

## Popular distrust, perceptions of corruption mark Sierra Leone's court system

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**Afrobarometer Dispatch No. 171 | Pauline M. Wambua and Carolyn Logan**

### Summary

In its final report, Sierra Leone's Truth and Reconciliation Commission (TRC, 2004) indicted the country's judicial system for its role in the devastating 1991-2002 civil war. Findings ranged from the failure of judges and lawyers to stand up to systematic rights violations and widespread use of illegal detention to rampant corruption and political interference from the executive branch.

The government, civil society, and international partners have built on the TRC findings to pursue justice-system reforms, but grave challenges remain, including inadequate funding and staffing, large case backlogs, continuing corruption, and a lack of enforcement of professional standards (Brima, 2015; Human Rights Watch, 2011).

While the TRC concluded that there was "little or no meaningful access to the courts for the majority of Sierra Leoneans" (p. 91), how do citizens perceive their legal system and their access to justice a decade later? Core elements that define citizens' access to justice include: 1) a supportive legal framework, 2) citizen awareness of their legal rights and responsibilities, 3) availability of legal advice and representation, 4) availability of affordable and accessible justice institutions, 5) the practice of fair procedures in those institutions, and 6) enforceability of decisions (American Bar Association, 2012). Afrobarometer Round 6 surveys included a special module that explored citizens' perceptions of the legal system, their access to it, and their experiences when engaging with it. (For findings across all surveyed countries, please see Afrobarometer Policy Paper No. 39 at [www.afrobarometer.org](http://www.afrobarometer.org).)

Survey responses in Sierra Leone suggest that the country's legal system still has a long way to go to provide citizens access to justice. Sierra Leoneans are significantly more likely than most Africans to distrust the courts and to perceive judges and magistrates as corrupt. Very few Sierra Leoneans even use the courts: The country ranks sixth-lowest, among 36 African countries surveyed in 2014/2015, in the proportion of citizens reporting contact with the court system.

Among citizens who did have dealings with the courts, most found it difficult to get the assistance they needed, and almost two-thirds say they had to pay a bribe – about double the regional and continental averages (Figure 8). Many complained of long delays, high costs, the complexities of the legal system, a lack of legal counsel, and judges who wouldn't listen.

### 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 Africa. Six rounds of surveys were completed between 1999 and 2015. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally

representative samples. Round 6 interviews with nearly 54,000 respondents in 36 countries represent the views of more than three-fourths of the continent's population.

The Afrobarometer team in Sierra Leone, led by Campaign for Good Governance and ITASCAP, interviewed 1,200 adult Sierra Leoneans in May and June 2015. A sample of this size yields results with a margin of error of +/-3% at a 95% confidence level. One previous survey was conducted in Sierra Leone in 2012.

## Key findings

- Only one-third (32%) of Sierra Leoneans say they trust their courts "somewhat" or "a lot" – one of the lowest proportions among 36 surveyed countries and well below the West Africa<sup>1</sup> average of 48% (Figure 1). Like the courts, the police (31%) are less trusted than most other public institutions or leaders in Sierra Leone, including religious and traditional leaders, the army, the president, and even political parties (Figure 2).
- Almost half (47%) of Sierra Leoneans say that "most" or "all" judges and magistrates are corrupt – a significantly higher perception of corruption than on average across West Africa (40%) and across 36 countries (33%) (Figure 3).
- About one in 12 citizens (8%) say they had dealings with the court system during the five years preceding the survey (2009-2014), the sixth-lowest rate of contact among 36 countries (Figure 4).
- Urban residents are almost three times as likely (14%) to have contact with courts as rural residents (5%), and economically better-off respondents (those with no or low lived poverty) have twice as much contact as their poorer counterparts (Figure 5). Those with post-secondary qualifications are more likely to have dealings with the courts than less-educated respondents.
- When asked why people might not take cases to court, Sierra Leoneans most frequently cite the high cost of courts (27%) and lawyers (19%) (Figure 6). They also say that many people believe that the courts favour the rich and powerful (18%) and do not provide fair treatment (17%).
- Among Sierra Leoneans who had contact with the courts<sup>2</sup> in the 12 months preceding the survey, only 27% say it was "easy" or "very easy" to get the assistance they needed – far below the averages for West Africa (44%) and the 36 surveyed countries (45%) (Figure 7). Similarly, of those who had requested assistance from the

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<sup>1</sup> In addition to Sierra Leone, Afrobarometer's West Africa grouping includes Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, and Togo.

