

Ugandans endorse rule of law, but distrust and perceived corruption mar views on courts

Afrobarometer Dispatch No. 253 | Thomas Isbell and Dominique Dryding

Summary

Uganda's legal system is in the spotlight following a recent surge in election-related violence, some involving high-profile members of Parliament (Al Jazeera, 2018). While these cases have reinvigorated the conversation about judicial integrity and autonomy in Uganda, this is hardly the first time the country's judiciary has been accused of being under political influence. Opposition politicians such as Robert Kyagulanyi (aka Bobi Wine) of the People Power Movement, Kizza Besigye of the Forum for Democratic Change, and Nobert Mao of the Democratic Party, among many others, have on various occasions and in various fora questioned the independence of Uganda's judiciary (Freedom House, 2018).

Uganda consistently ranks low in terms of the rule of law and judicial integrity. The World Justice Project's (2018) Rule of Law Index rates Uganda 104th out of 113 countries globally, and Freedom House (2018) gives Uganda a 4 out of 16 for rule of law. While the Constitution calls for judicial independence and a clear separation of powers between the executive, legislature, and judiciary, the president and military are frequently accused of undermining the judiciary and rule of law (Bertelsmann Stiftung, 2018).

If protesters and advocates are clear in their questioning of judicial autonomy and integrity, Ugandan citizens as a whole present more mixed attitudes. The latest Afrobarometer survey in Uganda shows that the citizenry overwhelmingly endorses the legitimacy of the courts as well as the police. But substantial minorities distrust the judiciary and see judges and magistrates as corrupt. And only about half say the president generally respects the country's courts and laws.

Afrobarometer survey

Afrobarometer is a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues in African countries. Six rounds of surveys were conducted in up to 37 countries between 1999 and 2015, and Round 7 surveys are being concluded in 2018. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples.

The Afrobarometer team in Uganda, led by Hatchile Consult, interviewed 1,200 adult Ugandans in December 2016 and January 2017. A sample of this size yields country-level results with a margin of error of +/-3 percentage points at a 95% confidence level. Previous surveys have been conducted in Uganda in 2000, 2002, 2005, 2008, 2012, and 2015.

Key findings

- Ugandans overwhelmingly believe in the rule of law; almost nine out of 10 endorse the legitimacy of the courts (85%) and the police (88%).
- But far fewer trust the courts and the police. Around four in 10 express "just a little" or no trust at all in the courts (38%) and the police (44%).

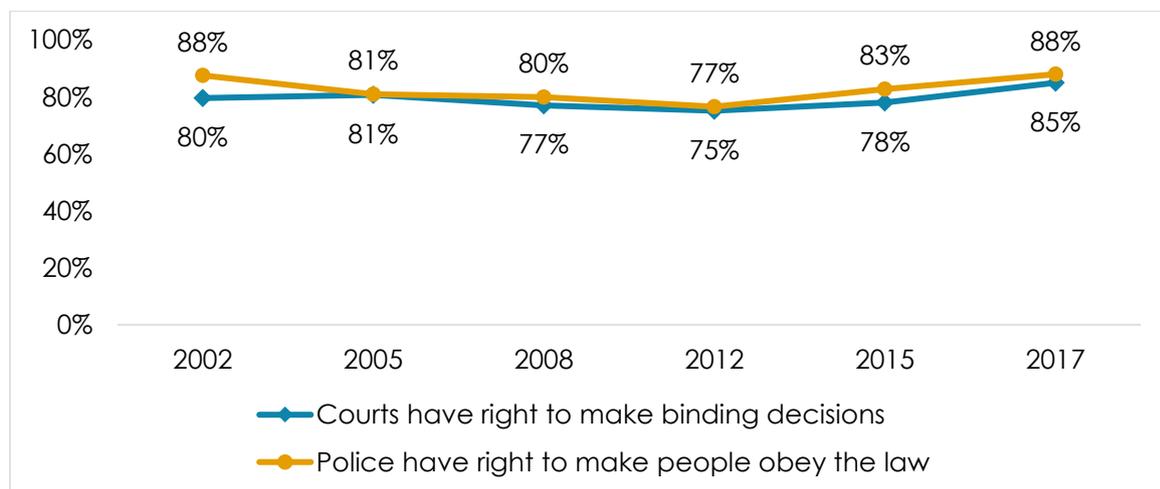
- More than four in 10 Ugandans (43%) see “most” or “all” judges and magistrates in the country as corrupt. Only one in 20 Ugandans (5%) say that “none” of these court officials are corrupt.
- Most Ugandans (82%) say the president must always obey the laws and courts. Only a slim majority (52%) say President Yoweri Museveni “rarely” or “never” ignores them.

