39%)
Ghana	Low (9%)	Med (42%)	High (49%)	Low (36%)	Med (37%)	High (48%)
Guinea	Low (8%)	Med (43%)	Med (38%)			Med (42%)
Lesotho	Med (13%)	High (66%)	Low (16%)	High (61%)	Low (3%)	Low (34%)
Malawi	Med (11%)	High (71%)	Low (22%)	High (57%)	Med (24%)	Low (34%)
Mauritius	Med (12%)	High (72%)	Low (9%)	Med (55%)	Low (1%)	Low (31%)
Morocco	High (28%)	Low (40%)	Med (34%)	Low (33%)	High (49%)	High (64%)
Mozambique	Med (16%)	Med (46%)	Med (27%)	Med (46%)	High (40%)	High (49%)
Namibia	Med (12%)	High (73%)	Med (28%)	High (77%)	Low (1%)	Med (39%)
São Tomé and Príncipe	Med (12%)	Low (33%)	Med (26%)			Med (38%)
Senegal	Low (6%)	High (65%)	Low (24%)	Low (31%)	Low (4%)	
South Africa	Med (12%)	Med (56%)	Low (23%)	High (77%)	Low (5%)	Med (41%)
Swaziland	Med (14%)	High (63%)	Med (28%)			Low (34%)
Tanzania	Med (13%)	High (69%)	Med (36%)	Med (41%)	Med (35%)	High (47%)
Tunisia	Med (14%)	Med (60%)	Low (17%)	Med (47%)	Low (5%)	Med (44%)
Zambia	Med (13%)	Med (57%)	Med (30%)	High (57%)	Med (14%)	Low (35%)
Averages						
Civil war	15%	43%	45%	36%	47%	60%
Regional insurgency	13%	48%	43%	42%	40%	50%
Election-related or other conflict	11%	52%	39%	44%	31%	42%
No major conflict	14%	56%	28%	51%	18%	41%

Conclusion

As access to justice becomes an increasingly prominent goal on the global agenda, it is essential to identify effective indicators to measure performance with respect to this critical SDG16 objective. While access to justice is a multi-faceted concept requiring analysis from multiple angles, the findings presented here demonstrate that public-attitude data can provide important insights on this issue. By revealing perceptions of society at large as well as specific experiences of system users, these findings help us understand how well justice systems are functioning in serving their publics, including the poor and other marginalized populations.

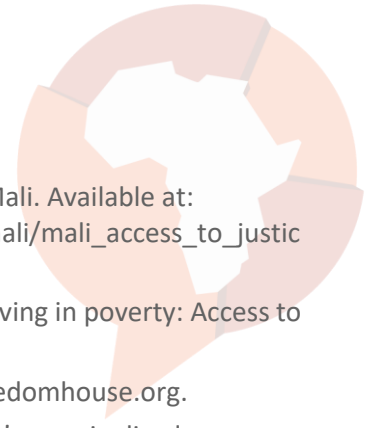
While widely seen as legitimate, Africa's legal systems fall well short of providing their citizens with adequate access to justice. Even in the highest-performing countries, such as Lesotho, Botswana, and Cape Verde, sizeable proportions of the population lack trust in the courts, perceive judges as corrupt, and encounter significant problems in dealings with the judicial system.

Some of the poorest performers on access-to-justice indicators are post-conflict countries such as Liberia and Sierra Leone. These systems, especially Liberia's, display a classic post-conflict pathology of exceptionally high demand for justice services imposed upon an overwhelmed and decapacitated legal system that is failing to meet citizens' needs. Building equitable and accessible justice systems in these countries must be a top priority.

But we also note that neither peace nor democracy guarantees that citizens enjoy adequate access to justice. A case in point is Ghana, where perceptions of extensive corruption and reported difficulties in obtaining court assistance make the legal system anything but a model for the continent.

Ghana and the other countries covered by this analysis can learn a great deal about how they can improve their access-to-justice performance by listening to what ordinary Africans have to say. Understanding the perspectives and experiences of the people who have used the system, as well as those who have not – who have perhaps even deliberately avoided it – can contribute to building a more complete understanding of current challenges, and to designing a roadmap for improving access to justice for all citizens.






