

# RULE OF LAW

Rule of law is one of the foundations upon which the social contract between the government and its citizens rests.

We assess the judiciary's independence, the appointment processes and security of tenure, and the transparency and impartiality of judicial decisions.

## INDEPENDENCE

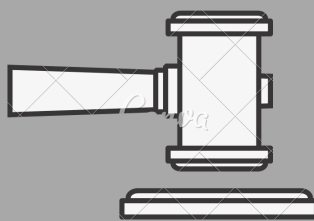
22 countries have not yet guaranteed the independence of the judiciary by law.



And only 7 countries guarantee it in-practice.

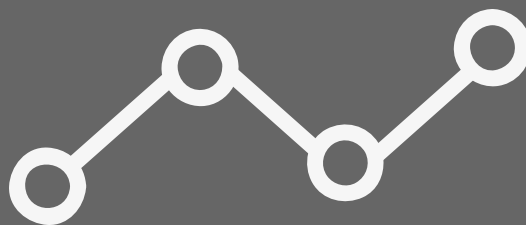
**Zambia** enacted the Public Audit Act 2016 that guarantees the independence of the supreme audit institution.

## JUDICIAL DECISIONS



**Nigeria** has demonstrated progress in making its legal judgments available to the public in paper copies and and detailed formal reasoning for their rulings; however decisions are not always available online.

## REGIONAL TRENDS



**East Africa** has shown considerable and steady improvement, with dramatic improvements across the board for **Kenya** and **Ethiopia**, and modest improvements in **South Sudan**.

## FEEDBACK LOOP



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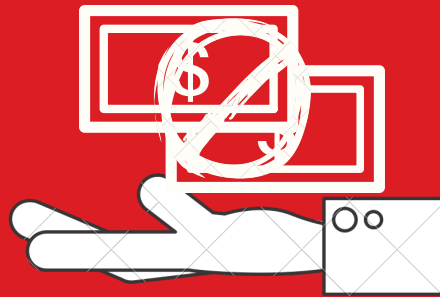
# ACCOUNTABILITY

Accountability among state institutions, and between citizens and the state is an important mechanism to ensure checks and balances work effectively.

We assess select aspects including public sector anti-corruption framework, as well as police accountability.

## LEGAL FRAMEWORK

All African nations have formally made corruption illegal; however, nearly half lag behind in setting up an independent anti-corruption commission.



**Burkina Faso** institutionalized through the new law 082-2015/CNT an independent anti-corruption commission.

## POLICE MISCONDUCT

Across Africa, there have been wide improvements in the ability of citizens to report police misconduct. In particular, **Morocco** has experienced a significant improvement in this area, making mandatory the use of body cameras on police officers.



## REGIONAL TRENDS

**Niger, Nigeria, and Cameroon** experienced steps back in the prosecution of officials for corrupt practices. In **Nigeria**, the administration is accused of targeting political opponents for prosecution whilst overlooking corruption in its own ranks.



**Kenya** experienced significant improvement in its appointment of officials to the anti-corruption commission, heralded by a serious shakeup of the commission and resulting in the removal of three officials from the committee.

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# ACCESS TO INFORMATION

ATI laws grant citizens the right and means to obtain access to government records, a good indicator of government transparency.

Going beyond a narrow definition of ATI we assess citizen access to information, public asset disclosure requirements, media ownership, reporting standards, and censorship in both traditional and online sources.

## ACCESS TO INFORMATION

**Rwanda** stands out as the only African country where citizens have a 'moderate' chance in actually accessing public information.



**Ghana and Mauritius** achieved 'strong' scores on citizen access to legislative processes and documents.

The countries with the lowest rankings, such as **Sudan, South Sudan, Somalia, and Angola**, are countries with histories of intense civil conflict.

**Most African nations** attained scores of 'weak' or 'very weak'.

## IMPLEMENTATION GAP



**Tunisia, Kenya, and Togo** enacted laws granting citizens the right to request public information, unfortunately these were not accompanied by improvements in practice.

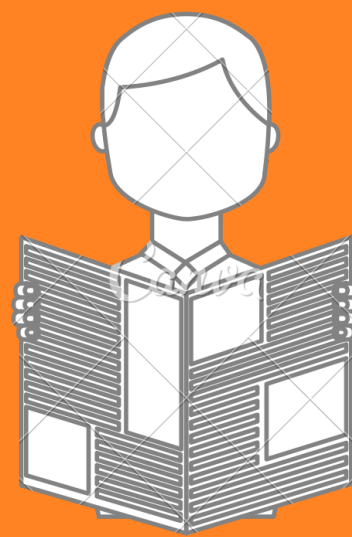
MIND THE GAP

In all three countries, citizen access to public information and legislative documents either remained stagnant or deteriorated.

## ASSET DISCLOSURES

Only four countries – **Algeria, Kenya, Djibouti, and Uganda** – require senior officials to disclose records of their assets publicly.

**None** of these countries have implemented the law .



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# ELECTIONS

Transparent and fair elections ensure a level playing field for political actors to allow all voices to weigh in on their country's direction.

We assess three main issues under electoral transparency: the independence and reporting of an election monitoring agency, financing of political parties, and access to media by political parties.