Legitimacy of the legal system

Ugandans overwhelmingly endorse the rule of law. Almost nine out of 10 “agree” or “strongly agree” that the courts have the right to “make decisions that people always have to abide by” (85%) and that the police have the right to “make people obey the law” (88%) (Figure 1). Popular support for the legitimacy of the courts and police has never been higher over the past 16 years, and has never dropped to below three-fourths of the population.

Among East African countries, Ugandans are about as strong as Tanzanians (86%) in their support for the power of the courts, and well above Kenyans (75%) (Figure 2).

Figure 1: Legitimacy of courts and police | Uganda | 2002-2017

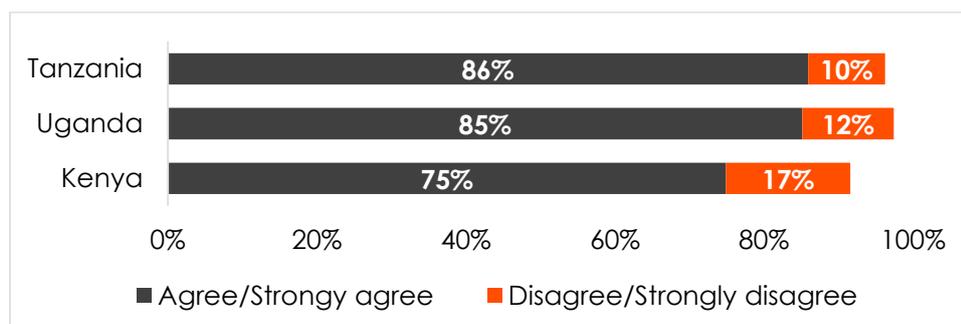


Respondents were asked: For each of the following statements, please tell me whether you disagree or agree:

- The courts have the right to make decisions that people always have to abide by?
- The police always have the right to make people obey the law?

(% who “agree” or “strongly agree”)

Figure 2: Courts make binding decisions | Uganda, Tanzania, and Kenya | 2017/2018



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?

