

Ghana Center for Democratic Development
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News release

High cost, bias, and long delays prevent Ghanaians from using formal justice system, Afrobarometer survey shows

Ghanaians say high costs, a bias in favour of the rich and powerful, and long delays are the three most important barriers that prevent citizens from using the formal justice system, according to a recent Afrobarometer survey.

While most Ghanaians endorse the legitimacy of the courts, they also see court officials as corrupt and untrustworthy, and believe people are treated unequally under the law.

The findings show that among those who had contact with the justice system during the previous year, many rate the system as high on corruption and low on fairness and transparency.

Ghana is a signatory to the African Charter on Human and Peoples' Rights and the Maputo Protocol, both of which oblige the state to ensure that citizens have access to the delivery of justice. But conditions necessary to ensure efficient and equal access to judicial systems, such as affordability, proximity, comprehensibility, and responsiveness, are not in place for a number of Ghanaians.

Key findings

- More than three-fourths of Ghanaians say the president – and ordinary citizens – must obey the courts and laws (Figure 1).
- But court officials are widely seen as corrupt and untrustworthy.
 - More than eight in 10 Ghanaians (85%) say at least “some” judges and magistrates are corrupt, including 40% who say this about “most” or “all” of these court officials (Figure 2).
 - Fewer than half of respondents say they trust courts “a lot” (16%) or “somewhat” (32%) (Figure 3).
- Only one in 20 Ghanaians (5%) say they had contact with the formal judicial system during the previous year. The most important reasons why Ghanaians think people do not use the formal judicial system are that it is too expensive (cited by 54% of respondents), that the system favours the rich and powerful (31%), and that legal proceedings take a long time before judgment is given (31%) (Figure 4).
- Among respondents who had contact with the judicial system during the previous year:
 - About half (52%) rate the level of corruption in the judicial system as “high” or “very high.”
 - Fewer than one in three rate the judicial system favourably (with “high” or “very high” ratings) on independence (31%), professionalism (30%), fairness (21%), responsiveness (18%), and transparency (16%) (Figure 5).

- A majority of Ghanaians say that people are “always” or “often” treated unequally under the law (58%) and that officials who commit crimes “always” or “often” go unpunished (61%).

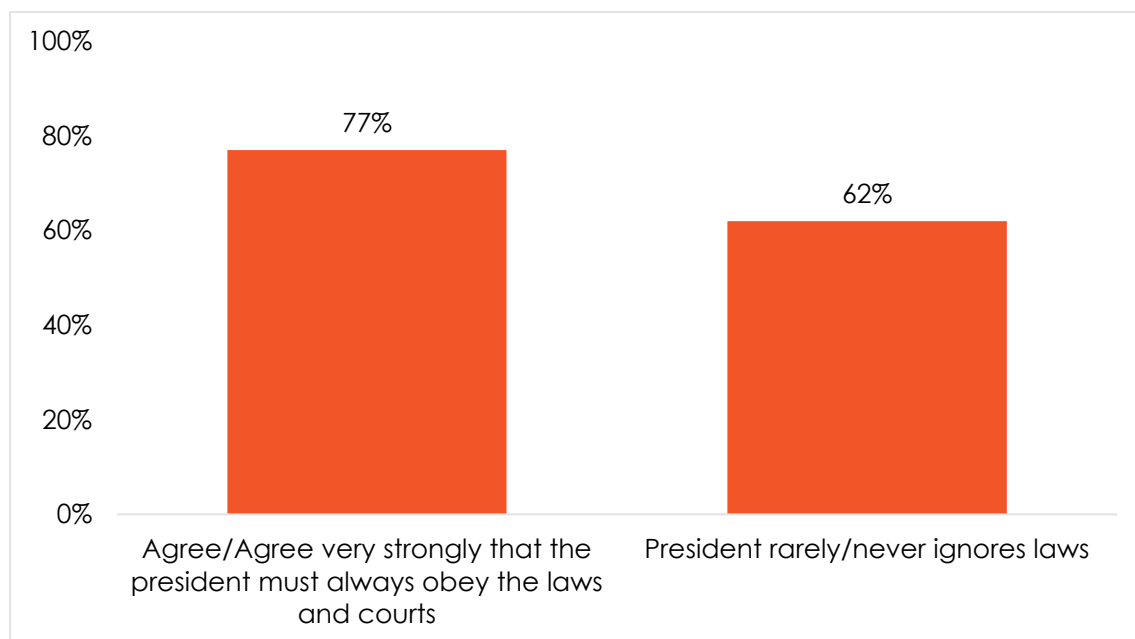
Afrobarometer surveys

Afrobarometer is a pan-African, nonpartisan survey research network that provides reliable data on Africans’ experiences and evaluations of quality of life, governance, and democracy. Seven rounds of surveys were completed in up to 38 countries between 1999 and 2018. Round 8 surveys in 2019/2020 are planned in at least 35 countries. Afrobarometer conducts face-to-face interviews in the language of the respondent’s choice with nationally representative samples.