<sup>2</sup> Responses to questions about ease of getting services, payment of bribes, and problems encountered when engaging with the court system are reported as proportions of respondents who had contact with the judicial system, not all respondents. The smaller sample sizes mean that margins of uncertainty are greater. Two different measures of contact were used. For the first two questions, on ease of getting services and payment of bribes, respondents were asked whether they'd had contact of any type with the courts in the previous 12 months. For the second set of questions, about problems encountered when engaging with the court system, respondents were asked whether they or anyone in their family had been directly involved in a court case in the previous five years. On this second measure, fewer than 100 respondents in the Sierra Leone sample reported contact with the courts, so to avoid reporting numerical results with unacceptably large margins of uncertainty, Afrobarometer does not report these country-specific responses.

police during the previous 12 months, only 30% found it “easy” or “very easy” to get the help they needed – again far below the regional (49%) and 36-country (52%) averages.

- Of those who had contact with the courts and/or police during the previous year, almost two-thirds say they paid a bribe to get assistance from the courts (65%) and/or to get assistance from or avoid problems with the police (64%) – about double the regional and continental averages (Figure 8).
- Respondents who had interacted with the courts during the previous five years were asked which problems they encountered. Contact rates in Sierra Leone were too low to report country-specific responses, but they generally follow similar patterns observed in West Africa and across all 36 countries, with long delays as the most commonly cited problem (Figure 9). High costs come next among Sierra Leoneans, and the complexity of the legal system, lack of advice, and inattentive judges are all common experiences as well.