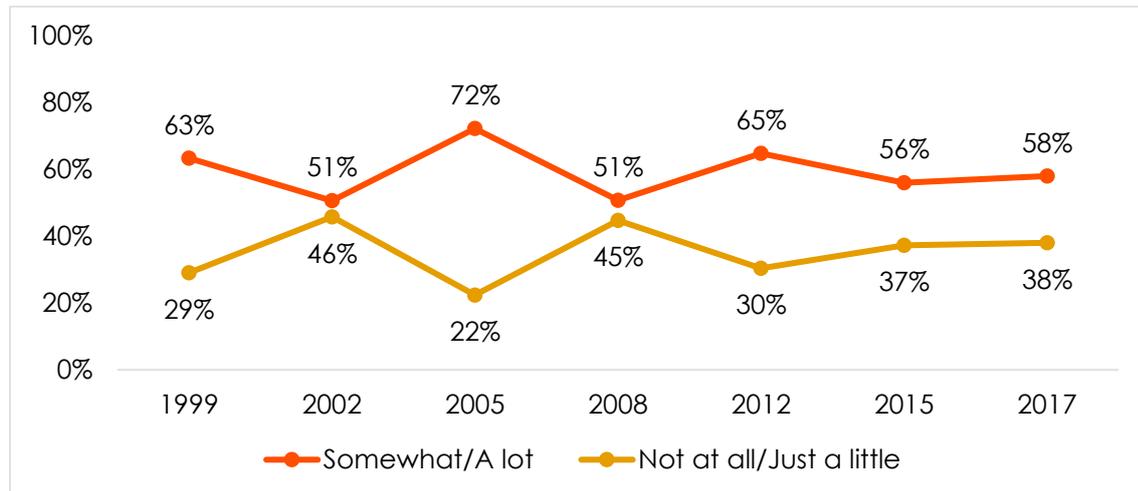
Trust in the legal system

But while Ugandans overwhelmingly believe in the rule of law, a substantial number of them do not trust the courts they have. A majority (58%) do affirm that they trust the courts “somewhat” or “a lot,” but almost four in 10 (38%) say they trust them “just a little” or “not at all” (Figure 3). Trust levels have fluctuated over time, ranging from barely half (51% in 2002 and 2008) to almost three-fourths (72% in 2005), but have been stable since 2015.

Similarly, while most Ugandans assert the right of the police to make them obey the law, only a slim majority (55%) express trust in the police, while more than four in 10 (44%) say they trust them “just a little” or “not at all” (not shown).

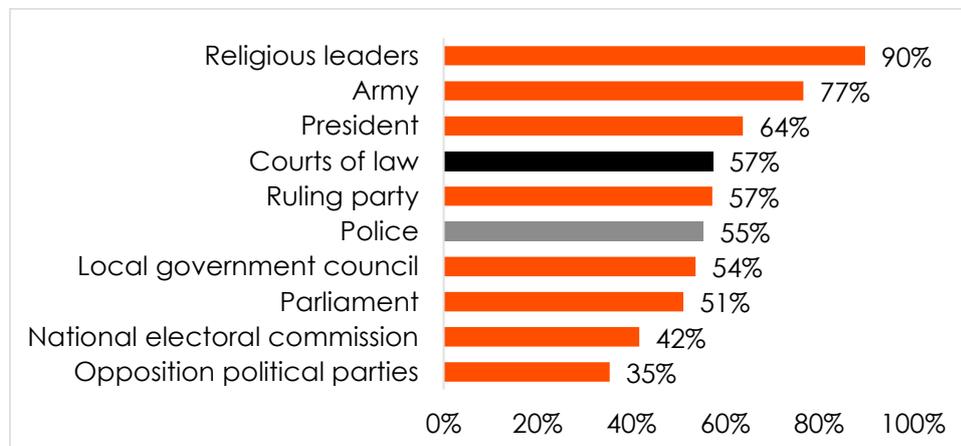
This places courts and the police in the middle of the field in terms of trusted institutions in Uganda, well behind religious leaders (90%) but ahead of Parliament (51%), the electoral commission (42%), and opposition political parties (35%) (Figure 4). Interestingly, despite the significant media criticism of President Museveni and the army over judicial manipulation, more Ugandans express trust in the president (64%) and army (77%) than in the courts (57%).

Figure 3: Trust courts of law | Uganda | 1999-2017



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?

