



Access to justice in Kenya: experience and perception

Findings from Afrobarometer Round 8 survey in Kenya



#accesstojusticechallenge

IDS-University of Nairobi in partnership with Katiba
Institute

12 September 2020

At a glance

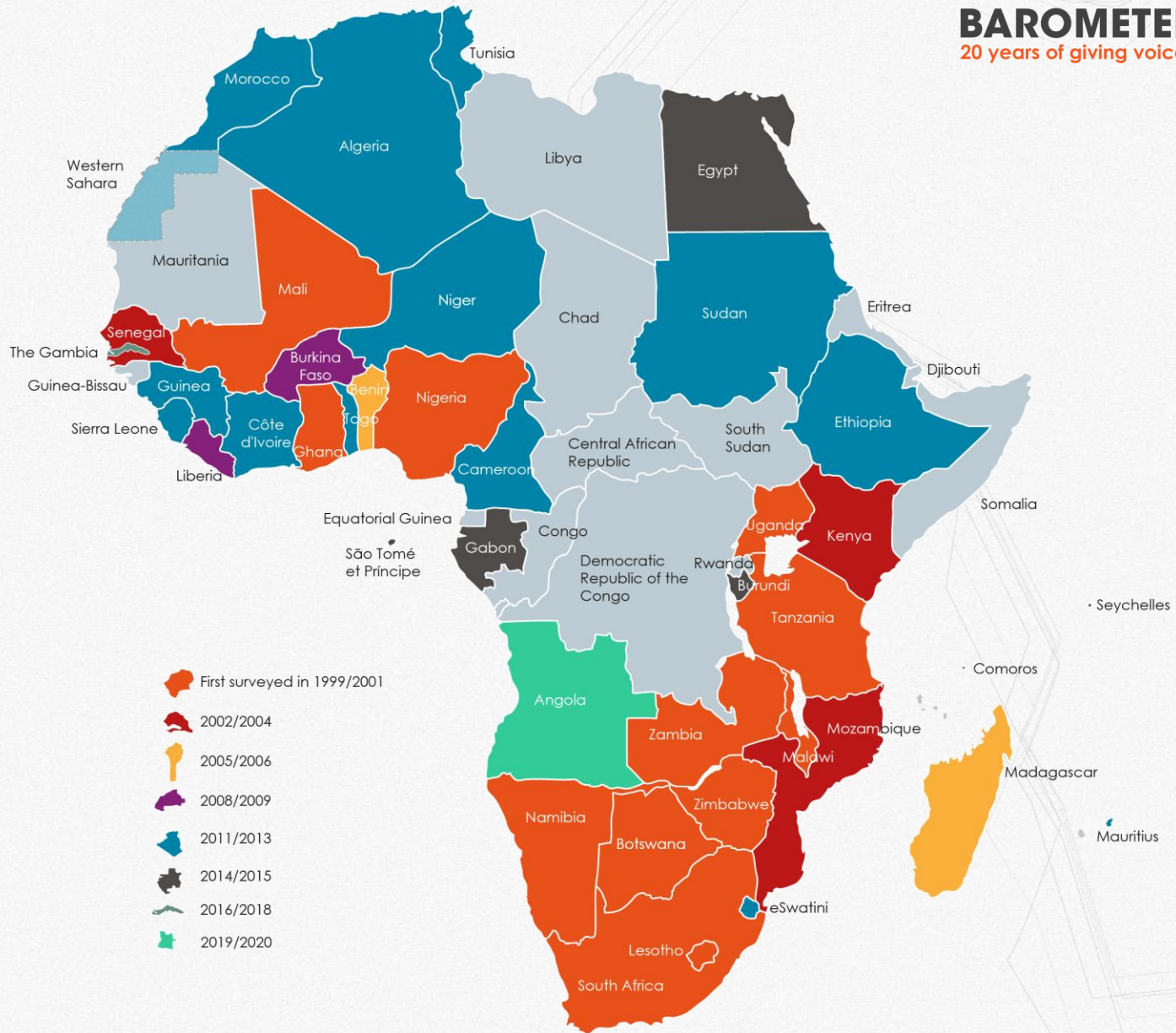
- Slightly more than half of Kenyans trust courts of law somewhat or a lot
- Kenyans embrace out of court settlements in seeking justice compared to courts of law and tribunals.
- Overwhelming majority of Kenyans are satisfied with justice outcomes from the various avenues from where they seek justice.
- Less than one in 10 Kenyans have had contact with government courts in the past two years.

What is Afrobarometer?



- A pan-African, non-partisan, non-profit research network that measures citizen attitudes on democracy and governance, the economy, civil society, and other topics.
- Started in 12 African countries in 1999. Round 8 surveys in 2019/2020 are planned in at least 35 countries.
- **Goal:** To give the public a voice in policymaking by providing high-quality public opinion data to policymakers, policy advocates, civil society organizations, academics, news media, donors and investors, and ordinary Africans.
- A national partner in each country conducts the survey. In Kenya, Afrobarometer Round 8 survey was conducted by the Institute for Development Studies (IDS) at the University of Nairobi.

Where Afrobarometer works



Methodology

- Nationally representative sample of adult citizens
 - ❑ All respondents are *randomly* selected.
 - ❑ Sample is distributed across regions/states/provinces and urban/rural areas in proportion to their share in the national population.
 - ❑ Every adult citizen has an *equal* chance of being selected.
- Face-to-face interviews in the language of the respondent's choice.
- Standard questionnaire allows comparisons across countries and over time.
- Sample size in Kenya of 2,400 adult citizens yields a margin of error of +/-2 percentage points at a 95% confidence level.
- Fieldwork for Round 8 in Kenya was conducted between 28 August and 26 September 2019.

