

Senegal's corruption court seen as building trust in government, but credibility weakened by bias

Afrobarometer Dispatch No. 136 | Andreas Kopf and Thomas Isbell

Summary

The theft of public funds for personal enrichment by elected and autocratic leaders has been a bane of African development (Amadi & Ekekwe, 2014; Ebegbulem, 2012; Owoye & Bissessar, 2012; Gyimah-Brempong, 2002; Bayart, Ellis, & Hibou, 1999; Lawal, 2007). In 1981, Senegal introduced the offense of illicit enrichment into its penal code and created an ad hoc court to deal with such cases of corruption – the Court of Repression of Illicit Enrichment (CREI in French). The court remained dormant until 2012, but a high-profile case in 2014 against Karim Wade, a former Senegalese minister and son of and heir-apparent to former President Abdoulaye Wade, soon drew international attention – and criticism charging political motivations and lack of due process (FIDH, 2014; Reuters, 2015). The International Federation of Human Rights, the African Assembly on Human Rights, the Senegalese League of Human Rights, and the National Organization for Human Rights have claimed that the court does not guarantee a fair trial or presume a defendant's innocence until proven guilty (Freedom House, 2015). In March 2015, the court announced its verdict in the Wade case: six years' imprisonment and a fine of US \$240 million (Ba, 2015; Reuters, 2015).¹

In this dispatch, we explore public perceptions of the work of Senegal's corruption court. Based on responses in Afrobarometer's 2014 national survey, only a slim majority of Senegalese are aware of the court's existence. Among those who know about the CREI, most believe that its work has helped strengthen public trust in government institutions. However, many also say that court prejudice undermines its credibility and has the effect of increasing the popularity of the accused. Citizens are split as to whether the CREI's work has slowed down international investment in Senegalese companies.

Afrobarometer survey

Afrobarometer is pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across Africa. Five rounds of surveys were conducted between 1999 and 2013, and findings of Round 6 surveys (2014/2015) are currently being released. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples of between 1,200 and 2,400 respondents.

The Afrobarometer team in Senegal, led by Carrefour d'Etudes et de Recherches – Actions pour la Démocratie et le Développement (CERADD), interviewed 1,200 adult Senegalese in November and December 2014. A sample of this size yields country-level results with a margin of error of +/-3% at a 95% confidence level. Previous surveys have been conducted in Senegal in 2002, 2005, 2008, and 2013.

¹ Wade was pardoned and released from prison in June 2016 (Al Jazeera, 2016).

Key findings

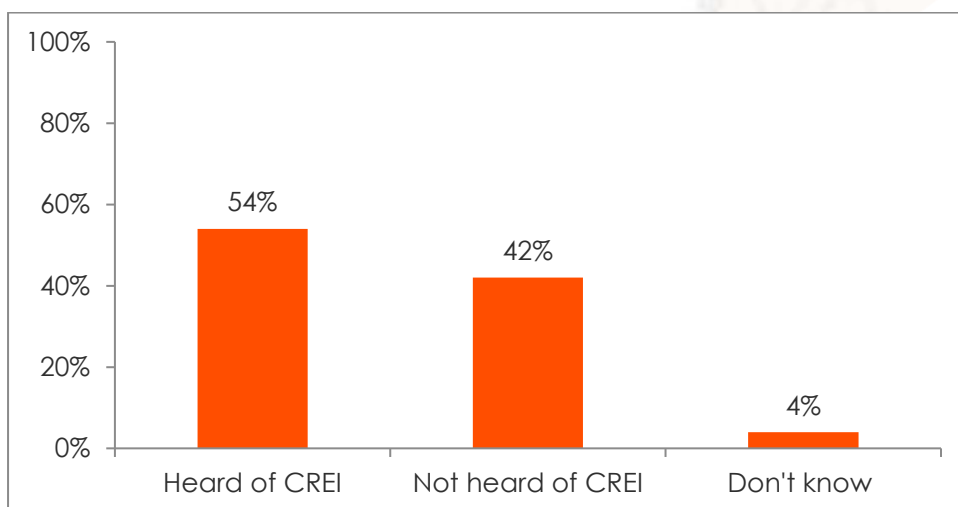
- Slightly more than half (54%) of Senegalese say they have heard about the CREI, while four of 10 (42%) say they are unaware of the court. Male, urban, and better-educated citizens are far more likely to have heard of the court than their female, rural, and uneducated counterparts.
- Among those who know about the court, more than half (56%) say its work has helped build public trust in government institutions. This perception is particularly common among citizens who trust their elected leaders and see the court system as generally fair.
- Almost half (49%) of respondents who know about the court say that bias in the CREI's work undermines the credibility of the court and has the effect of increasing the popularity of the accused. This view is especially common among urban residents (52%), respondents with post-secondary education (55%), and those who frequently obtain news from the Internet and social media.
- Among respondents who have heard of the CREI, 45% believe that the court's work has slowed down international investment in Senegalese companies. This concern is more frequently shared by men, the better-educated, the poor, and citizens who offer negative assessments of the country's economic situation.

Public awareness of the Court of Repression of Illicit Enrichment (CREI)

Only slightly more than half (54%) of Senegalese have heard of the CREI, while 42% have not (Figure 1). Awareness of the court is significantly higher among men than women (67% vs. 41%), urbanites than rural residents (71% vs. 41%), and respondents with secondary (94%) or post-secondary education (95%) than those with only primary (71%) or without formal education (37%) (Figure 2).