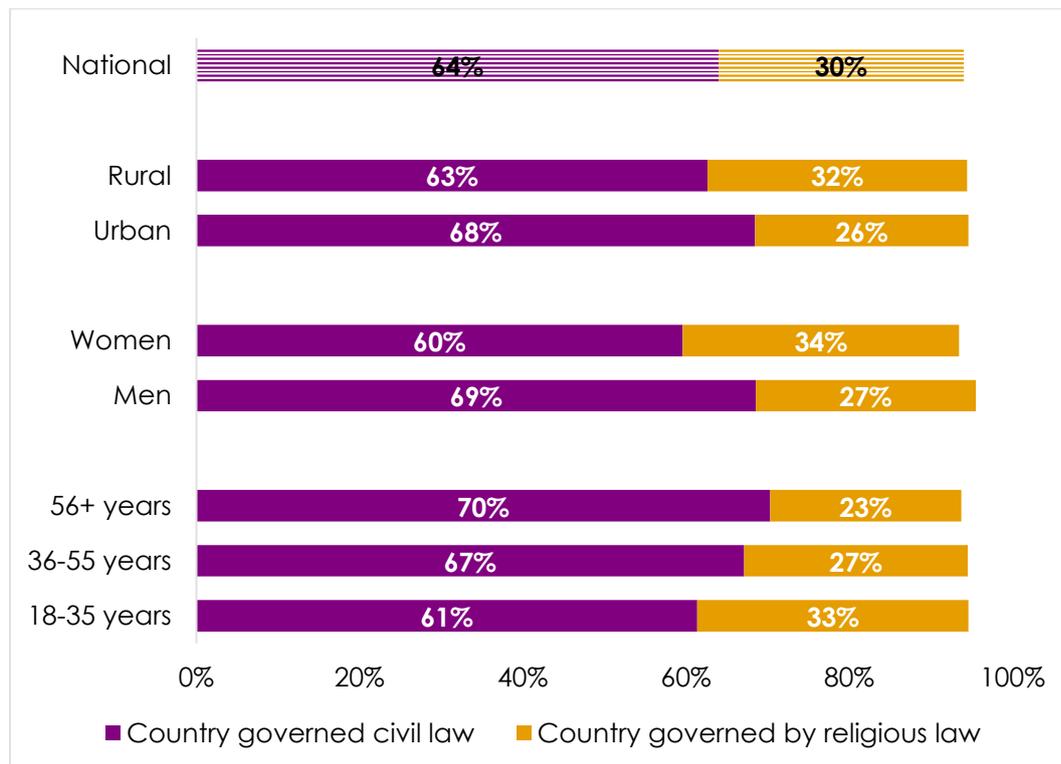
Figure 4: Trust in key public institutions and leaders | Uganda | 2017



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”)

While religious leaders are far more trusted than courts and police, Ugandans are twice as likely to endorse being ruled by civil law as they are to want a judicial system based on religious law – further evidence of their fundamental belief in the legitimacy of the legal system even if they have reservations about current incumbents. About two-thirds (64%) of respondents say the country should be governed only by civil law, vs. 30% who prefer being governed primarily by religious law. Support for civil over religious law is particularly strong among urban residents (68%), men (69%), and the older generation (70%) (Figure 5).

Figure 5: Should country be governed by religious or civil law?
 | by socio-demographic group | Uganda | 2017