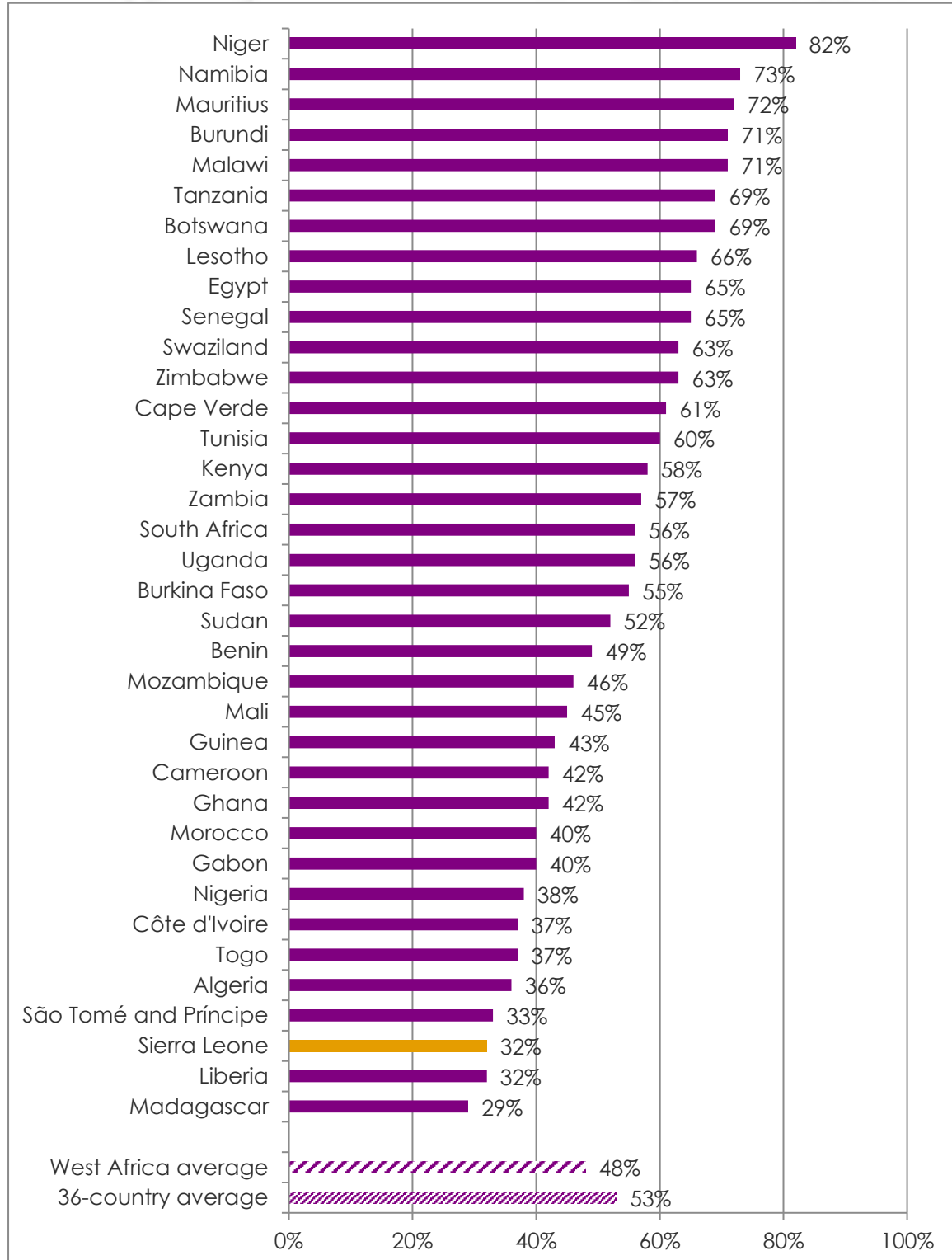
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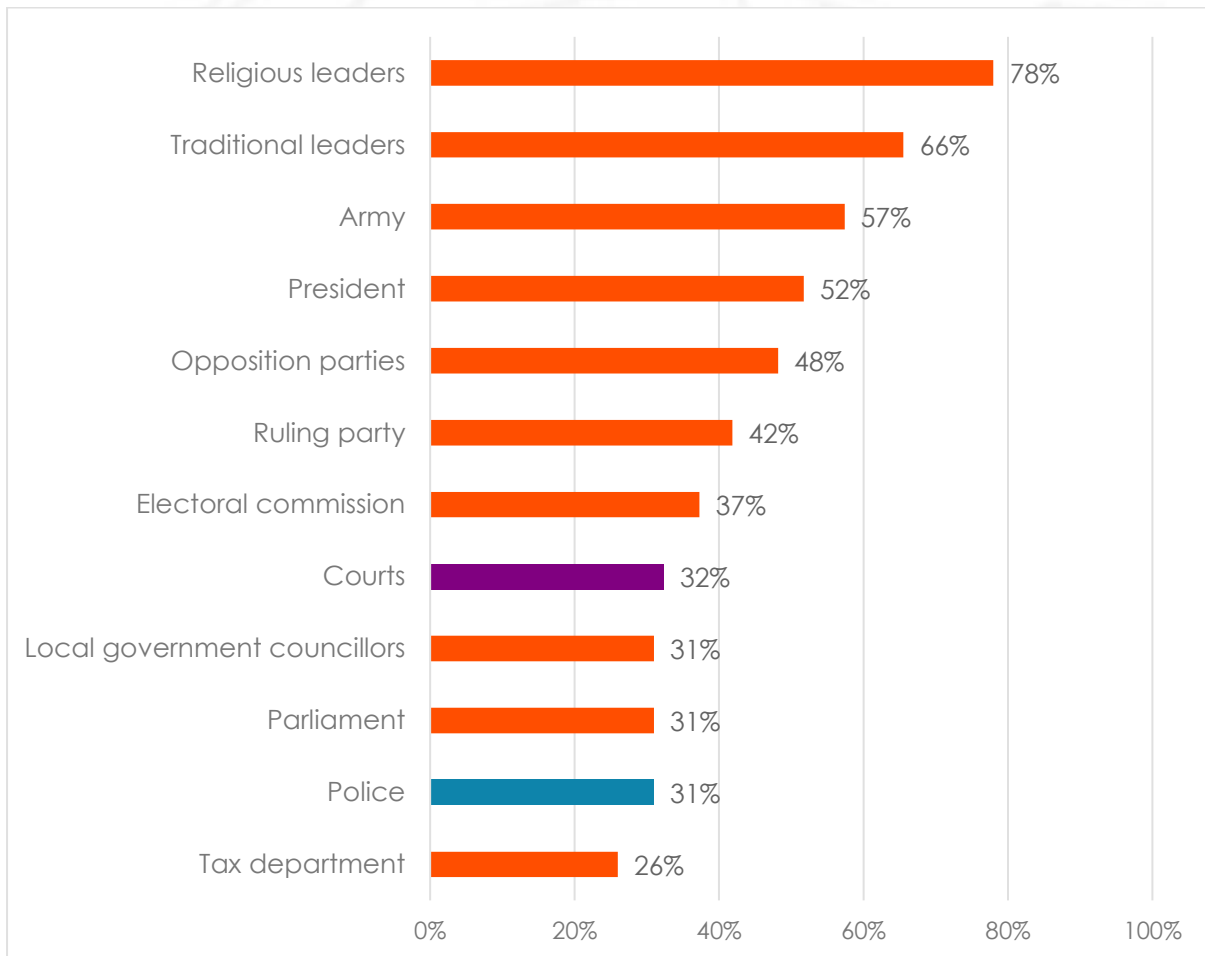
**Figures**