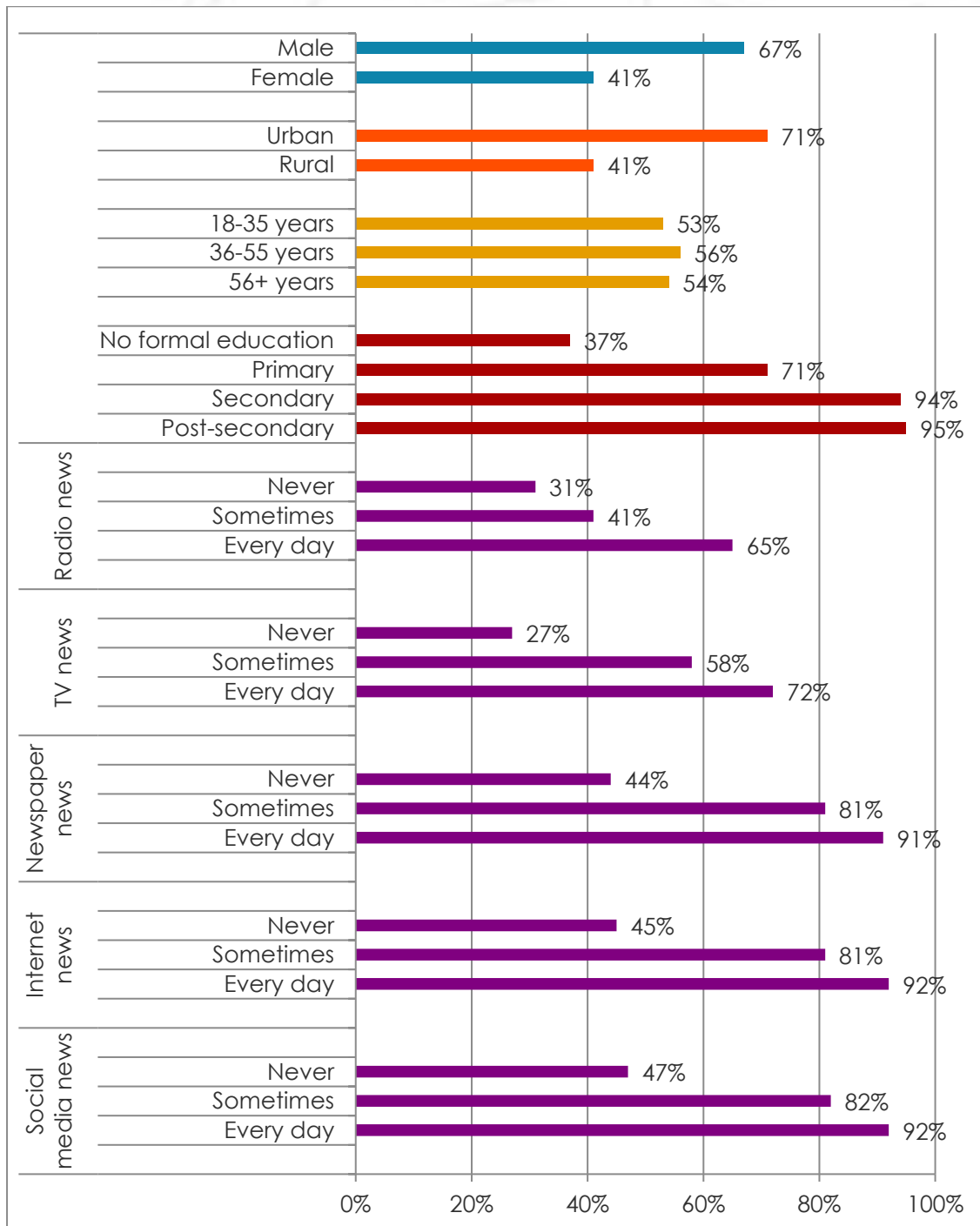
As might be expected, regular news consumers are most likely to know about the court – generally more than twice as likely as citizens who never use the news media. Among respondents who receive news “every day” from newspapers, the Internet, or social media, more than nine of 10 say they know about the court.

Figure 1: Awareness of the CREI | Senegal | 2014



Respondents were asked: Have you heard of the Court of Repression of Illicit Enrichment (CREI)?

Figure 2: Awareness of the CREI | by socio-demographic factors | Senegal | 2014



Respondents were asked: Have you heard of the Court of Repression of Illicit Enrichment (CREI)? (% who say "yes")

(Note: News consumption is determined by responses to the questions, "How often do you get news from the following sources: Radio? TV? Newspaper? Internet? Social media such as Facebook or Twitter?" The category "Sometimes" includes those who say "A few times a week," "A few times a month," or "Less than once a month.")

Findings in the following sections are based on citizens who are aware of the CREI; those who have not heard of the court are excluded.

Perceptions of the court and trust in government institutions

Respondents who had heard of the court were then asked whether they believe that the court has helped in building trust in government institutions. Among those who know about the court, citizens are significantly more likely to affirm that the CREI has helped build trust in government institutions (56%) than to disagree (32%) (Figure 3).