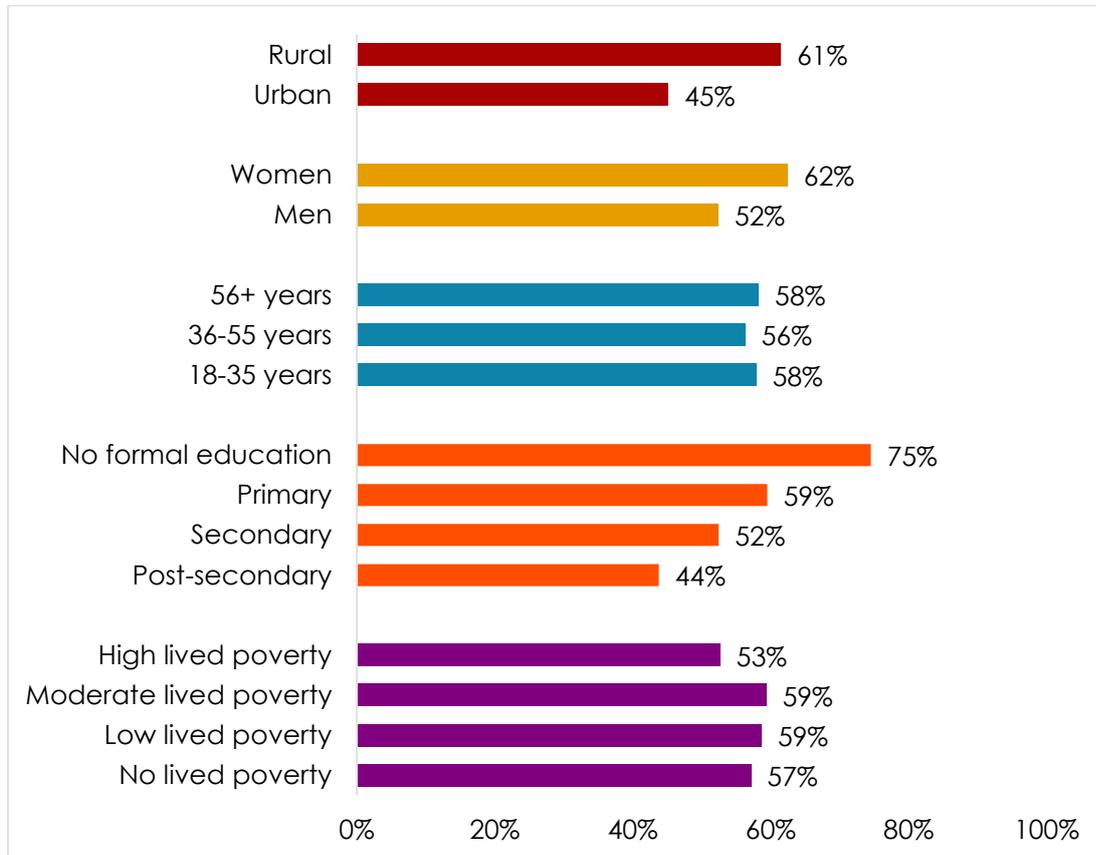


Respondents were asked: Which of the following statements is closest to your view:
 Statement 1: Our country should be governed primarily by religious law?
 Statement 2: Our country should be governed only by civil law?
 (% who “agree” or “agree very strongly” with each statement)

Trust in the courts is considerably lower among urban residents (45%, vs. 61% of rural residents) and men (52%, vs. 62% of women) (Figure 6). Trust levels also decrease sharply with respondents’ education level, ranging from 75% of those with no formal education to just 44% of those with post-secondary qualifications. The poorest respondents (53%)¹ are somewhat less likely to express trust in the courts than their wealthier counterparts.

¹ Afrobarometer assesses lived poverty based on responses to the following questions: “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?”

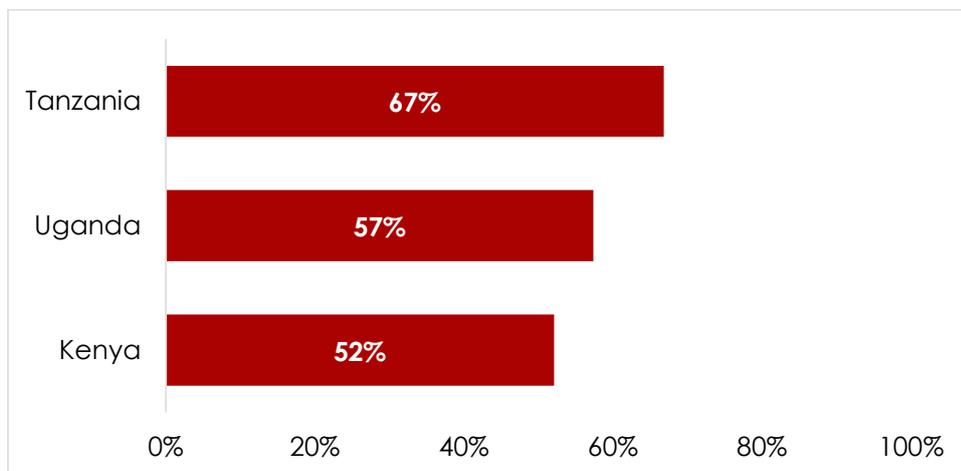
Figure 6: Trust courts of law | by socio-demographic group | Uganda | 2017



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")

Among East African countries, Uganda ranks between Tanzania (67%) and Kenya (52%) in terms of popular trust in the judiciary (Figure 7).