The Afrobarometer team in Ghana, led by the Ghana Center for Democratic Development (CDD-Ghana), interviewed 2,400 adult Ghanaians between 16 September and 3 October 2019. A sample of this size yields country-level results with a margin of error of +/-2 percentage points at a 95% confidence level. Previous surveys were conducted in Ghana in 1999, 2002, 2004, 2008, 2012, 2014, and 2017.

Charts

Figure 1: Views on courts’ legitimacy | Ghana | 2019



Respondents were asked:

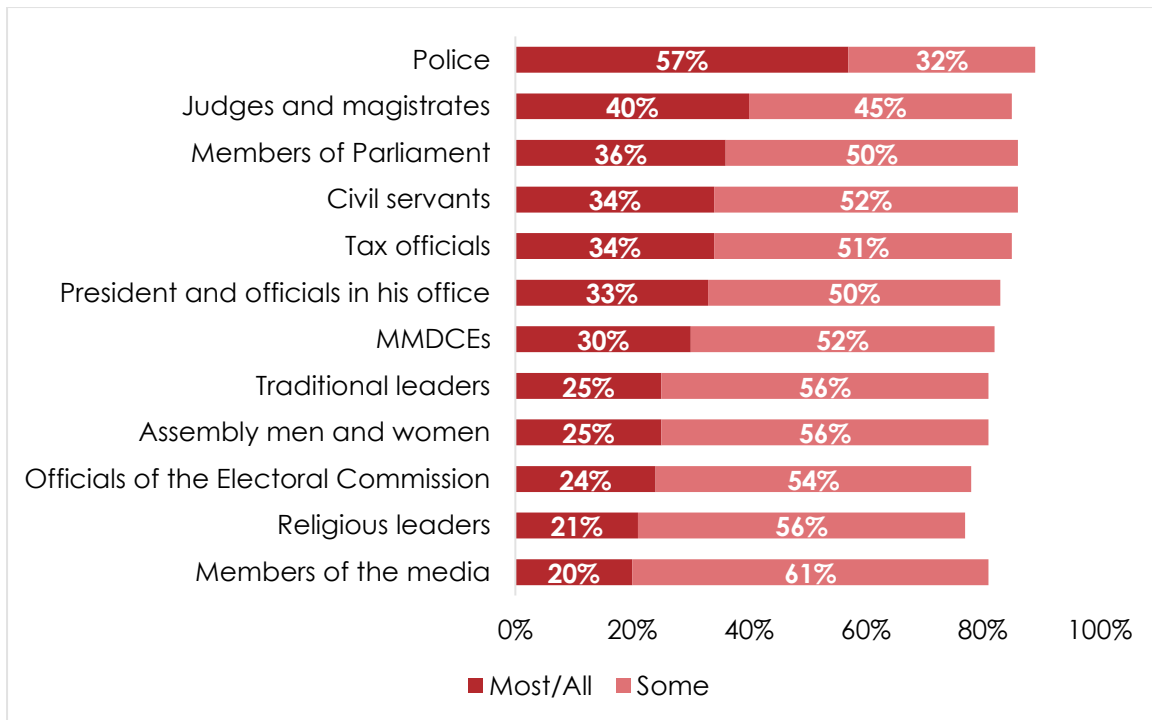
Which of the following statements is closest to your view?

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.