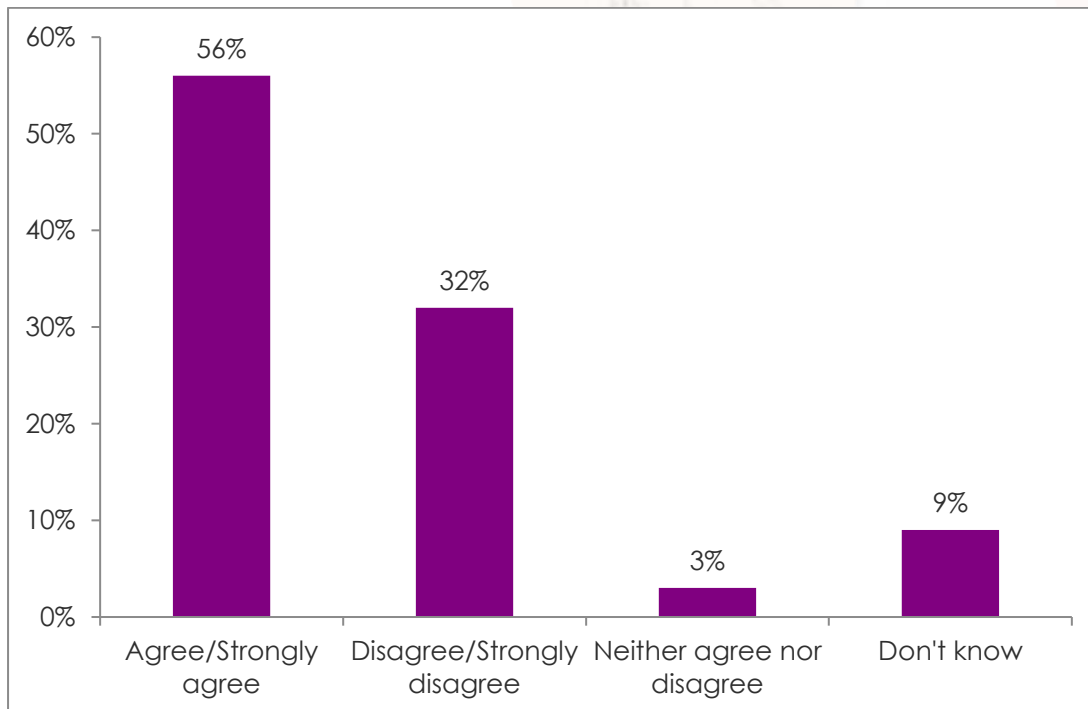
Men tend to agree somewhat more frequently (58%) than women (52%), as do rural residents compared to urbanites (58% vs. 54%) (Figure 4). Older (age 56 and above) and uneducated respondents are significantly less likely than their younger and educated counterparts to say that the CREI has helped build confidence in government institutions.

News consumption shows a less consistent association with assessments of the CREI's effect on popular trust in government than it does with awareness of the court.

It seems plausible that how respondents feel about the CREI is influenced by their general perceptions of and experience with the judicial system and government. As shown in Figure 5, citizens who perceive courts of law as generally fair are significantly more likely to see the CREI as building confidence in government institutions than are respondents who see the legal system as unfair. For example, respondents who believe that officials who break the law "never" or "rarely" go unpunished are more likely to praise the CREI's impact on public trust (70%) than those who say that such officials "often" or "always" go unpunished (50%). Likewise, Senegalese who say that ordinary people are never/rarely treated unequally under the law more frequently agree (71%) than those who say such unfair treatment occurs "always" or "often" (52%).

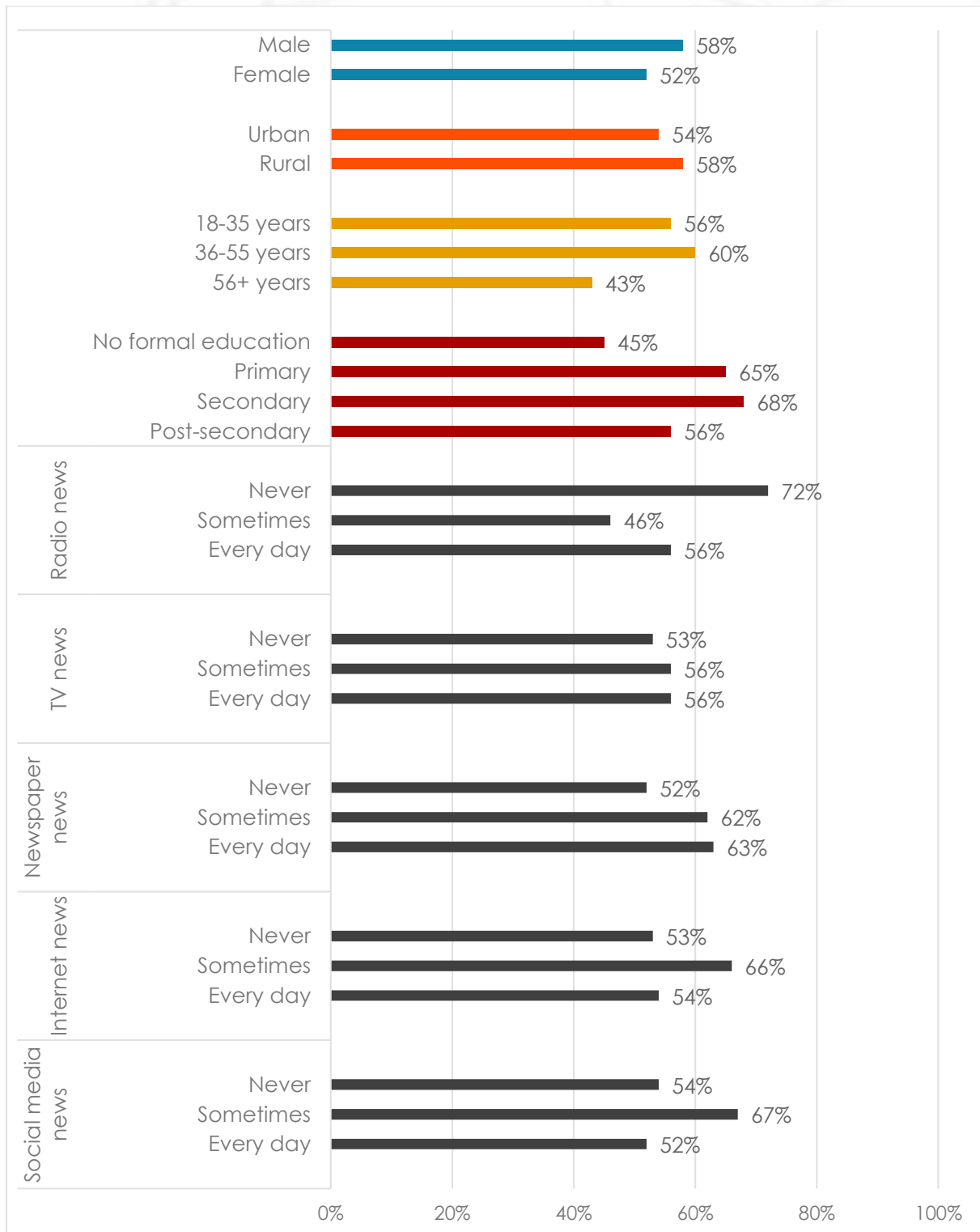
Similarly, respondents who express trust in the courts, the president, and the National Assembly are more likely to see the CREI as building popular confidence than are those who have little or no trust in these institutions.