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Appendix

Table A.1: Afrobarometer Round 6 fieldwork dates and previous survey rounds

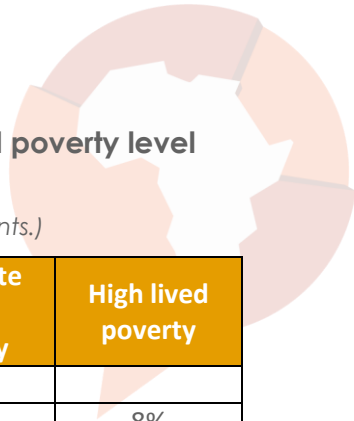
Country	Months when Round 6 fieldwork was conducted	Previous survey rounds
Algeria	May-June 2015	2013
Benin	May-June 2014	2005, 2008, 2011
Botswana	June-July 2014	1999, 2003, 2005, 2008, 2012
Burkina Faso	April-May 2015	2008, 2012
Burundi	September-October 2014	2012
Cameroon	January-February 2015	2013
Cape Verde	November-December 2014	2002, 2005, 2008, 2011
Côte d'Ivoire	August-September 2014	2013
Egypt	June-July 2015	2013
Gabon	September 2015	N/A
Ghana	May-June 2014	1999, 2002, 2005, 2008, 2012
Guinea	March-April 2015	2013
Kenya	November-December 2014	2003, 2005, 2008, 2011
Lesotho	May 2014	2000, 2003, 2005, 2008, 2012
Liberia	May 2015	2008, 2012
Madagascar	December 2014-January 2015	2005, 2008, 2013
Malawi	March-April 2014	1999, 2003, 2005, 2008, 2012
Mali	December 2014	2001, 2002, 2005, 2008, 2013
Mauritius	June-July 2014	2012
Morocco	November 2015	2013
Mozambique	June-August 2015	2002, 2005, 2008, 2012
Namibia	August-September 2014	1999, 2003, 2006, 2008, 2012
Niger	March-April 2015	2013
Nigeria	December 2014-January 2015	2000, 2003, 2005, 2008, 2013
São Tomé and Príncipe	July-August 2015	N/A
Senegal	November-December 2014	2002, 2005, 2008, 2013
Sierra Leone	May-June 2015	2012
South Africa	August-September 2015	2000, 2002, 2006, 2008, 2011
Sudan	June 2015	2013
Swaziland	April 2015	2013



Country	Months when Round 6 fieldwork was conducted	Previous survey rounds
Tanzania	August-November 2014	2001, 2003, 2005, 2008, 2012
Togo	October 2014	2012
Tunisia	April-May 2015	2013
Uganda	May 2015	2000, 2002, 2005, 2008, 2012
Zambia	October 2014	1999, 2003, 2005, 2009, 2013
Zimbabwe	November 2014	1999, 2004, 2005, 2009, 2012

Table A.2: Contact with courts in past five years, by country and poverty level
| 36 countries | 2014/2015

(Cells left blank are not reported because they had fewer than 100 respondents.)



	No lived poverty	Low lived poverty	Moderate lived poverty	High lived poverty
Algeria	20%	28%	36%	
Benin	8%	9%	10%	8%
Botswana	7%	12%	13%	11%
Burkina Faso		5%	4%	5%
Burundi		17%	18%	14%
Cameroon		14%	21%	27%
Cape Verde	15%	21%	22%	
Côte d'Ivoire		6%	6%	5%
Egypt	33%	28%	19%	
Gabon		12%	13%	15%
Ghana	6%	9%	12%	17%
Guinea		11%	8%	7%
Kenya	10%	12%	8%	14%
Lesotho		9%	15%	15%
Liberia	16%	25%	34%	25%
Madagascar	8%	9%	8%	5%
Malawi	6%	11%	12%	11%
Mali	7%	8%	6%	5%
Mauritius	10%	21%		
Morocco	23%	26%	36%	
Mozambique	10%	15%	19%	17%
Namibia	12%	11%	13%	
Niger		5%	14%	8%
Nigeria	4%	10%	15%	14%
São Tomé and Príncipe	6%	12%	14%	
Senegal		6%	5%	9%
Sierra Leone	12%	10%	6%	5%
South Africa	9%	14%	13%	14%
Sudan	12%	16%	28%	23%
Swaziland		13%	16%	17%
Tanzania	13%	11%	15%	13%
Togo		12%	9%	12%
Tunisia	10%	15%	20%	
Uganda	6%	12%	14%	19%
Zambia	4%	12%	15%	14%
Zimbabwe	13%	11%	10%	10%
Total	13%	13%	14%	13%

Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")*



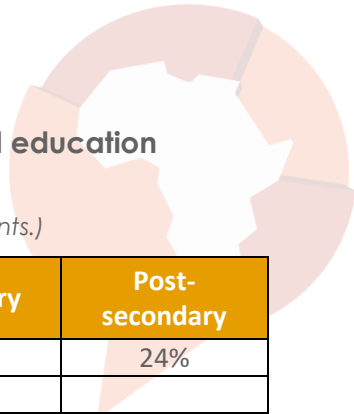
Table A.3: Contact with courts in past five years, by country and urban-rural location
| 36 countries | 2014/2015

	Urban	Rural	Difference (percentage points)
Algeria	22%	27%	-5
Benin	12%	6%	5
Botswana	10%	11%	0
Burkina Faso	4%	4%	-1
Burundi	17%	17%	0
Cameroon	22%	20%	2
Cape Verde	18%	17%	1
Côte d'Ivoire	7%	5%	2
Egypt	23%	31%	-8
Gabon	14%	10%	4
Ghana	8%	10%	-1
Guinea	9%	8%	1
Kenya	11%	10%	1
Lesotho	9%	14%	-6
Liberia	21%	33%	-13
Madagascar	11%	6%	5
Malawi	15%	10%	5
Mali	9%	6%	3
Mauritius	11%	12%	-2
Morocco	26%	30%	-4
Mozambique	14%	17%	-3
Namibia	13%	10%	3
Niger	11%	9%	2
Nigeria	7%	12%	-4
São Tomé and Príncipe	12%	10%	2
Senegal	7%	5%	2
Sierra Leone	14%	5%	9
South Africa	13%	9%	4
Sudan	19%	22%	-3
Swaziland	12%	14%	-2
Tanzania	14%	13%	1
Togo	13%	9%	5
Tunisia	13%	16%	-3
Uganda	13%	13%	0
Zambia	14%	12%	2
Zimbabwe	11%	10%	0
Total	14%	13%	1

Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")*

Table A.4: Contact with courts in past five years, by country and education
| 36 countries | 2014/2015

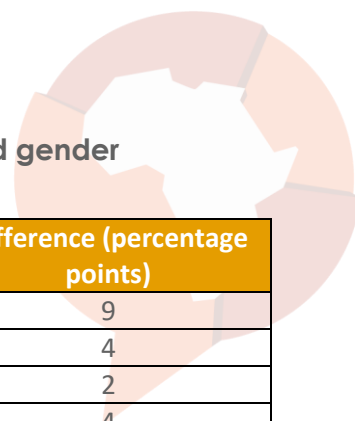
(Cells left blank are not reported because they had fewer than 100 respondents.)