Survey demographics

Gender	%
Men	50
Women	50
Residence	
Urban	35
Rural	65
Education	
No formal education	4
Primary	36
Secondary	35
Post-secondary	25
Religion	
Christian	86
Muslim	8
Other	6
Age	
18-35	57
36-50	27
Over 50	16



Findings

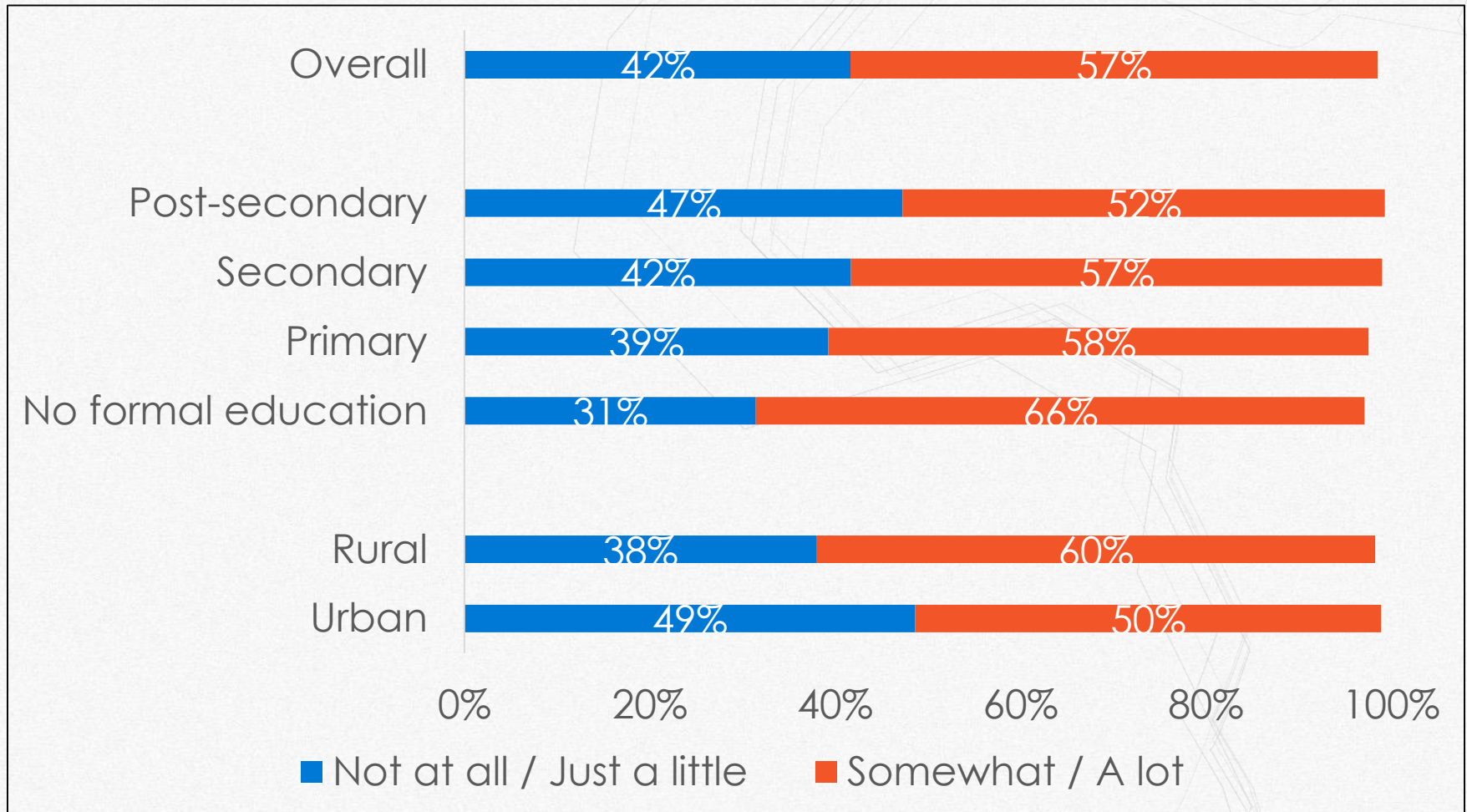


Kenyans' experience and perception on access to justice

Key findings

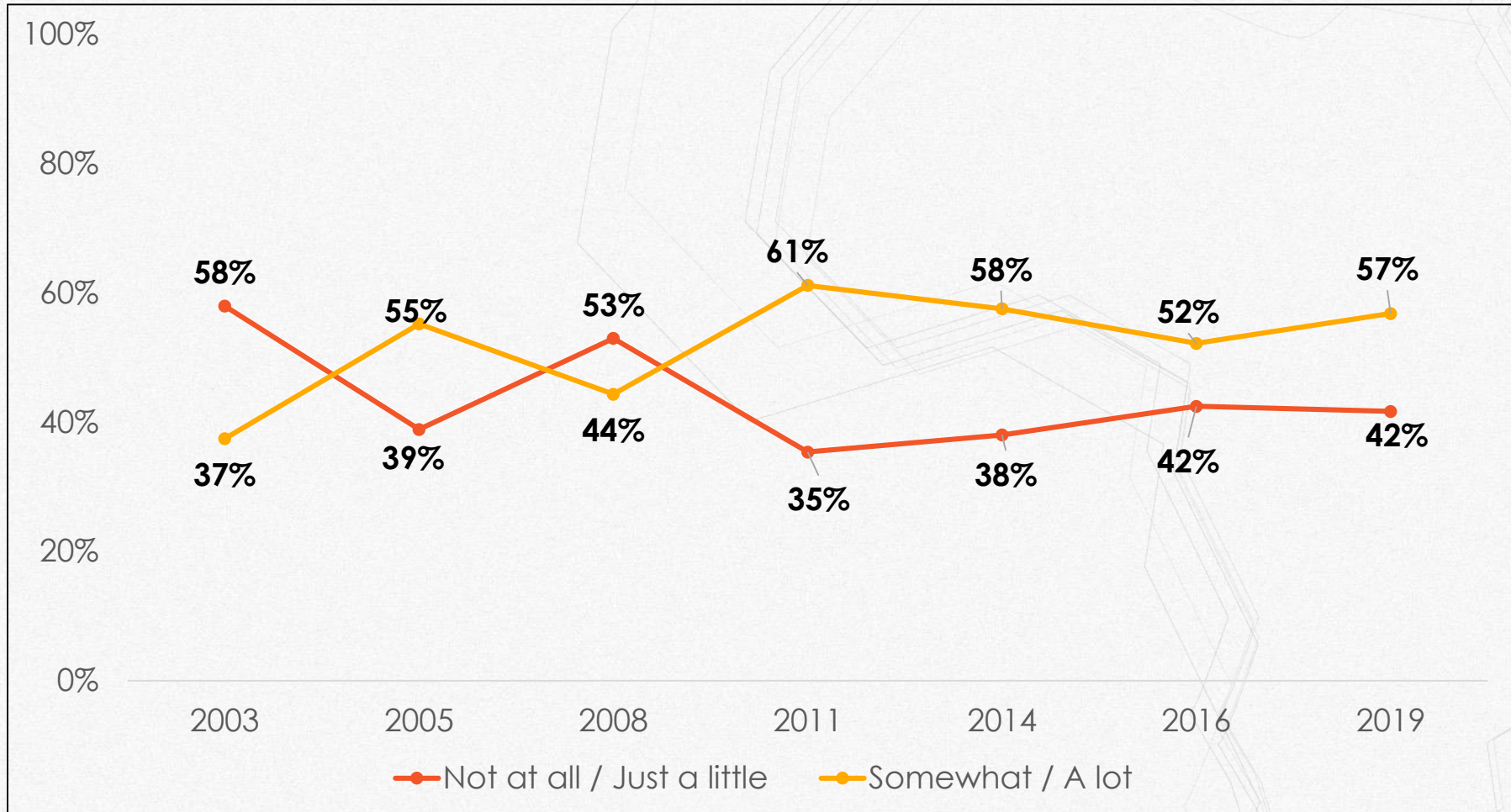
- Close to six in 10 Kenyans (57%) trust courts of law somewhat or a lot
- More than a third (35%) of Kenyans think judges and magistrates are involved in corruption