Figure 3: Has CREI strengthened trust in government institutions? | Senegal | 2014



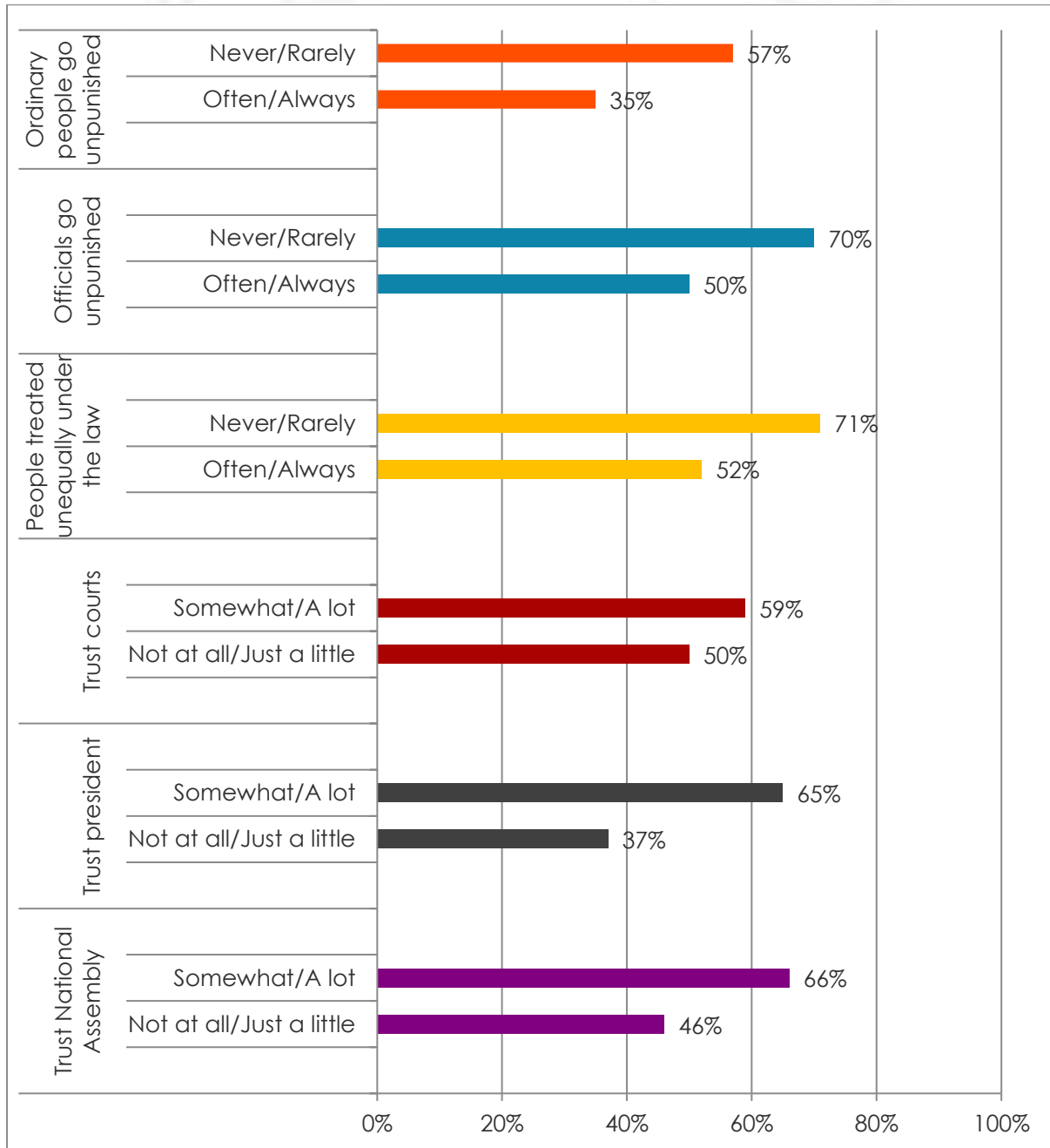
Respondents were asked: For each of the following statements, please tell me whether you agree or disagree: The work of the CREI has contributed to strengthen trust in government institutions?