**Figure 1: Trust in courts** | 36 countries | 2014/2015



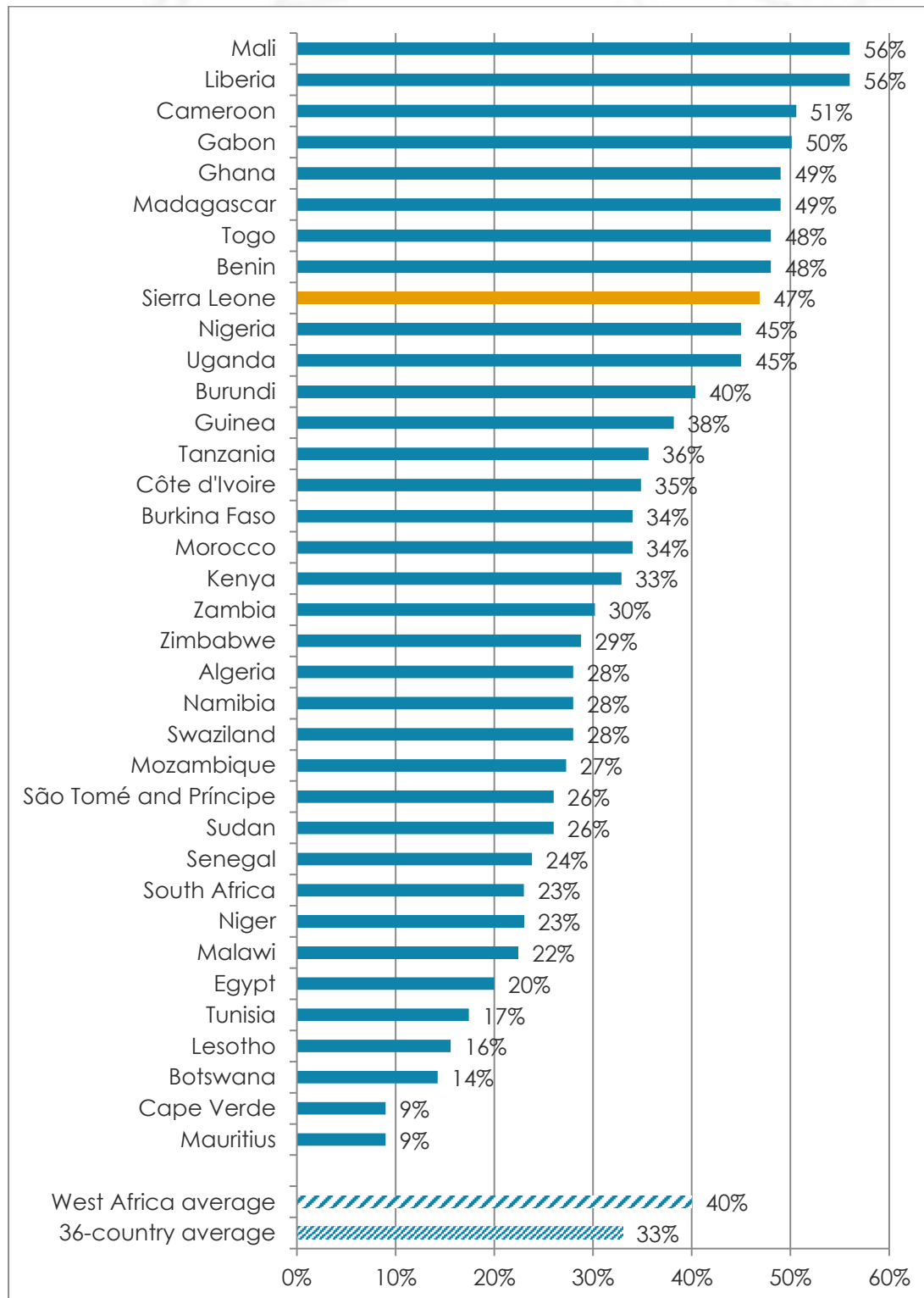
**Respondents were asked:** How much do you trust each of the following, or haven't you heard enough about them to say: Courts of law? (% who say "somewhat" or "a lot")