- Kenyans embrace out of court settlements in seeking justice compared to courts of law and tribunals.
- Trust in courts of law by Kenyans tend to reduce with increase in levels of education
- Close to nine in 10 Kenyans acknowledged satisfaction with justice outcomes given the various avenues they used to seek justice.
- Less than one in 10 Kenyans have had contact with government courts in the past two years.

Trust in courts of law | Kenya | 2019



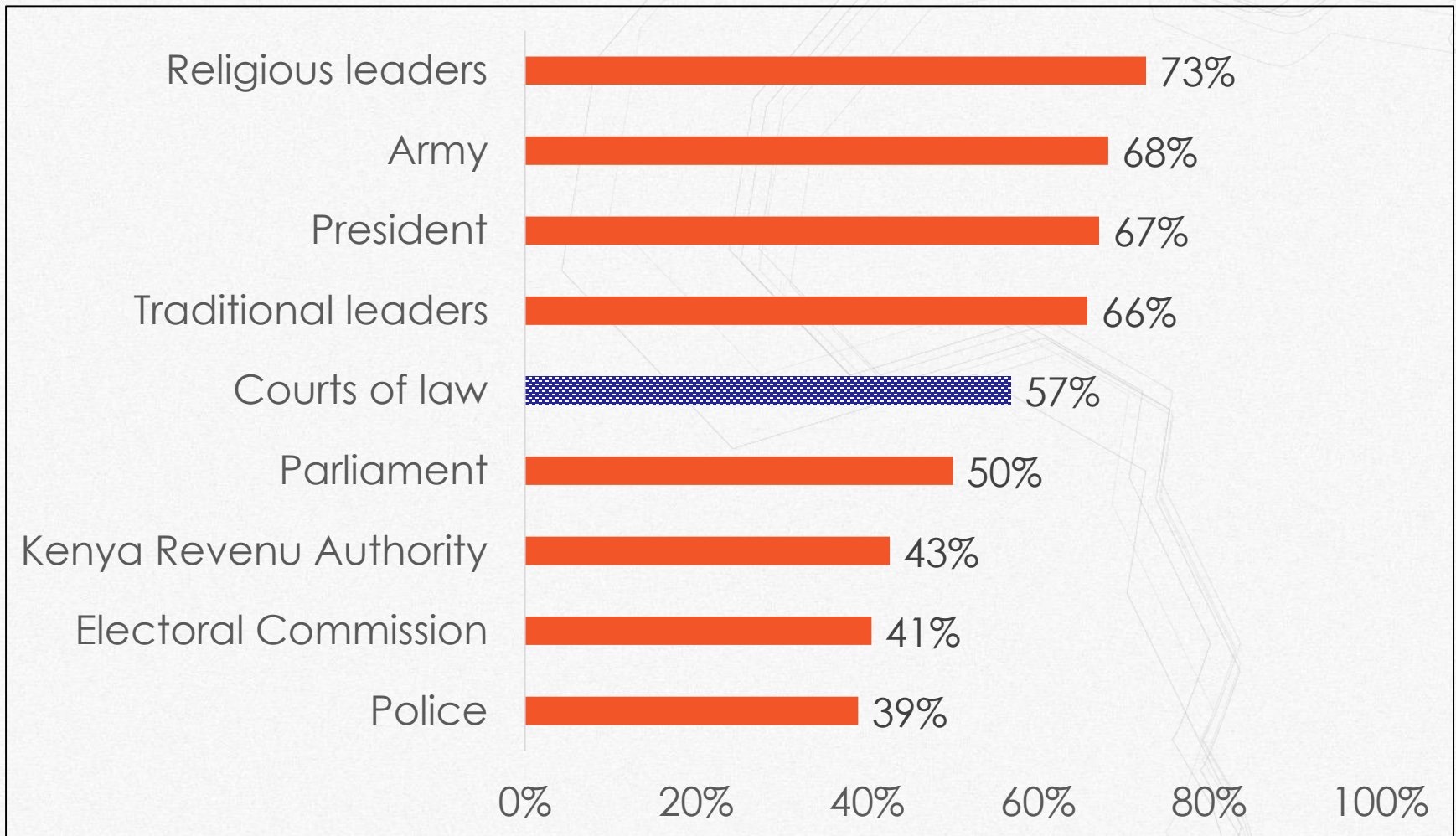
Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say? Courts of law.