Figure 4: Perception that CREI has strengthened trust in government institutions
 | by socio-demographic factors | Senegal | 2014



Respondents were asked: For each of the following statements, please tell me whether you agree or disagree: The work of the CREI has contributed to strengthen trust in government institutions? (% who "agree" or "strongly agree")

Figure 5: Perception that the CREI has strengthened trust in government institutions
 | by perceptions of courts and leaders | Senegal | 2014



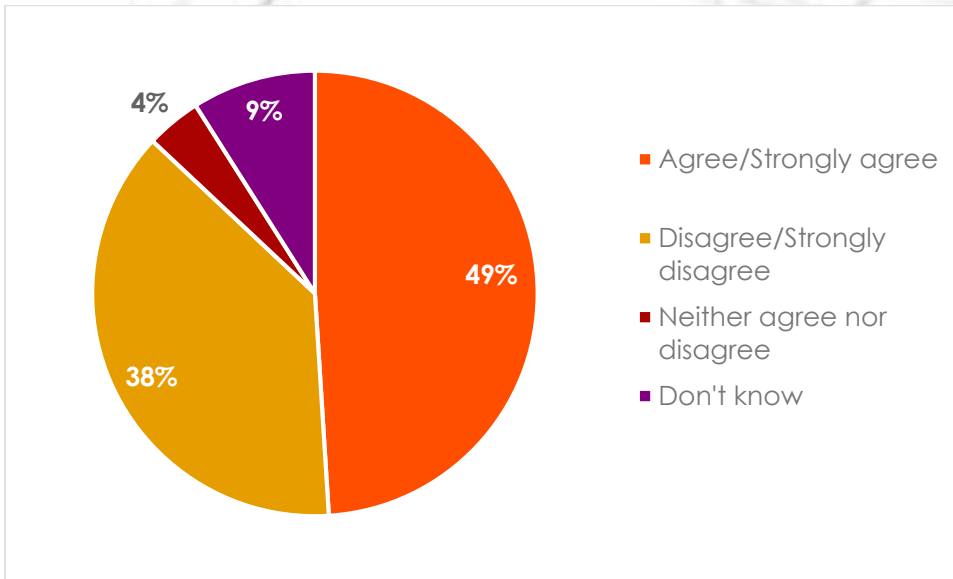
Respondents were asked:

- For each of the following statements, please tell me whether you agree or disagree: The work of the CREI has contributed to strengthen trust in government institutions? (% who "agree" or "strongly agree")
- In your opinion, how often, in this country, do ordinary people who break the law go unpunished?
- In your opinion, how often, in this country, do officials who commit crimes go unpunished?
- In your opinion, how often, in this country, are people treated unequally under the law?
- How much do you trust each of the following, or haven't you heard enough about them to say: The National Assembly? The president? Courts of law?

Credibility of the CREI

Respondents who knew about the CREI were asked whether they agree or disagree that CREI's "pursuit of its prejudices is not credible, and just increases the popularity of the accused." Almost half (49%) of respondents say that bias in the court's work indeed undermines the credibility of the court, while 38% disagree (Figure 6).