	No formal education	Primary	Secondary	Post-secondary
Algeria	19%	22%	25%	24%
Benin	8%	9%	9%	
Botswana	7%	7%	14%	12%
Burkina Faso	4%	5%	7%	
Burundi	12%	19%	23%	
Cameroon		19%	21%	22%
Cape Verde	9%	19%	20%	15%
Côte d'Ivoire	2%	8%	6%	8%
Egypt	26%	26%	26%	32%
Gabon		15%	13%	14%
Ghana	8%	8%	9%	11%
Guinea	6%	11%	9%	15%
Kenya	6%	10%	11%	13%
Lesotho	18%	14%	9%	9%
Liberia	32%	25%	33%	18%
Madagascar	4%	6%	10%	
Malawi	5%	10%	14%	18%
Mali	5%	10%	11%	
Mauritius		10%	13%	12%
Morocco	25%	34%	36%	20%
Mozambique	15%	15%	16%	22%
Namibia		10%	11%	16%
Niger	9%	5%	11%	
Nigeria	14%	11%	9%	10%
São Tomé and Príncipe		14%	12%	5%
Senegal	5%	7%	7%	7%
Sierra Leone	6%	5%	9%	17%
South Africa		10%	12%	13%
Sudan	26%	19%	21%	20%
Swaziland	12%	14%	14%	11%
Tanzania	10%	14%	13%	12%
Togo	6%	12%	10%	15%
Tunisia	8%	16%	16%	13%
Uganda	8%	14%	13%	15%
Zambia	9%	14%	13%	11%
Zimbabwe	7%	8%	11%	15%
Total	10%	13%	14%	16%

Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")*

Table A.5: Contact with courts in past five years, by country and gender
 | 36 countries | 2014/2015




	Men	Women	Difference (percentage points)
Algeria	28%	19%	9
Benin	11%	7%	4
Botswana	12%	10%	2
Burkina Faso	6%	3%	4
Burundi	23%	11%	12
Cameroon	23%	18%	5
Cape Verde	21%	14%	7
Côte d'Ivoire	7%	5%	3
Egypt	30%	26%	4
Gabon	15%	12%	3
Ghana	11%	7%	4
Guinea	10%	7%	2
Kenya	12%	9%	3
Lesotho	15%	11%	4
Liberia	30%	25%	5
Madagascar	9%	6%	3
Malawi	12%	9%	3
Mali	9%	4%	5
Mauritius	16%	7%	9
Morocco	31%	24%	7
Mozambique	17%	16%	1
Namibia	14%	10%	4
Niger	12%	6%	6
Nigeria	11%	8%	3
São Tomé and Príncipe	11%	12%	-1
Senegal	8%	4%	4
Sierra Leone	8%	8%	0
South Africa	13%	11%	3
Sudan	24%	18%	5
Swaziland	15%	12%	3
Tanzania	15%	11%	4
Togo	13%	9%	4
Tunisia	18%	10%	8
Uganda	16%	9%	7
Zambia	12%	13%	-1
Zimbabwe	12%	9%	3
Total	15%	11%	4

Respondents were asked: *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")*

Table A.6: Contact with courts in past five years, by country and age | 36 countries
| 2014/2015

(Cells left blank are not reported because they had fewer than 100 respondents. Note that at country level the top category combines 55-65 years and 66+ years in order to ensure reportable samples of at least 100.)



	18-25 yrs	26-35 yrs	36-45 yrs	46-55 yrs	56+ yrs
Algeria	23%	25%	26%	21%	20%
Benin	7%	9%	11%	12%	8%
Botswana	10%	13%	11%	11%	8%
Burkina Faso	2%	5%	6%	5%	2%
Burundi	14%	17%	19%	19%	18%
Cameroon	18%	19%	24%	32%	
Cape Verde	17%	22%	19%	18%	10%
Côte d'Ivoire	5%	6%	7%	7%	5%
Egypt	25%	30%	34%	29%	
Gabon	13%	16%	14%	14%	6%
Ghana	7%	8%	10%	8%	11%
Guinea	4%	8%	11%	11%	7%
Kenya	10%	10%	12%	11%	11%
Lesotho	7%	13%	14%	12%	15%
Liberia	20%	28%	31%	27%	24%
Madagascar	6%	5%	8%	11%	7%
Malawi	11%	12%	12%	11%	5%
Mali	4%	6%	8%	10%	7%
Mauritius	11%	14%	13%	11%	10%
Morocco	16%	31%	33%	35%	28%
Mozambique	18%	17%	15%	16%	10%
Namibia	11%	13%	15%	11%	8%
Niger	9%	7%	11%	12%	9%
Nigeria	11%	10%	9%	9%	4%
São Tomé and Príncipe	12%	12%	13%	10%	10%
Senegal	3%	7%	7%	8%	6%
Sierra Leone	7%	12%	8%	4%	7%
South Africa	13%	17%	12%	8%	6%
Sudan	18%	22%	20%	21%	
Swaziland	12%	15%	17%	15%	10%
Tanzania	10%	12%	15%	16%	15%
Togo	8%	11%	13%	13%	12%
Tunisia	13%	19%	15%	15%	8%
Uganda	11%	11%	15%	14%	17%
Zambia	12%	10%	13%	20%	14%
Zimbabwe	9%	9%	13%	14%	8%
Total	12%	14%	15%	14%	11%