Trust in courts of law overtime | Kenya | 2003-2019



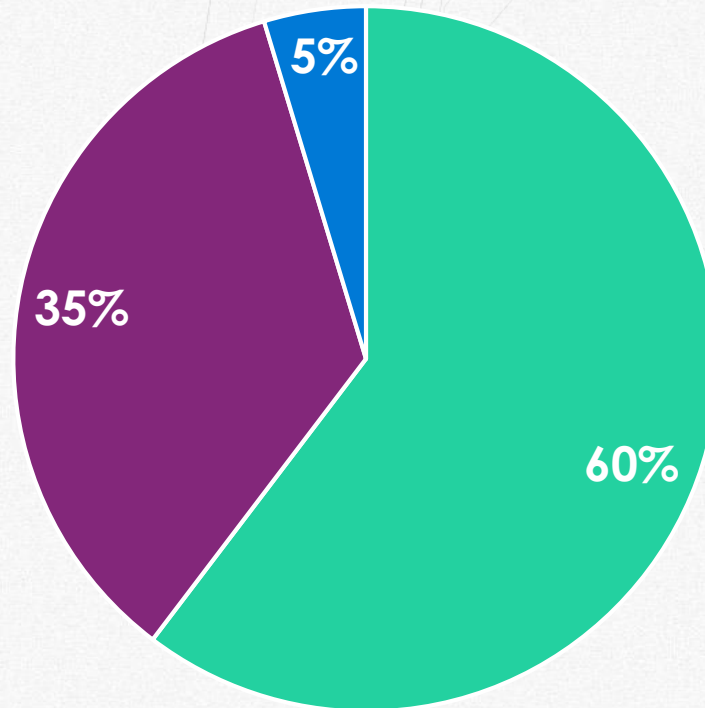
Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say? Courts of law.