## REGIONAL TRENDS

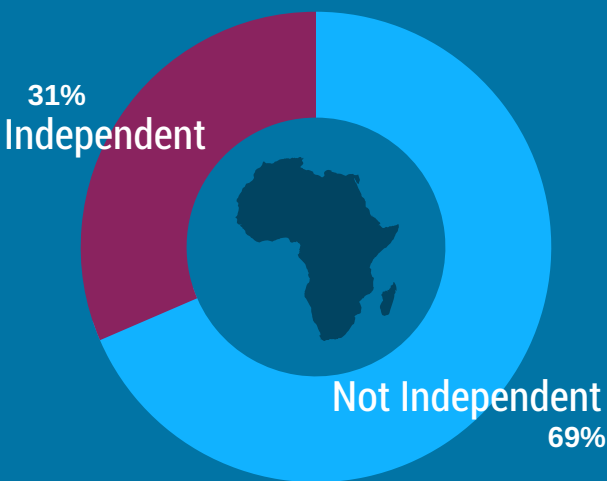
A large implementation gap exists between the guaranteed independence of election monitoring agencies in law and the actual practice.



Electoral transparency has continued to decline since 2014.

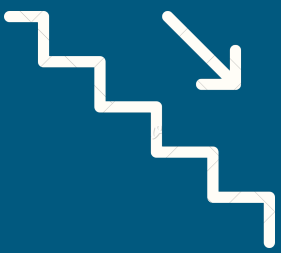
Electoral monitoring agency reporting has been one of the weakest points, scoring on average 26 out of 100.

## ELECTION MONITORING AGENCIES



A law reform has jeopardized the independence of the Electoral Commission in **Congo Brazzaville** by allowing the Ministry of Interior to organize elections in hand with the electoral agency.

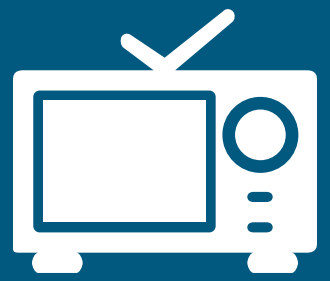
## POLITICAL PARTY ACTIVITIES



Transparency of private funding to political parties is the second lowest score across all countries.



Only **South African** political parties disclose public donations



Only **Madagascar** effectively guarantees political parties equal access to state-owned media.

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# WELFARE

Basic welfare is a pre-requisite for citizens to live healthy lives and participate in governance and decision-making.

We assess whether countries have social safety nets in four categories; youth, elderly, temporary-ill and disabled, and unemployment.

## REGIONAL TRENDS

**Mauritius and Seychelles** have strong social safety net programs that cover all four areas assessed.



Elderly protection programs have modestly continued to progress since they were first evaluated in 2014.

Unemployment programs are the weakest point in the welfare systems on the continent.



Implementation of most safety net programs across the continent has been declining since 2014.

## YOUTH



**Togo** is the only country that fully guarantees youth protection programs covering health, employment and housing.



**Cape Verde's** program to support youth education and employment ended without replacement.

**South Africa** responded to widespread youth protests by launching an encompassing youth policy.

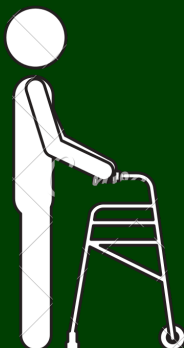
## THE ELDERLY AND DISABLED

**South Africa** increased the budget to support protection programs for the elderly.



**Algeria** saw one of the largest deteriorations when it terminated its elderly safety net programs.

**Egypt** is granting a small pension for the elderly and disabled out of the pension system under a new social security project.



**Botswana and Mauritius** are the only countries that fully support protection programs for those with temporary illness and disabilities.

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# CIVIL SERVICE INTEGRITY

Civil service integrity is key to providing an enabling environment for government effectiveness.

We assess conflict of interest, political interference, political appointments bias and mechanisms to report corruption.

## LEGAL FRAMEWORKS



In **Tanzania**, a Whistleblower and Witness Protection Act was adopted, and the Public Leadership Code of Ethics Act amended.



In **Mauritius**, performance appraisals are done with a Performance Management System management tool.



Throughout the continent, only **Kenya** requires all civil servants to publicly disclose their assets.

## ENABLING ENVIRONMENTS?



In **Burkina Faso**, political interference in trade union placements and cases of political prisoners have been reported.



In **Djibouti**, civil servants are effectively banned from supporting political parties other than that in power.



**East Africa** has seen the most improvements while **Southern Africa** continues to score the highest in this category overall.

## GOVERNMENT EFFECTIVENESS



**Rwanda** launched an e-Recruitment tool with standardized benchmarks overseen by the Office of the Public Service Commission.



In **Ghana**, merit-based recruitment procedures & codes of conduct are followed, with violations referred to an internal disciplinary committee.

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# GENDER

Equality between men and women is fundamental in ensuring that countries have a shot at tackling poverty, ensuring justice and achieving sustainability.

We assess legal frameworks, including customary law, supporting gender equality, women's access to employment, and their representation in all branches of government.

## LEGAL FRAMEWORKS

Over **70% of countries in Africa** have customary laws not allowing women equal land ownership in comparison to men.

Women have equal inheritance rights to men guaranteed regardless of the legal framework in **only 8 countries**.



## ACCESS TO EMPLOYMENT



Despite **nearly half the continent** legally guaranteeing women equal access to employment opportunities and benefits, **Botswana** is the only country where this right is fully exercised in practice.

## REPRESENTATION

**Eritrea and Nigeria** are the only countries where women are significantly represented in the legislature.

**Rwanda, South Africa and Zambia** are the only countries where appointments to the national cabinet take gender into consideration.



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