**Figure 2: Trust in institutions** | Sierra Leone | 2015



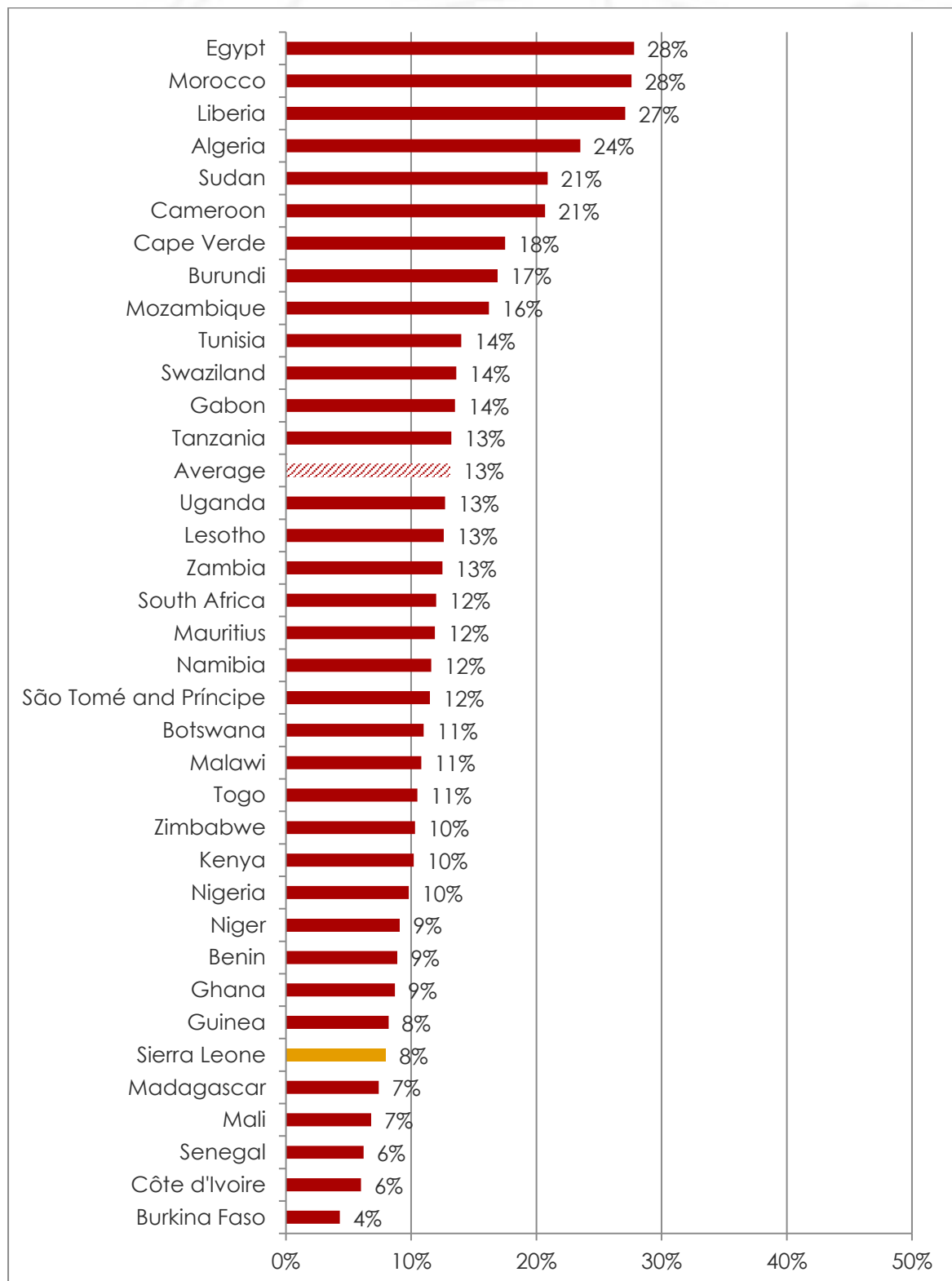
**Respondents were asked:** How much do you trust each of the following, or haven't you heard enough about them to say? (% who say "somewhat" or "a lot")

**Figure 3: Perception of corruption among judges and magistrates | 36 countries**  
 | 2014/2015



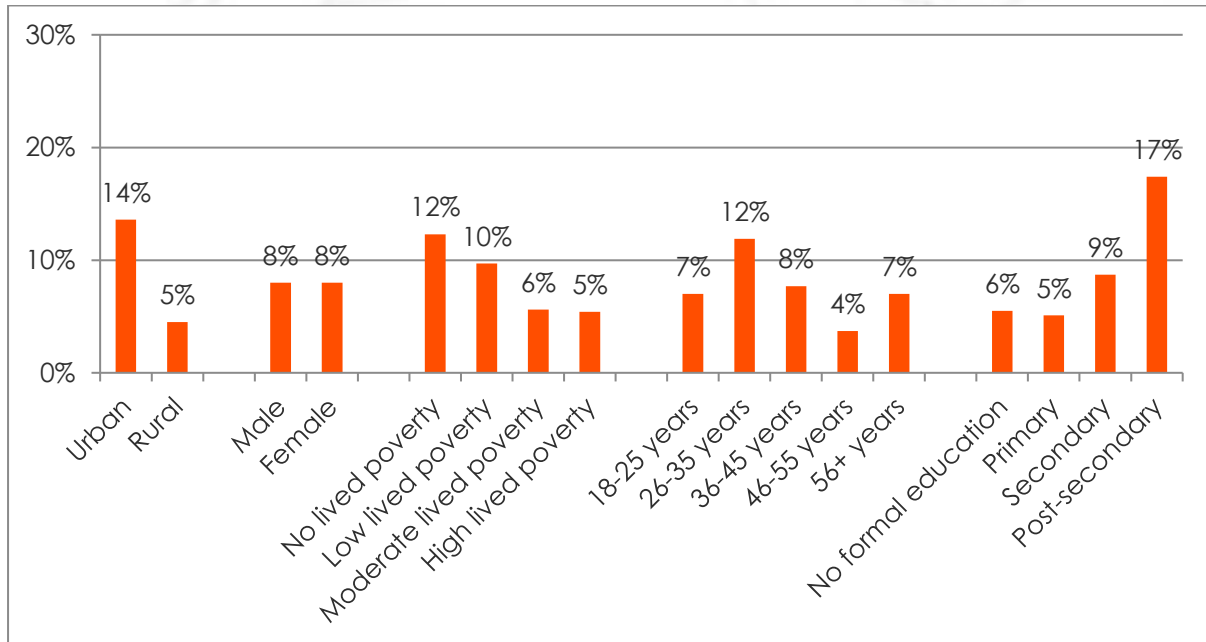
**Respondents were asked:** How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say: Judges and magistrates?  
 (% who say "most of them" or "all of them")  
 (Note: In Egypt, the question asked about corruption among "court officials.")