Trust in other institutions | Kenya | 2019



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

Corruption among judges and magistrates | Kenya | 2019

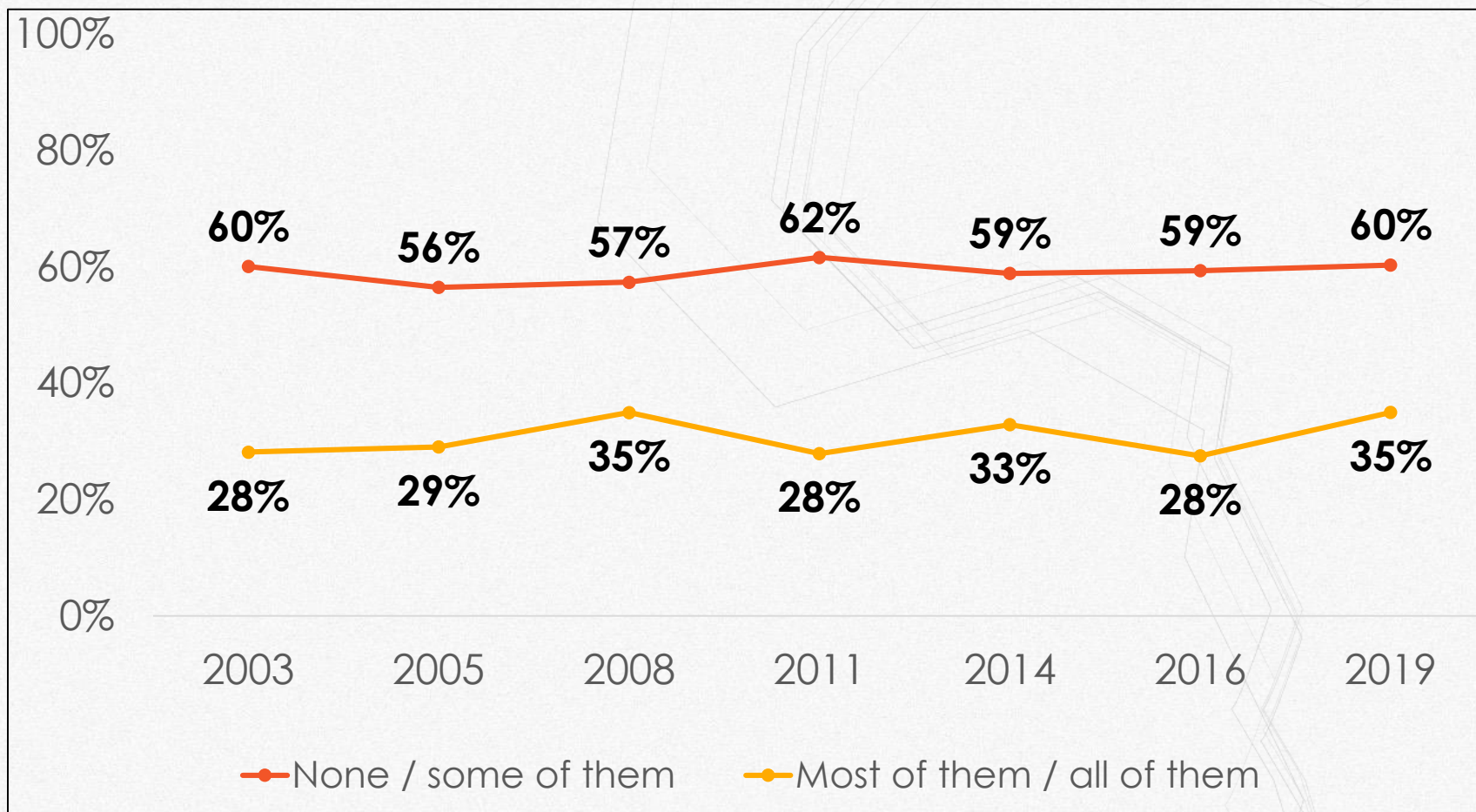


■ None / some of them ■ Most of them / all of them ■ Don't know

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

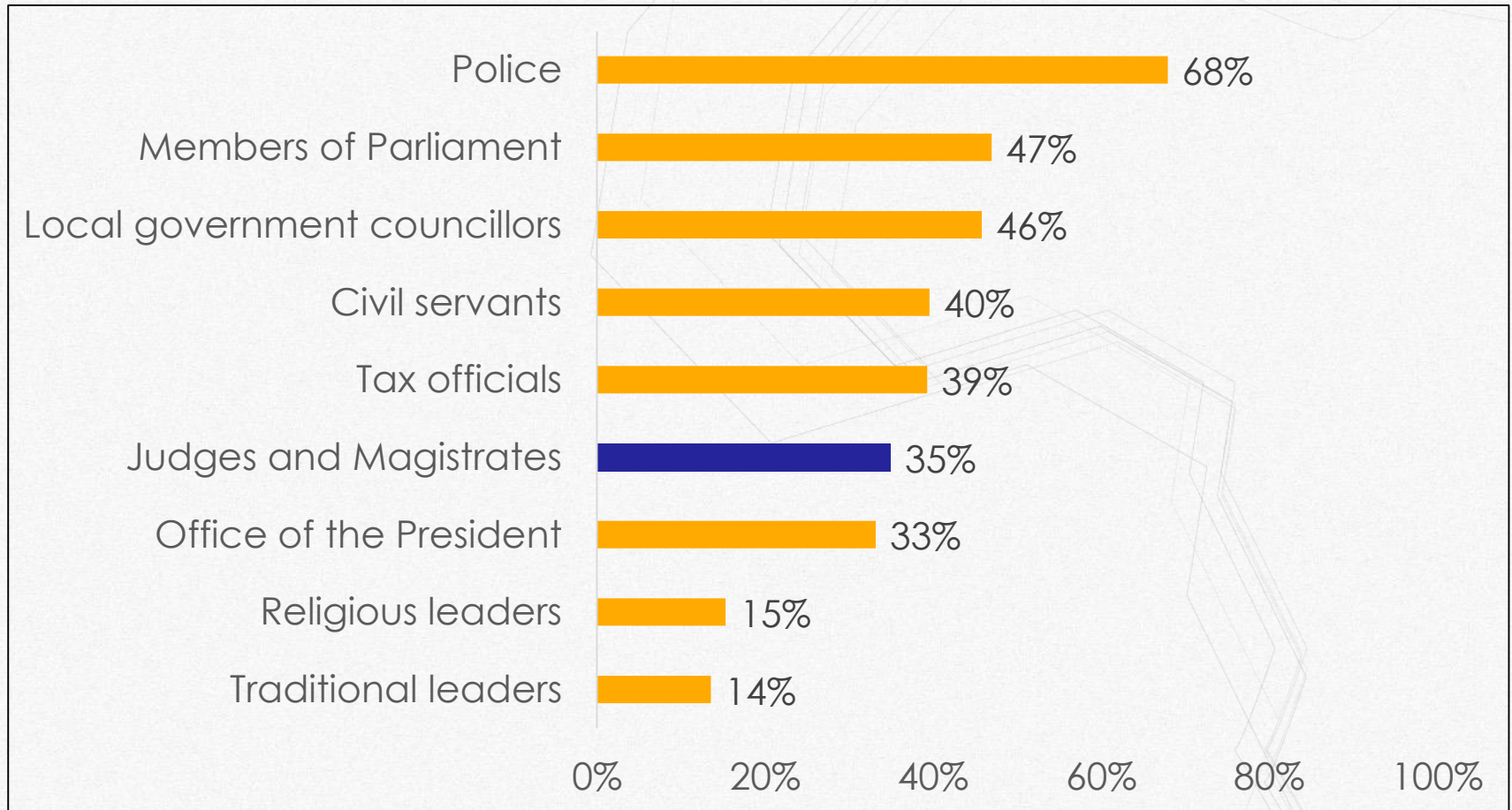
Corruption among judges and magistrates | Kenya