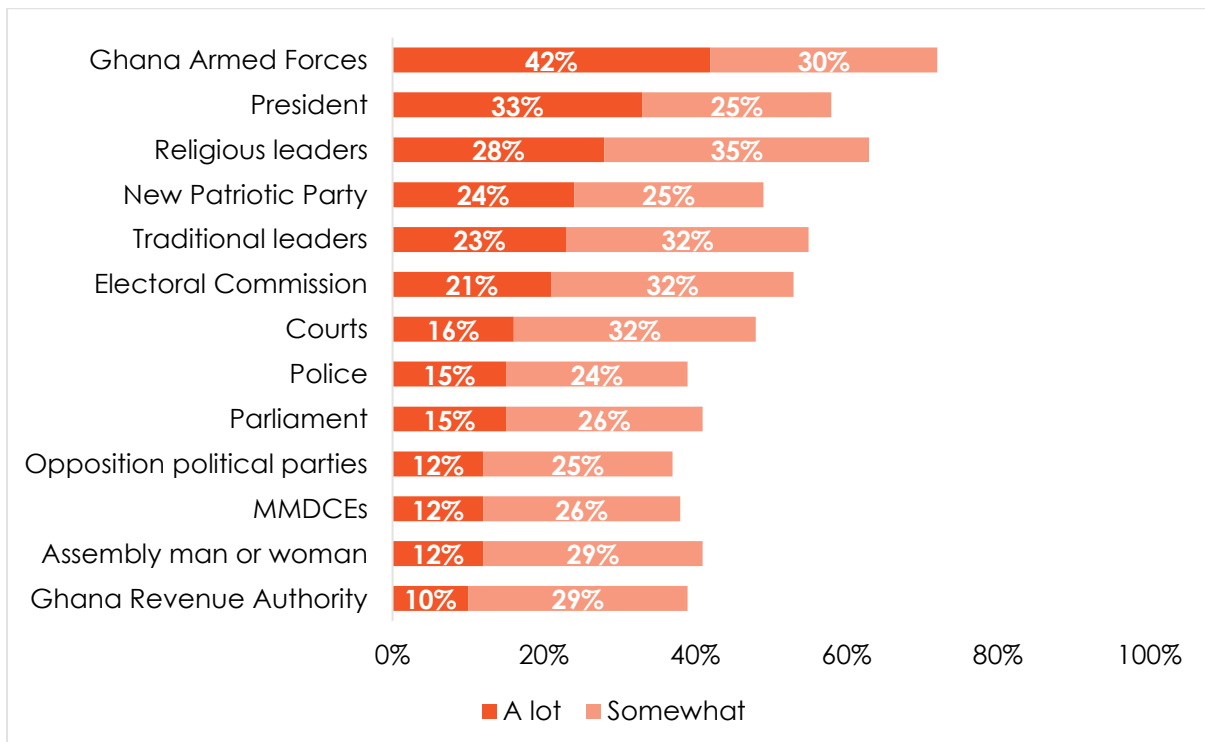
In your opinion, how often, in this country does the president ignore the courts and laws of this country?

Figure 2: Perceived corruption among judges/magistrates and other officials
 | Ghana | 2019



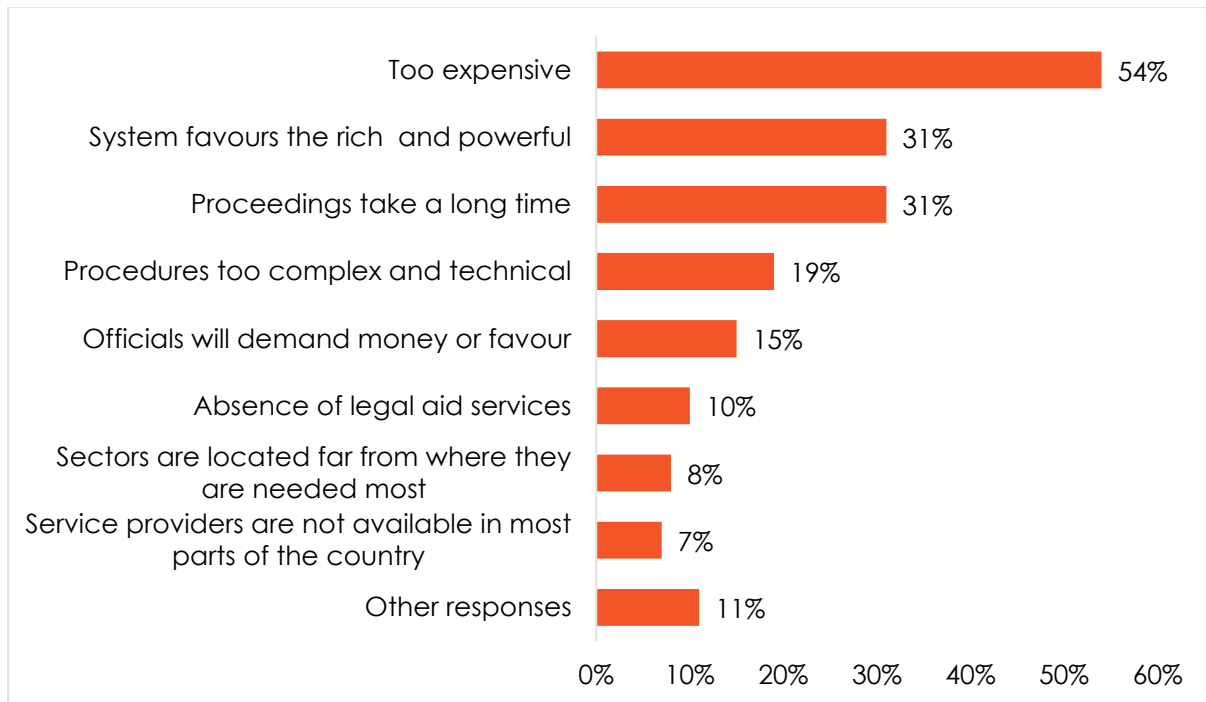
Respondents were asked: How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say?