Respondents were asked: In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say "once," "twice," or "three or more times")

Table B.1: Reasons people do not take cases to court, by country | 36 countries | 2014/2015

	First reason			Second reason		Courts favour rich/powerful	Prefer traditional/local leaders	Court officials will demand money	Don't know legal rights	Processes too complex	Don't know how to take a case to court	Don't have time	Courts too far away	Fear of consequences	No legal aid	Can't find a lawyer	Don't speak language spoken in court	Court officials are incompetent	Judges are not independent	Forgive/Trust in God	Other	Most people do take cases to court
	Court costs	Lawyer costs	Expect unfair treatment	Don't trust courts	Case will take too long																	
Algeria	18%	21%	12%	12%	12%	8%	4%	13%	12%	10%	8%	7%	7%	0%	10%	5%	7%	6%	6%	0%	0%	8%
Benin	16%	13%	13%	14%	13%	14%	16%	11%	6%	5%	8%	4%	9%	8%	3%	3%	2%	1%	1%	5%	3%	2%
Botswana	13%	30%	17%	10%	12%	4%	4%	4%	15%	12%	8%	9%	6%	3%	7%	7%	4%	3%	2%	1%	9%	4%
Burkina Faso	17%	7%	10%	19%	6%	10%	6%	4%	4%	3%	16%	1%	5%	25%	4%	0%	1%	1%	0%	0%	12%	3%
Burundi	32%	8%	14%	14%	8%	17%	9%	17%	5%	2%	5%	3%	10%	1%	3%	2%	0%	3%	2%	0%	2%	15%
Cameroon	24%	14%	11%	17%	11%	16%	6%	17%	10%	5%	4%	8%	2%	2%	4%	7%	2%	2%	2%	0%	13%	5%
Cape Verde	14%	21%	8%	17%	21%	5%	0%	1%	6%	4%	3%	4%	2%	19%	2%	4%	1%	1%	1%	0%	9%	6%
Côte d'Ivoire	19%	13%	11%	19%	6%	13%	20%	7%	9%	4%	7%	2%	3%	6%	3%	2%	2%	2%	1%	1%	11%	2%
Egypt	13%	26%	6%	5%	18%	2%	9%	5%	7%	8%	8%	10%	7%	0%	14%	4%	4%	1%	1%	0%	0%	26%
Gabon	14%	7%	13%	28%	6%	19%	4%	14%	8%	1%	5%	1%	0%	13%	1%	0%	2%	3%	2%	10%	3%	8%
Ghana	32%	22%	13%	16%	10%	14%	10%	10%	3%	5%	3%	12%	4%	1%	5%	4%	2%	2%	2%	0%	3%	6%
Guinea	10%	17%	18%	14%	4%	16%	20%	16%	4%	6%	4%	4%	3%	6%	4%	3%	4%	2%	1%	3%	7%	1%
Kenya	30%	15%	20%	11%	17%	12%	13%	18%	6%	10%	4%	6%	8%	1%	5%	2%	2%	2%	2%	0%	1%	1%
Lesotho	14%	15%	16%	24%	9%	18%	15%	10%	6%	7%	6%	2%	4%	2%	4%	2%	1%	2%	2%	0%	3%	6%
Liberia	28%	36%	7%	8%	8%	9%	2%	17%	7%	6%	7%	15%	7%	0%	9%	9%	4%	1%	3%	0%	0%	0%