Figure 6: Perceptions of CREI prejudice | Senegal | 2014

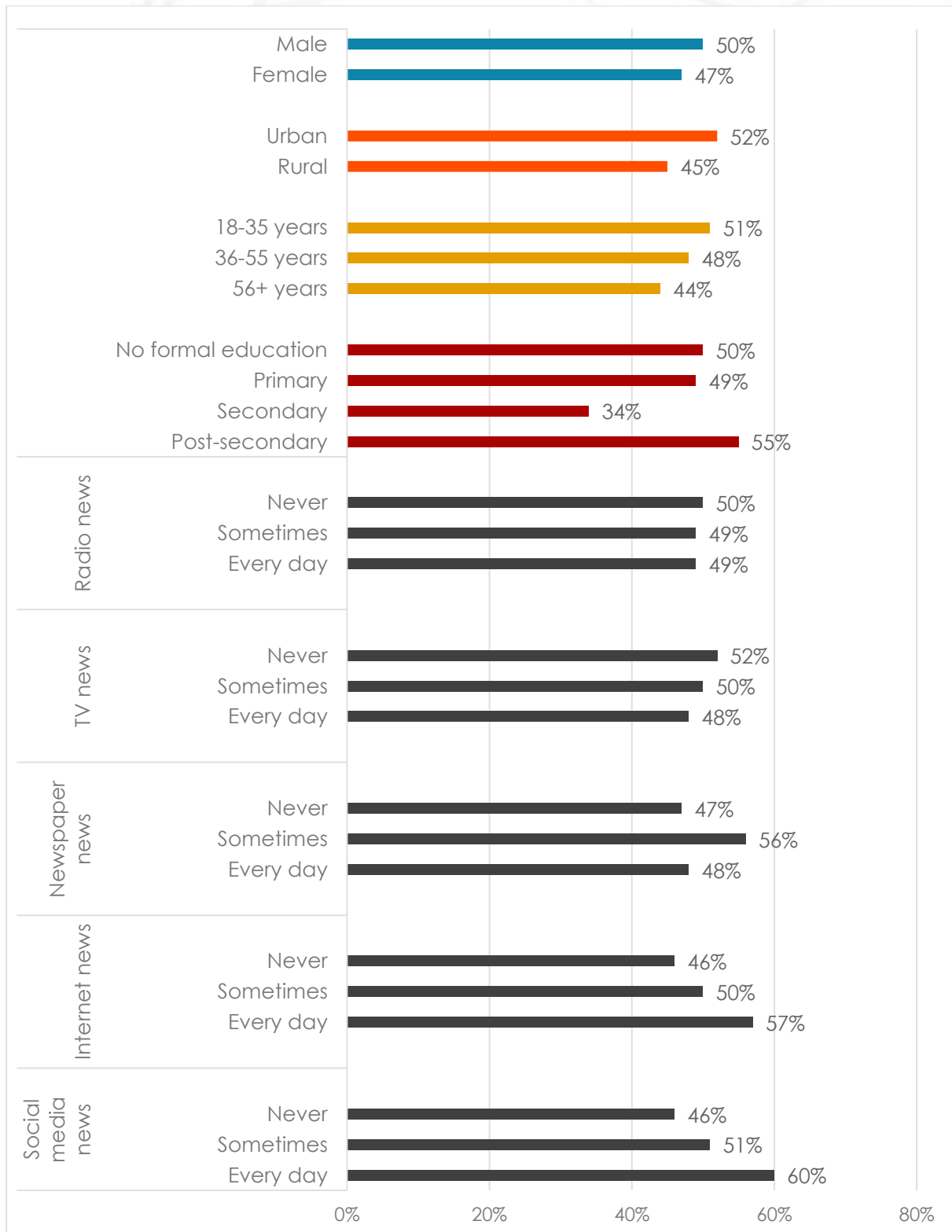


Respondents were asked: For each of the following statements, please tell me whether you agree or disagree: *The pursuit of its prejudices by the CREI is not credible, and just increases the popularity of the accused?*

The view that bias damages the CREI's credibility and increases the popularity of the accused is more common among urban residents (52% vs. 45% of rural dwellers) and among younger respondents (51% of those aged 18-35 vs. 44% of those older than 55) (Figure 7). Respondents with post-secondary education (55%) are more likely to agree than those with less education. Perceptions of harmful court bias are especially high among frequent Internet and social media users, possibly reflecting critical international coverage of the court's work that might not have been reported by national or local media.

To further explore this data, please visit Afrobarometer's online data analysis facility at www.afrobarometer.org/online-data-analysis.

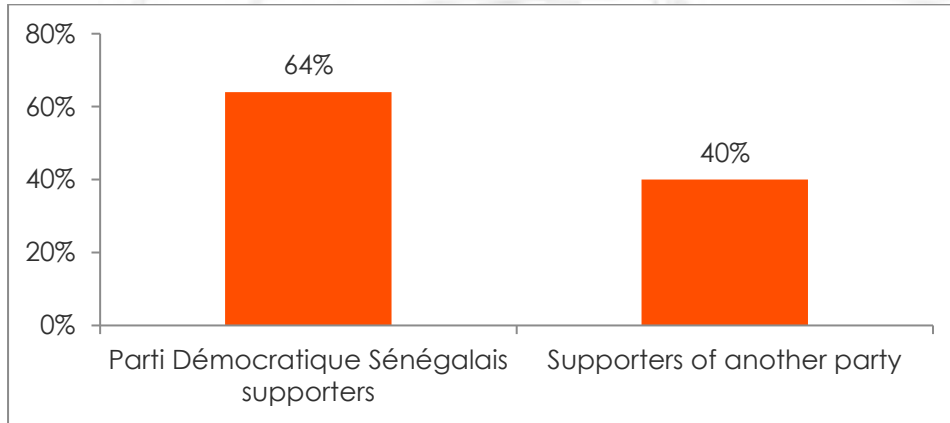
Figure 7: Perceptions of CREI prejudice | by socio-demographic factors | Senegal | 2014



Respondents were asked: For each of the following statements, please tell me whether you agree or disagree: The pursuit of its prejudices by the CREI is not credible, and just increases the popularity of the accused? (% who "agree" or "strongly agree")

As would be expected, supporters of Wade's party, the Parti Démocratique Sénégalais (PDS), are considerably more likely to agree that CREI prejudice just increases the popularity of the accused (64%) than are supporters of other parties (40%) (Figure 8).

Figure 8: Perception of CREI prejudice | by political party affiliation | Senegal | 2014



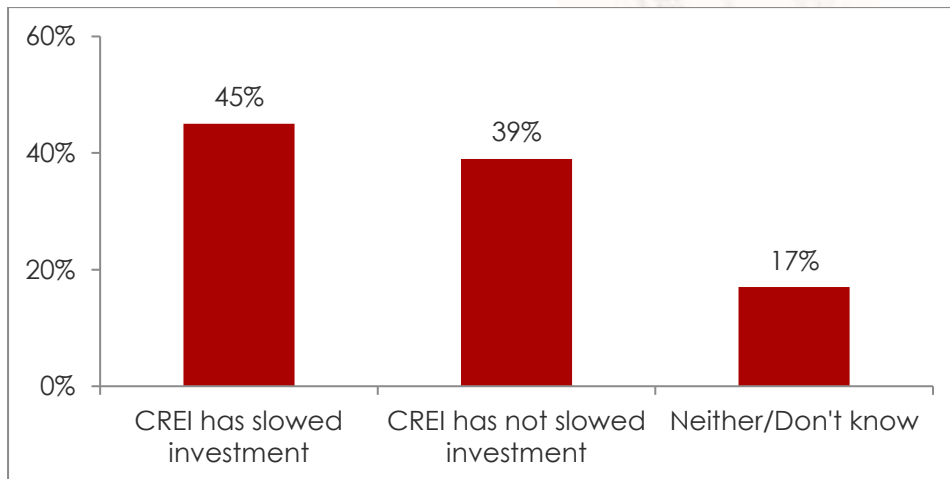
Respondents were asked: For each of the following statements, please tell me whether you agree or disagree: The pursuit of its prejudices by the CREI is not credible, and just increases the popularity of the accused? (% who "agree" or "strongly agree")

To determine party affiliation: If a presidential election were held tomorrow, which party's candidate would you vote for? (Excludes respondents who say they would not vote or "don't know")

The CREI and international investment

Has the work of the CREI affected international investors' willingness to put money into Senegalese enterprises? Asked whether the court's work has slowed international investment, more citizens say yes (45%) than no (39%) (Figure 9).