Figure 7: Trust courts of law | Uganda, Tanzania, and Kenya | 2016/2017



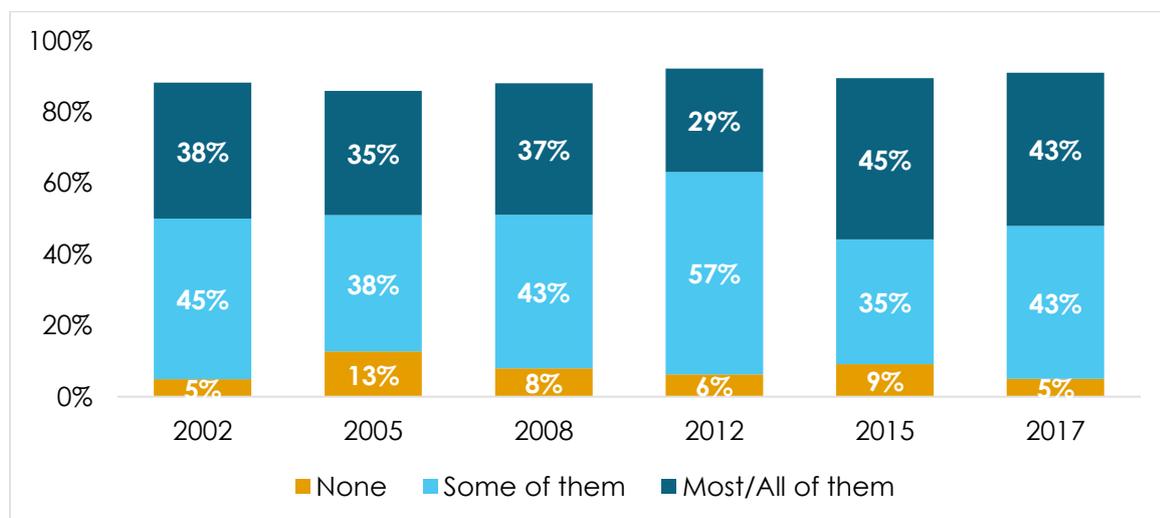
Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say: Courts of law? (% who say "somewhat" or "a lot")

Perceived corruption in the legal system

Closely related to popular trust is the public perception of official corruption. In March 2018, President Museveni publicly warned judges against corruption if they expect to earn the public's trust (Observer, 2018). Indeed, more than four in 10 Ugandans (43%) say that "most" or "all" judges and magistrates in the country are corrupt, in addition to the same proportion (43%) who say that "some" of them are corrupt. Only one in 20 Ugandans (5%) say that "none" of the country's judges and magistrates are corrupt (Figure 8).

The proportion of citizens who see most/all judges and magistrates as corrupt increased sharply between 2012 (29%) and 2015 (45%) and has remained elevated since then.

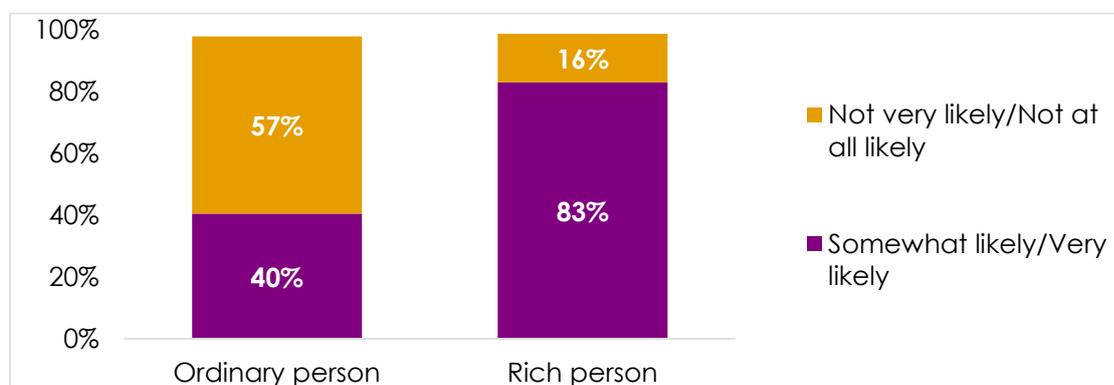
Figure 8: Perceived corruption among judges and magistrates | Uganda | 2002-2017



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?