**Figure 4: Contact with courts in past five years** | 36 countries | 2014/2015



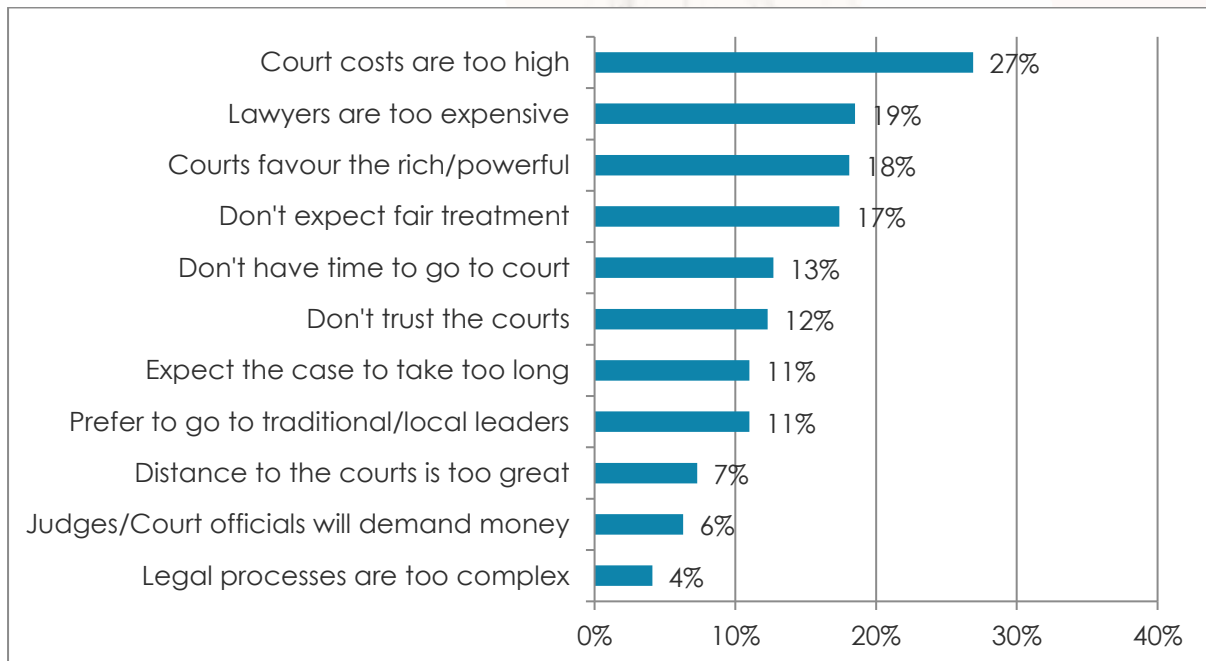
**Respondents were asked:** *In the last five years, how often, if ever, have you or anyone in your family been directly involved in an administrative, civil, or criminal case that has come before a government court or tribunal as a claimant, as a respondent or defendant, or as a witness? (% who say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

**Figure 5: Contact with courts in past five years** | by demographics group  
 | Sierra Leone | 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")