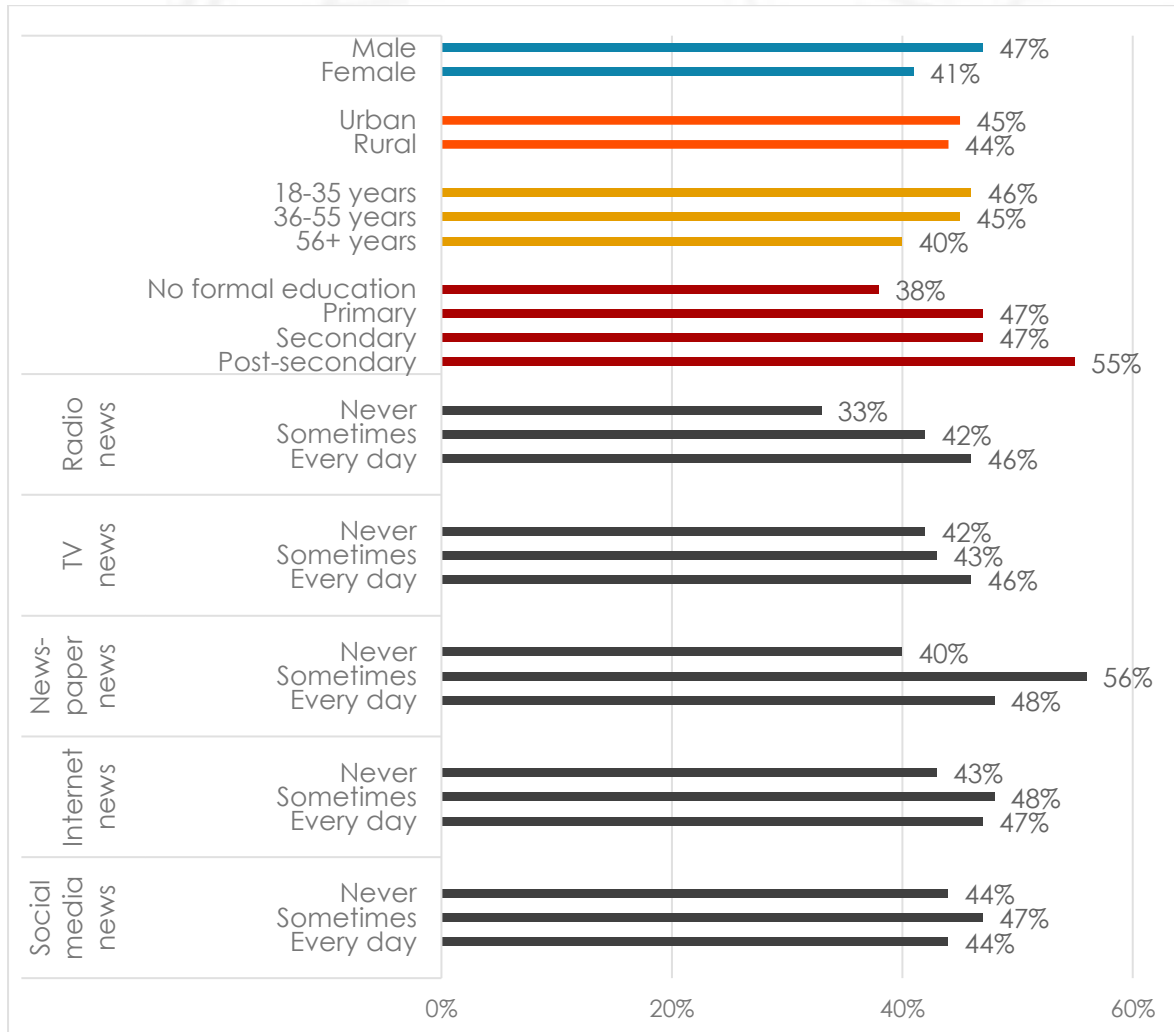
Figure 9: CREI and international investment | Senegal | 2014



Respondents were asked: For each of the following statements, please tell me whether you agree or disagree: The work of the CREI has slowed international investment in Senegalese enterprises? (% who "agree" or "strongly agree")

Men are more likely than women to see a detrimental impact on foreign investment (47% vs. 41%) (Figure 10), and this perception generally increases with respondents' education level and frequency of news consumption.

Figure 10: CREI and international investment | by socio-demographic factors
 | Senegal | 2014