Wealthy people are far more likely to benefit from official corruption than ordinary people, survey respondents indicate. More than eight in 10 respondents (83%) think it is "somewhat likely" or "very likely" that a rich person could get away with avoiding going to court by paying a bribe or using personal connections. Only half as many (40%) think an ordinary person could get away with the same thing (Figure 9).

Figure 9: Paying bribes to avoid going to court | Uganda | 2017



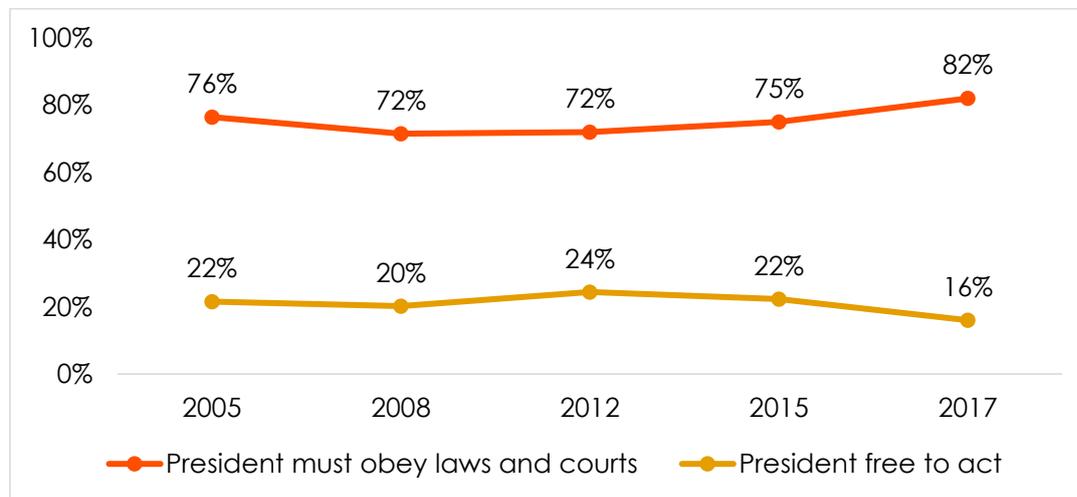
Respondents were asked: In this country, how likely do you think it is that an ordinary person/a rich person could pay a bribe or use personal connections to get away with avoiding going to court?

Respect for legal system

In line with their endorsement of the rule of law, most Ugandans say their president must always obey the laws and courts, even if he thinks they're wrong. The proportion of respondents who "agree" or "agree very strongly" that presidential compliance with the law is always required (82%) is larger at any time during the past decade, 10 percentage points above the 2012 level (Figure 10).