| 2003 - 2019



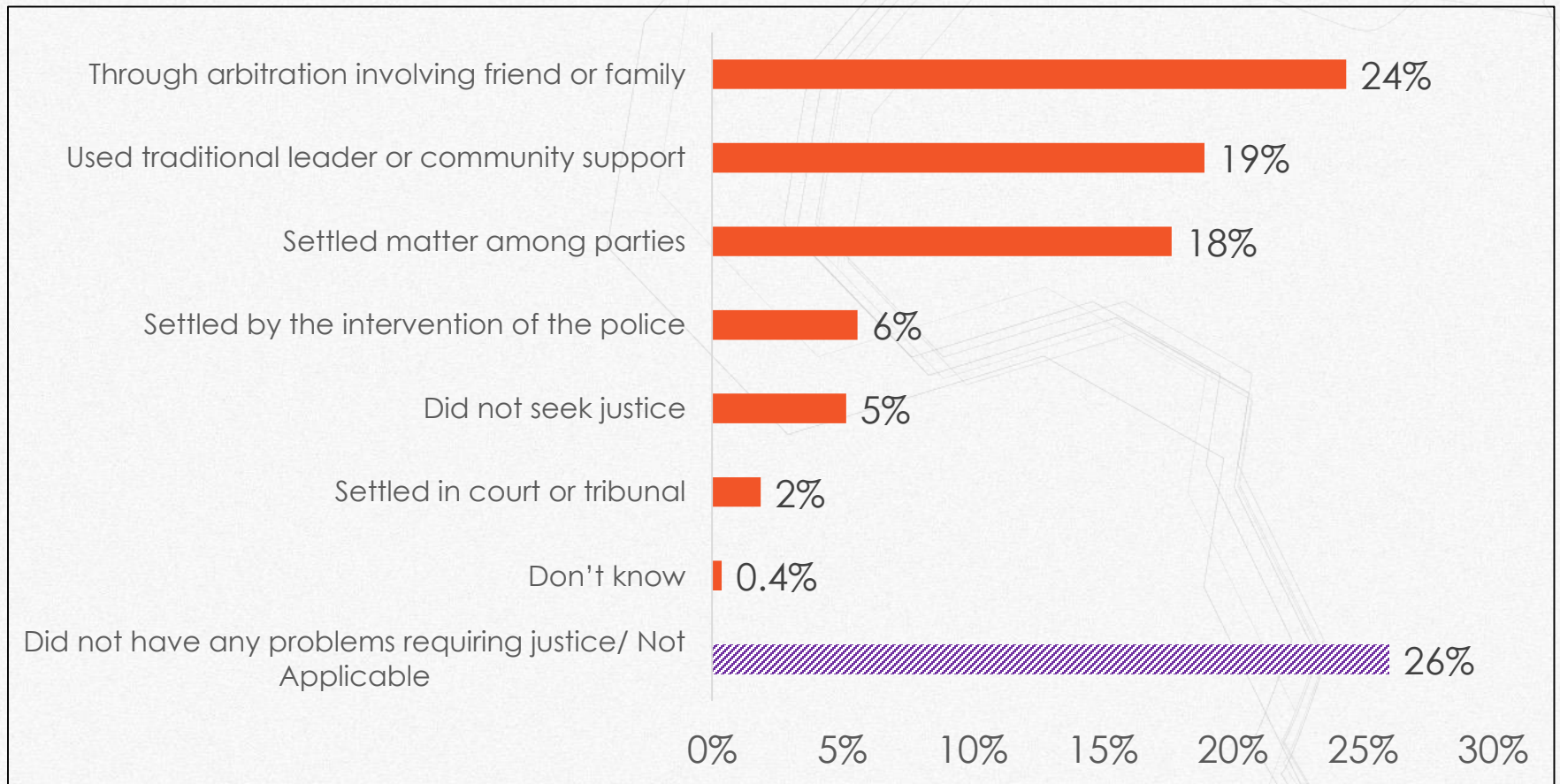
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Corruption among other institutions | Kenya | 2019



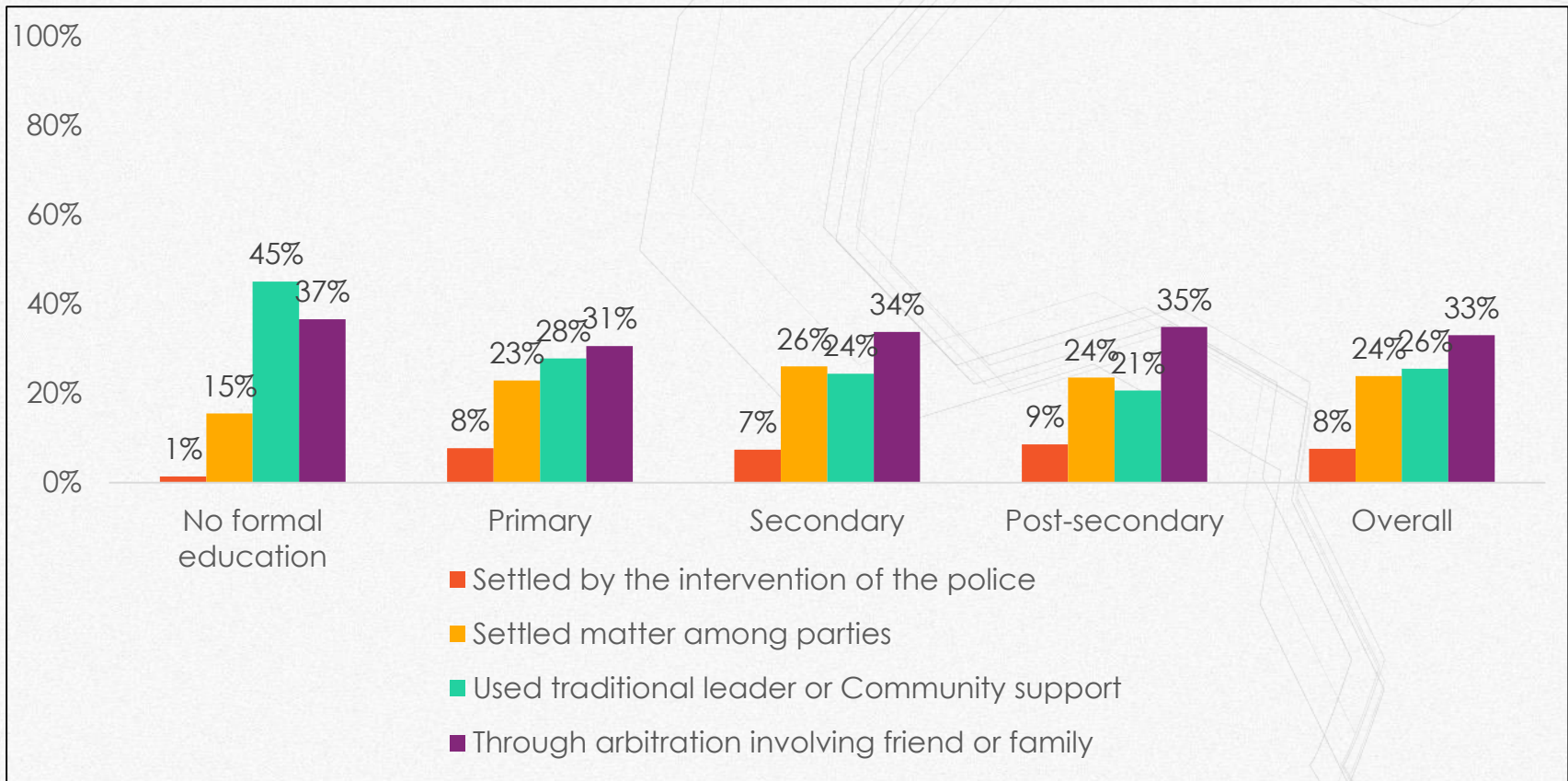
Respondents were asked: How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say? (Percentage who say 'most of them / all of them')