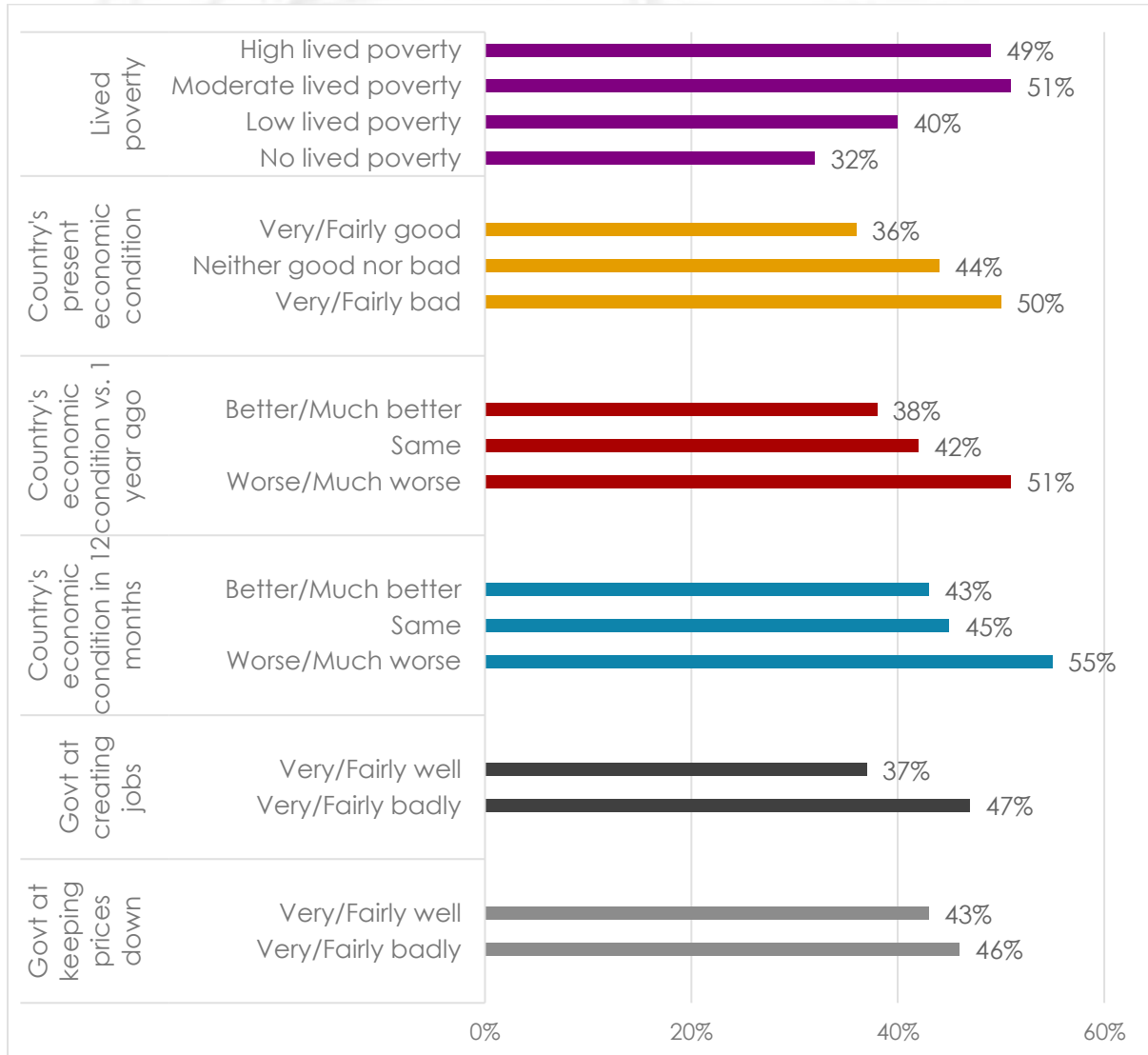
Respondents were asked: For each of the following statements, please tell me whether you agree or disagree: The work of the CREI has slowed international investment in Senegalese enterprises? (% who “agree” or “strongly agree”)

Results also suggest that respondents' evaluations of the country's economic situation and the government's economic performance might affect their assessment of whether the CREI harms foreign investment (Figure 11). Respondents experiencing moderate or high levels of lived poverty² are considerably more concerned (51% and 49%, respectively) about the CREI's effect on foreign investment than those with low or no lived poverty (40% and 32%). Moreover, perceptions of the court as slowing investment are more frequent among respondents who also give negative evaluations of Senegal's current, past, and likely future

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.

economic situation. Similarly, citizens who say the government is doing badly at creating jobs more frequently voice concerns about the court's impact on investment than respondents who praise the government's performance on employment (47% vs. 37%).

Figure 11: CREI and international investment | by lived poverty, economic situation, and government economic performance | Senegal | 2014



Respondents were asked:

- For each of the following statements, please tell me whether you agree or disagree: The work of the CREI has slowed international investment in Senegalese enterprises? (% who "agree" or "strongly agree")
- Over the past year, how often, if ever, have you or anyone in your family gone without: Enough food to eat? Enough clean water for home use? Medicines or medical treatment? Enough fuel to cook your food? A cash income?
- In general, how would you describe the present economic condition of this country?
- Looking back, how do you rate economic conditions in this country compared to 12 months ago?
- Looking ahead, do you expect economic conditions in this country to be better or worse in 12 months' time?
- How well or badly would you say the current government is handling the following matters, or haven't you heard enough to say: Creating jobs? Keeping prices down?

Conclusion

Illicit enrichment has burdened many African states since independence, and all too few have applied effective legal means to bring those responsible to justice. Senegal's CREI has been welcomed as a pioneer but also accused of bias and unfair legal procedures.

Senegalese citizens hold mixed views of the court. Only slightly more than half the population even know about the CREI. Among those who do, a majority say it helps build public trust in government institutions. This positive assessment is more common among citizens who also trust their elected leaders and see the courts as basically fair. Senegalese are divided on two questions – whether bias in the court's work undermines its credibility and whether the court's work inhibits foreign investment in Senegalese companies. Citizens who perceive Senegal's economic situation as bad or who experience higher levels of lived poverty appear especially concerned about the effect the court may have on investment.

Addressing these popular uncertainties might improve chances for success for the CREI, one of only a few of its kind on the continent.

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Andreas Kopf is a PhD candidate at the University of the South Pacific, Fiji. Email: andreas.c.kopf@googlemail.com.

Thomas Isbell is a PhD candidate at the University of Cape Town, South Africa. Email: Thomas.isbell@gmx.de.

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