Figure 3: Trust in courts | Ghana | 2019



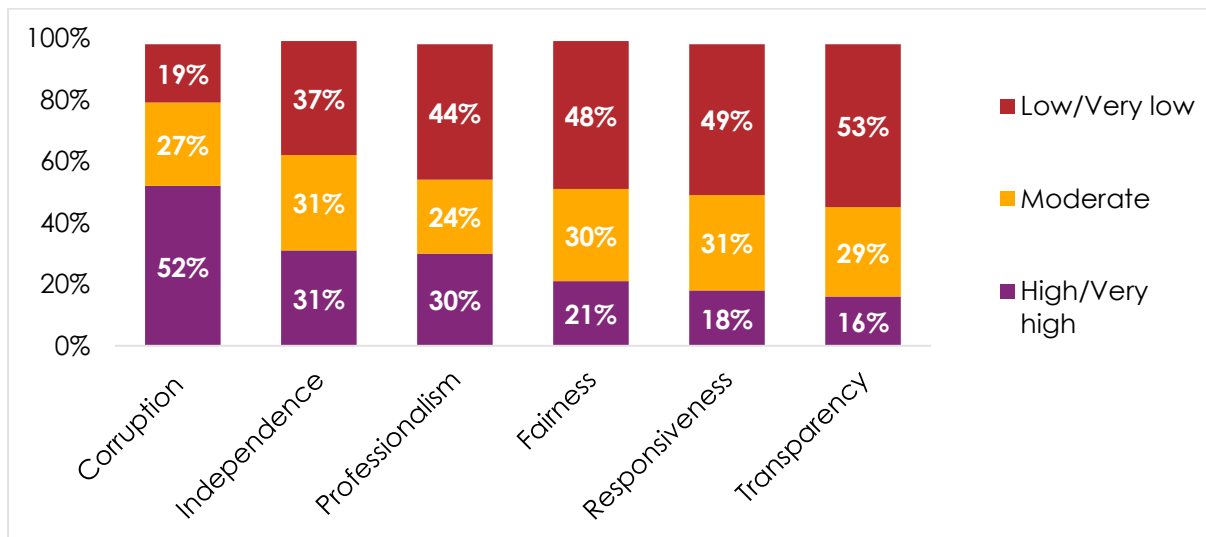
Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say?

Figure 4: Most important reasons why Ghanaians do not use justice system | Ghana | 2019



Respondents were asked: What three most important reasons would prevent you or any Ghanaian like you from using the formal justice delivery system in Ghana? (Respondents could cite up to three reasons each.)

Figure 5: Evaluation of the formal justice system | Ghana | 2019



Respondents who had contact or experience with the formal justice system were asked: How would you rate the formal justice delivery system on the following: Independence of institutions within the justice system? Professionalism of officials within the justice system? Corruption in institutions within the justice system? Fairness of justice and administrative processes and proceedings? Responsiveness of the justice and administrative processes and proceedings? Transparency in justice and administrative processes and proceedings?

(Note: Since these questions were posed only to the 113 respondents who said they had contact with the justice system, the margin of error for these findings is substantially larger than for questions posed to all 2,400 respondents.)

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