Avenues to seek justice | Kenya | 2019



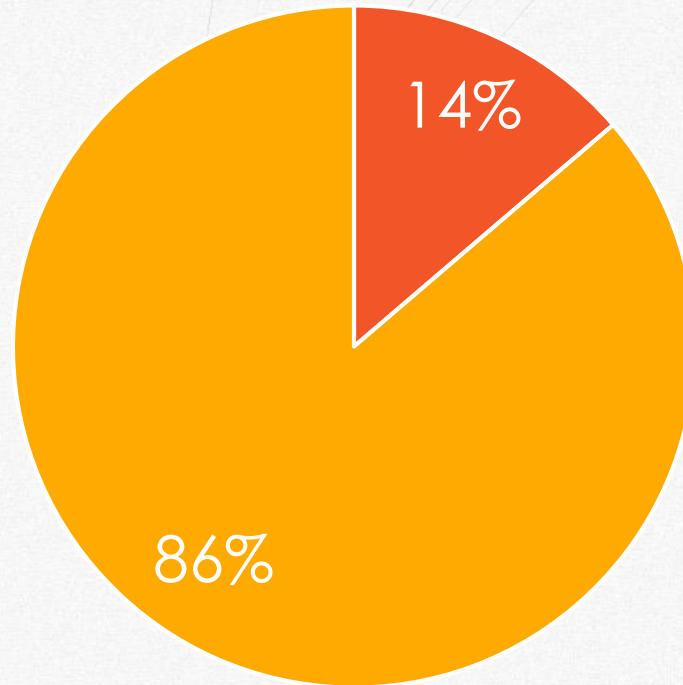
Respondents were asked: Thinking about problems you have encountered with either family members, neighbours, employer, government or other entities in the last 2 years, which of the following avenues did you use to seek justice?

Avenues to seek justice | by education | Kenya | 2019



Respondents were asked: Thinking about problems you have encountered with either family members, neighbours, employer, government or other entities in the last 2 years, which of the following avenues did you use to seek justice? (Only those who sought justice n=1774, top 4 avenues)

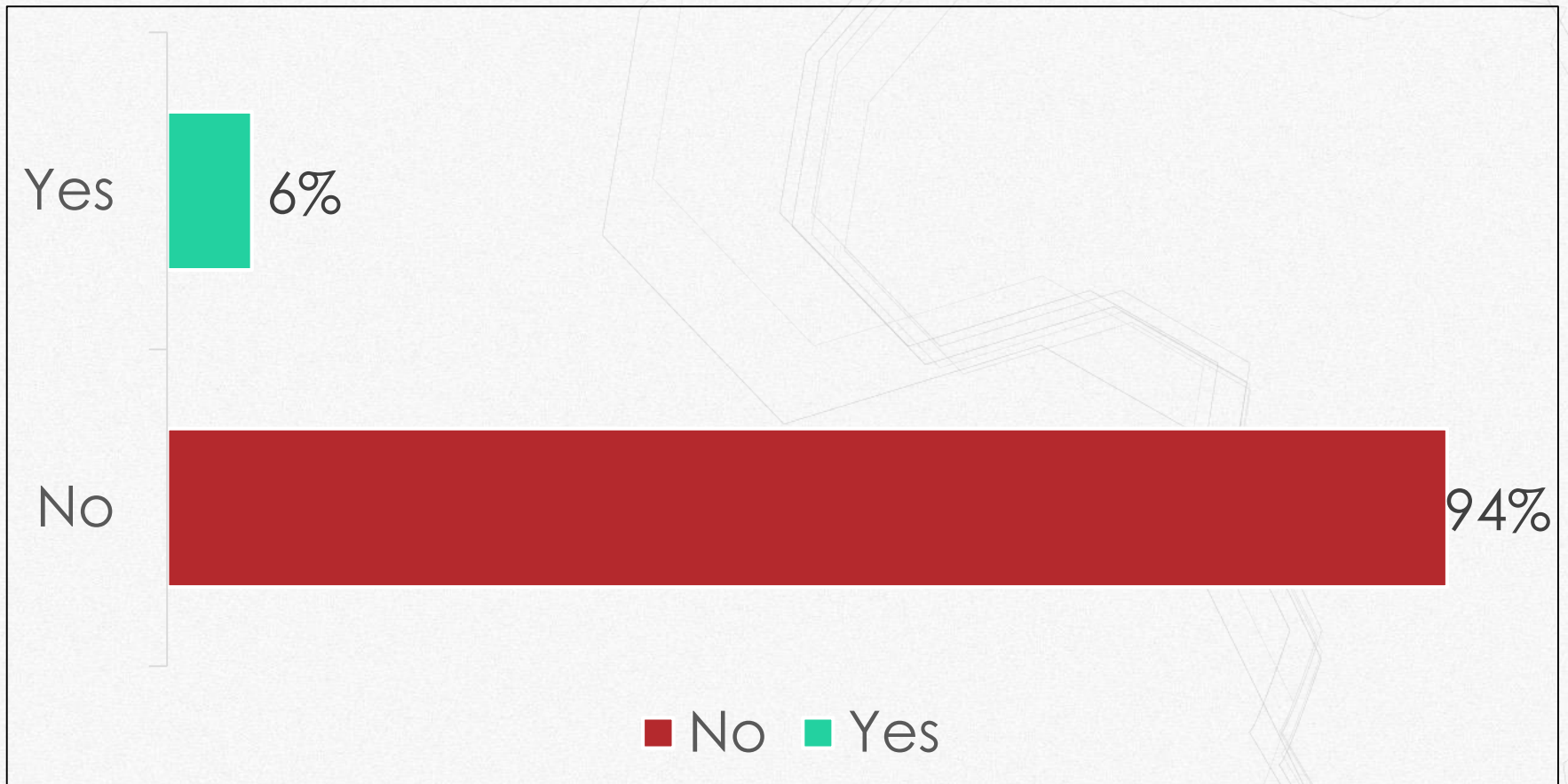
Satisfaction with outcome of justice | Kenya | 2019