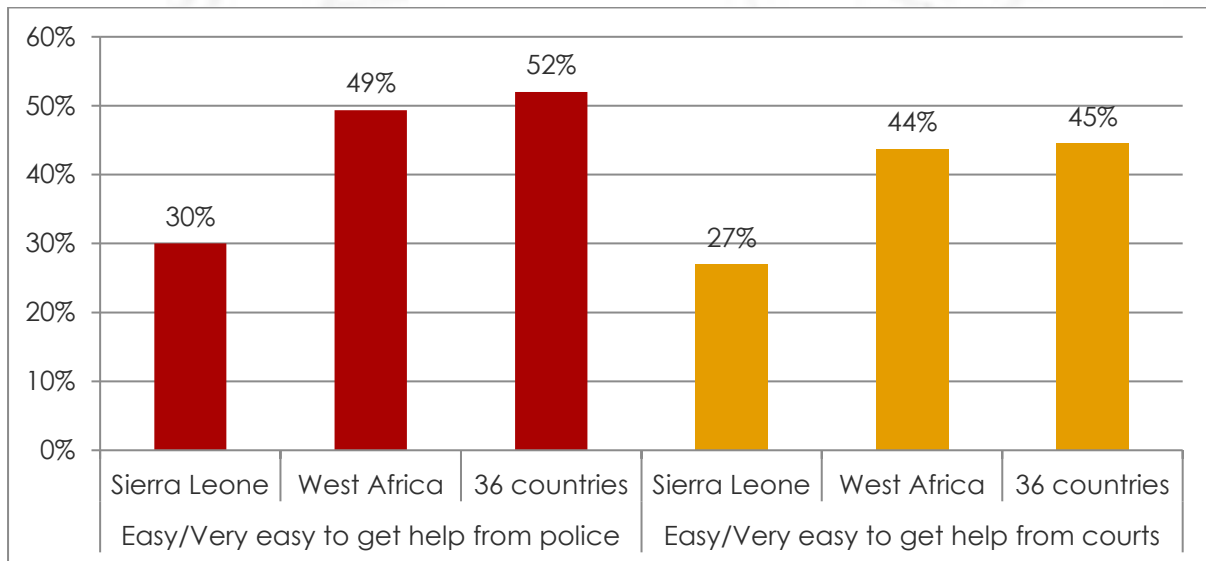
**Figure 6: Why citizens avoid courts** | Sierra Leone | 2015



**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? (Note: Respondents could give up to two responses. The figure shows the proportion of respondents citing each reason as one of their two responses. Percentages can therefore total more than 100%.)



**Figure 7: Easy to get help from police and courts** | Sierra Leone, West Africa, and Africa (36 countries) | 2014/2015

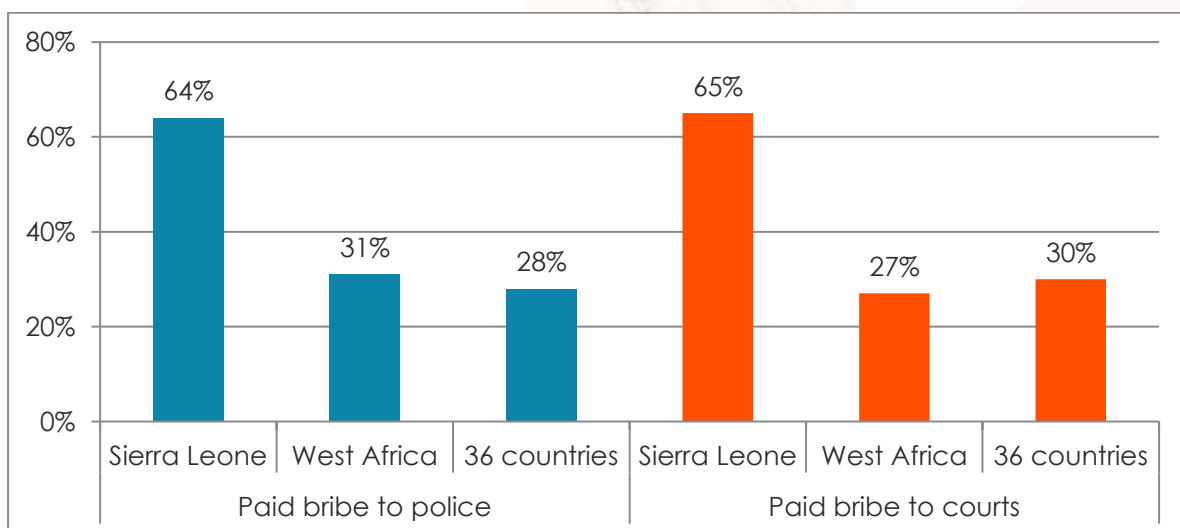


**Respondents were asked:**

- In the past 12 months, have you requested assistance from the police? [If yes:] How easy or difficult was it to obtain the assistance you needed?
- 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?

(Note: Percentages are among those who say they had contact with the police/courts. Those with no contact are excluded.)