Madagascar	31%	3%	5%	14%	2%	6%	5%	13%	1%	3%	9%	10%	10%	31%	1%	2%	0%	1%	0%	13%	1%	0%
Malawi	11%	6%	18%	11%	7%	11%	27%	12%	10%	7%	10%	3%	6%	8%	5%	2%	5%	2%	1%	6%	4%	1%
Mali	10%	5%	20%	13%	7%	18%	32%	16%	9%	4%	4%	2%	4%	0%	0%	0%	1%	2%	0%	0%	4%	10%
Mauritius	27%	30%	12%	4%	25%	2%	0%	1%	16%	18%	7%	23%	0%	1%	8%	4%	1%	1%	2%	0%	1%	3%
Morocco	18%	20%	14%	16%	18%	8%	4%	16%	14%	15%	8%	5%	6%	0%	8%	2%	3%	2%	4%	0%	0%	7%
Mozambique	21%	21%	7%	8%	12%	9%	10%	7%	11%	15%	11%	8%	8%	0%	7%	12%	4%	2%	1%	0%	11%	1%
Namibia	10%	24%	13%	12%	20%	7%	9%	5%	13%	10%	11%	9%	12%	1%	6%	7%	7%	4%	4%	0%	2%	2%
Niger	7%	7%	14%	10%	8%	4%	24%	5%	13%	4%	13%	4%	6%	6%	3%	1%	4%	1%	1%	0%	17%	2%
Nigeria	17%	24%	10%	15%	14%	14%	6%	14%	12%	11%	9%	10%	6%	0%	10%	7%	5%	4%	4%	0%	0%	1%
São Tomé/Príncipe	19%	28%	10%	15%	21%	20%	0%	5%	9%	7%	6%	3%	5%	0%	4%	5%	2%	3%	1%	0%	6%	4%
Senegal	10%	8%	10%	7%	6%	6%	40%	3%	4%	3%	8%	3%	2%	7%	2%	1%	0%	0%	1%	17%	6%	6%
Sierra Leone	30%	21%	20%	14%	13%	21%	12%	7%	2%	5%	3%	14%	8%	0%	4%	2%	2%	1%	3%	0%	1%	3%
South Africa	12%	24%	17%	18%	11%	14%	2%	8%	8%	7%	6%	12%	8%	2%	6%	7%	3%	4%	3%	0%	3%	5%
Sudan	11%	13%	8%	6%	30%	8%	22%	8%	10%	11%	4%	7%	4%	0%	13%	5%	4%	1%	3%	0%	1%	12%
Swaziland	15%	27%	19%	11%	11%	10%	7%	5%	10%	11%	8%	4%	7%	4%	4%	4%	3%	4%	2%	1%	9%	4%
Tanzania	17%	8%	23%	9%	13%	9%	11%	22%	15%	7%	9%	8%	10%	0%	7%	3%	4%	1%	2%	0%	0%	2%
Togo	23%	15%	17%	17%	4%	18%	7%	14%	3%	1%	7%	2%	5%	16%	3%	1%	1%	3%	1%	7%	6%	1%
Tunisia	16%	27%	20%	25%	11%	12%	3%	2%	8%	3%	1%	3%	2%	15%	2%	1%	1%	2%	2%	0%	5%	9%
Uganda	36%	13%	16%	10%	12%	15%	10%	18%	8%	7%	7%	5%	7%	4%	6%	4%	3%	2%	1%	0%	3%	1%
Zambia	16%	21%	13%	11%	8%	12%	7%	11%	9%	11%	5%	5%	10%	4%	5%	5%	2%	2%	4%	7%	7%	3%
Zimbabwe	15%	15%	19%	14%	10%	8%	9%	14%	11%	10%	7%	5%	8%	2%	6%	2%	1%	5%	4%	0%	2%	9%
Average	18%	17%	14%	13%	12%	11%	11%	10%	8%	7%	7%	6%	6%	5%	5%	4%	3%	2%	2%	2%	0%	5%

Other Round 6 global releases



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AFRO BAROMETER

LET THE PEOPLE HAVE A SAY



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