■ Not at all satisfied / not very satisfied ■ Fairly satisfied / very satisfied

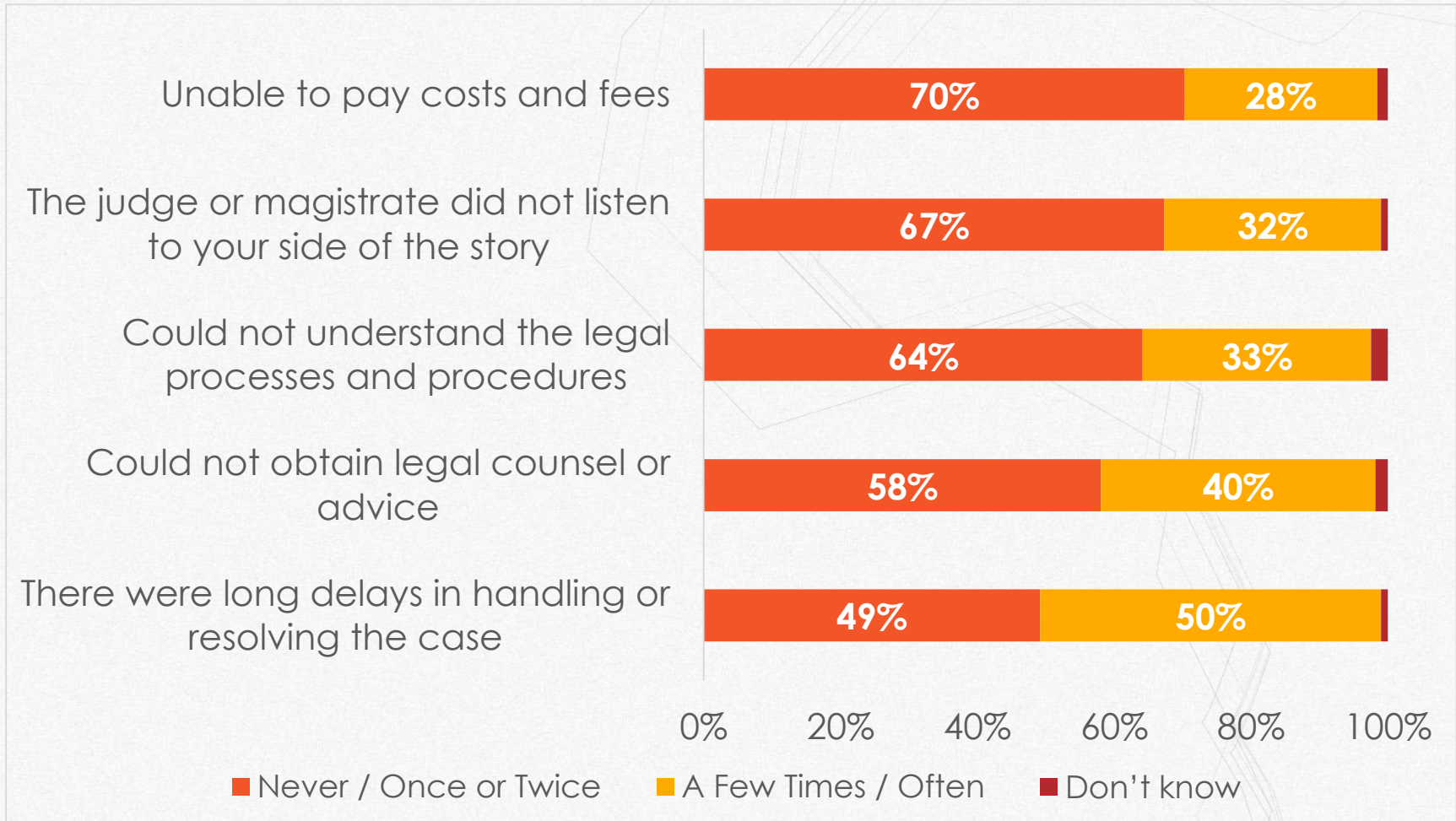
Respondents were asked: *Given the avenue you used to seek justice, how satisfied were you with the outcome?*

Contact with government courts | Kenya | 2019



Respondents were asked: *In the past two years, have you had contact with government courts?*

Encounter with courts | Kenya | 2019



Respondents were asked: Have you encountered any of the following problems in your contact with government courts in the past 2 years? (n=148)

Conclusions

Conclusions

- There is a general preference to alternative sources of justice compared to the courts of law by Kenyans
- Interestingly, more rural residents trust the courts of law much more compared to their urban counterparts. Furthermore, education exhibits an inverse relationship with trust in courts of law with more educated citizens tending to trust the courts of law much less
- Overwhelming majority of Kenyans were satisfied with the justice outcomes from the avenues they had sought justice from.
- Main challenges encountered by citizens in government courts include among others inability to meet costs and fees, inability to be listened to by the judge or magistrate, not being listened to, complexity of courts processes and procedures, inability to obtain legal counsel or advice and long queues in handling cases
- Need for awareness creation by the court justice system
- Promotion of enhanced distribution of court system
- Support and expansion of ADR mechanisms for access to justice i.e. Court Annex Mediation

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