**Figure 8: Paid bribe to police and courts** | Sierra Leone, West Africa, and Africa (36 countries) | 2014/2015

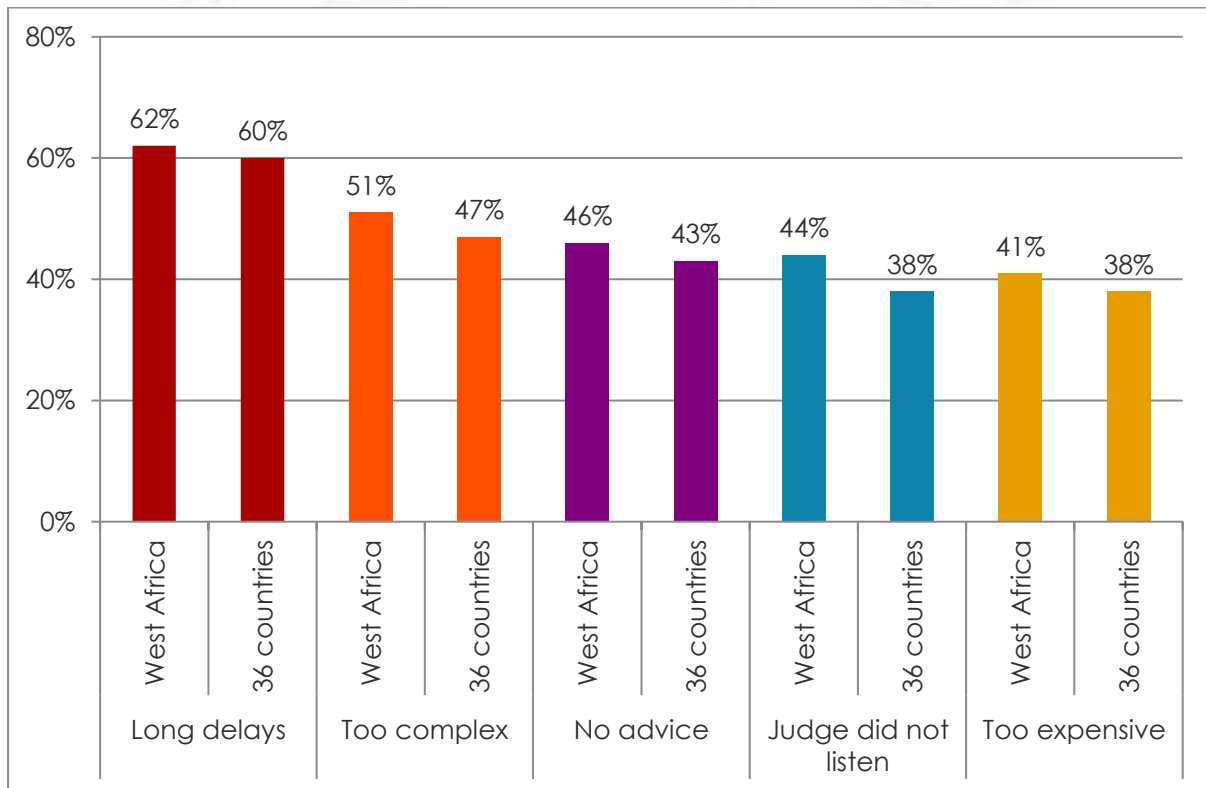


**Respondents who had contact with police/courts were asked:** And how often, if ever, did you have to pay a bribe, give a gift, or do a favour for:

- A police officer in order to get the assistance you needed, or to avoid a problem like passing a checkpoint or avoiding a fine or arrest?
- A judge or court official in order to get the assistance you needed from the courts?

(Note: Numbers represent those who say they paid a bribe "once or twice," "a few times," or "often," as a percentage of respondents who say they had contact with the police/courts during the previous 12 months. Those with no contact are excluded.)

**Figure 9: Problems encountered in court interactions** | Sierra Leone, West Africa, and Africa (36 countries) | 2014/2015



**Respondents who had contact with the courts were asked:** *Have you encountered any of these problems in your experience with government courts in the past five years?*

- You were unable to pay necessary costs and fees.*
- You could not understand the legal processes and procedures.*
- You could not obtain legal counsel or advice.*
- The judge or magistrate did not listen to your side of the story.*
- There were long delays in handling or resolving the case.*

*(Note: Numbers represent those who say "once or twice," "a few times," or "often," as a percentage of respondents who say they had contact with the courts during the previous five years. Those with no contact are excluded.)*

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**Pauline M. Wambua** is a research assistant for Afrobarometer and a PhD student in educational policy at Michigan State University. Email: wambuapa@msu.edu.

**Carolyn Logan** is an associate professor in the Department of Political Science at Michigan State University. Email: clogan@msu.edu.

Afrobarometer is produced collaboratively by social scientists from 36 African countries. Coordination is provided by the Center for Democratic Development (CDD) in Ghana, the Institute for Justice and Reconciliation (IJR) in South Africa, the Institute for Development Studies (IDS) at the University of Nairobi in Kenya, and the Institute for Empirical Research in Political Economy (IREEP) in Benin. Michigan State University (MSU) and the University of Cape Town (UCT) provide technical support to the network.

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