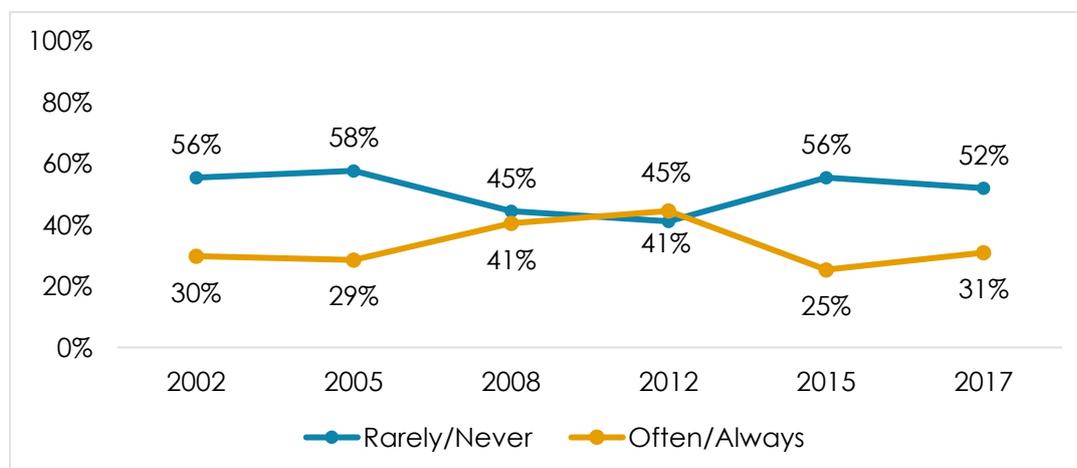
But far fewer Ugandans believe that the president in fact always obeys the legal system. Only about half (52%) of all Ugandans say the president "rarely" or "never" ignores the laws and courts, and about three in 10 (31%) say he "often" or "always" ignores them. This is a modest improvement compared to 2012, when more citizens believed that the president often/always" ignores the courts (45%) than the contrary (41%) (Figure 11).

Figure 10: President free to act or must obey laws and courts | Uganda | 2005-2017



Respondents were asked: Which of the following statements is closest to your view?
 Statement 1: Since the president was elected to lead the country, he should not be bound by laws or court decisions that he thinks are wrong.
 Statement 2: The president must always obey the laws and the courts, even if he thinks they are wrong.
 (% who "agree" or "agree very strongly" with each statement)

Figure 11: How often president ignores courts | Uganda | 2005-2017



Respondents were asked: In your opinion, how often, in this country, does the president ignore the courts and laws of this country?

Conclusion

Ugandans clearly believe in the rule of law and the legitimacy of the judicial system. But substantial proportions of the citizenry question the integrity and trustworthiness of judges and police officers. And only about half think their president usually respects the country's laws and courts.

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

References

- Al Jazeera. (2018). Bobi Wine's arrest and what it could mean for Uganda. 22 August.
<https://www.aljazeera.com/news/2018/08/bobi-wine-arrest-uganda-180822144356189.html>.
- Bertelsmann Stiftung. (2018). Transformation Index BTI: Uganda country report. <https://www.bti-project.org/en/reports/country-reports/detail/itc/uga/>.
- Freedom House. (2018). Freedom in the World 2018: Uganda profile.
<https://freedomhouse.org/report/freedom-world/2018/uganda>.
- Observer. (2018). Museveni warns judges against corruption. 25 March.
<https://observer.ug/news/headlines/57305-museveni-warns-judges-against-corruption.html>.
- World Justice Project. (2018). Rule of Law Index: Uganda.
<http://data.worldjusticeproject.org/#/groups/UGN>.

Thomas Isbell is a PhD student and researcher at the Institute for Democracy, Citizenship and Public Policy in Africa at the University of Cape Town. Email: tisbell@afrobarometer.org.

Dominique Dryding is the Afrobarometer assistant project manager for Southern Africa, based at the Institute for Justice and Reconciliation in Cape Town. Email: ddryding@afrobarometer.org.

Afrobarometer is produced collaboratively by social scientists from more than 30 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.

Financial support for Afrobarometer Round 7 has been provided by the Swedish International Development Cooperation Agency (SIDA), the Mo Ibrahim Foundation, the Open Society Foundations, the Bill & Melinda Gates Foundation, the William and Flora Hewlett Foundation, the U.S. State Department, the U.S. Agency for International Development via the U.S. Institute of Peace, the National Endowment for Democracy, and Transparency International.

Donations help the Afrobarometer Project give voice to African citizens. Please consider making a contribution (at www.afrobarometer.org) or contact Felix Biga (felixbiga@afrobarometer.org) to discuss institutional funding.

For more information, please visit www.afrobarometer.org.



/Afrobarometer



@Afrobarometer



Afrobarometer Dispatch No. 253 | 12 November 2018