



The
World
Justice Project

THE RULE OF LAW INDEX

WORLD JUSTICE FORUM
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**The World Justice Project
Rule of Law Index:
Measuring Adherence to the Rule of
Law around the World**

Mark David Agrast, Juan Carlos Botero,
Alejandro Ponce-Rodríguez and Claudia Dumas

Presented at the World Justice Forum
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“It is extremely important that the rule of law no longer be perceived only as business for lawyers... It is something for every single person – from the rural people in the fields through the fisherman up to the MP’s, the judges. Everyone should feel that the rule of law is part of his or her property.”

Adama Dieng, Registrar, International Criminal Tribunal for Rwanda; Assistant Secretary-General United Nations. Remarks to the WJP Multidisciplinary Outreach Meeting in Accra, Ghana, January 10, 2008.

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The World Justice Project Rule of Law Index: Measuring Adherence to the Rule of Law around the World

Mark David Agrast¹, Juan Carlos Botero²,
Alejandro Ponce-Rodríguez³ and Claudia Dumas⁴

This document contains five parts. The first part describes the objectives of the World Justice Project's Rule of Law Index and the definitional principles on which it is based. The second part describes the factors and sub-factors that make up the Index. The third part briefly reviews the methodological challenges that should be considered when constructing an index to measure the rule of law. The fourth part describes the methodology developed by the WJP to test the Index, in light of the substantive and methodological challenges described in parts two and three. Finally, section five discusses results, lessons learned, and next steps.

The Rule of Law Index

Overview

The World Justice Project (WJP) is a multinational, multidisciplinary initiative to strengthen the rule of law worldwide. It is building a broad and diverse constituency that will advance the rule of law as a foundation for thriving communities.

A key element of the WJP is the Rule of Law Index (the Index) (Exhibit A), a new tool developed to assess countries' adherence to the rule of law. The Index is designed to provide governments, business leaders, non-governmental organizations and civil society with objective information that enables them to measure a nation's strengths and weaknesses with respect to over 100 variables of the rule of law as it operates in practice. This information will be of practical use to many audiences, including investors and entrepreneurs seeking to make reliable risk assessments, human rights advocates who want to identify key gaps in the implementation of human rights protections, and policy makers who wish to undertake reforms to improve compliance with the rule of law.

It should be emphasized that the Index is intended to be applied in countries with vastly differing social, cultural, economic and political systems. No society, however advanced in other respects, has ever attained—let alone sustained—a perfect realization of the rule of law. Every nation faces the perpetual challenge of building and renewing the structures, institutions, and norms that can support and sustain a rule of law culture.

The version of the Index that will be presented at the World Justice Forum in July 2008—denominated Version 1.0—is a work in progress. It reflects over 18 months of intensive development, worldwide consultation, beta testing and analysis.

¹ Senior Fellow, Center for American Progress, Washington, D.C.; Commission on the World Justice Project.

² Director, Rule of Law Index, World Justice Project.

³ Consultant, World Justice Project.

⁴ Executive Director, World Justice Project.

Version 1.0 consists of 13 factors and 50 sub-factors organized under four conceptual headings, or bands, which correspond to a set of four universal principles that define the rule of law for purposes of the Index.

The present volume includes a detailed description of the structure and development of the Index and the methodologies that have been used to apply it in the pilot tests conducted during the second quarter of 2008.

The Index methodology employs a combination of data collection methods and sources of information, including a standardized general population poll, four standardized expert surveys, and analysis and triangulation of data from existing indices and local sources. The methodology developed by the WJP team was tested in Argentina, Australia, Colombia, Spain, Sweden and the United States. The results of the pilot tests will be presented at the World Justice Forum.

In addition, the Vera Institute of Justice developed for the WJP a set of new performance indicators to measure the Index, and tested indicators for the last two bands of the Index in Chile, India, Nigeria and the United States. The results of the pilot tests conducted by the Vera Institute and its partners in the Altus Network are included in the report prepared for the WJP and attached at Exhibit C.

Objectives

The Rule of Law Index is the first index to offer a highly detailed and comprehensive picture of the extent to which a given country⁵ adheres to the rule of law.

In developing the Index, the WJP made an extensive study of the many existing indices that offer assessments of factors associated with the rule of law, including the World Bank's *Worldwide Governance Indicators* and *Doing Business*; Transparency International's *Corruption Perceptions Index*; Freedom House's *Freedom in the World*; the American Bar Association Rule of Law Initiative's (ROLI) judicial and other institutional indices; the *Ibrahim Index of African Governance*; and the *Bertelsmann Transformation Index*. These indices provide valuable information on particular aspects of the rule of law, chiefly as they bear on such matters as governance, transparency, investment climate, corruption and human rights. But they do not give primary emphasis to the rule of law or seek to address it in a comprehensive way.

The goal of the Index is to develop a robust and cost-effective methodology that can be deployed on a frequent and regular basis in a large number of countries, and that is sensitive enough to track incremental improvements over time. It is intended, not to reduce a country's performance to a single aggregate score, but rather to provide objective data that can aid governmental and nongovernmental actors in identifying strengths and weaknesses and

⁵ Pilots in the 6 initial countries were limited to the country's largest city. The WJP intends to expand coverage to other urban areas and to rural areas, with some limitations.

promoting specific, targeted reforms in a variety of dimensions that are relevant to the rule of law.

In order to evaluate the rule of law in a given country, it is important to have an understanding of the country's laws and institutions. However, this is not enough. It is necessary to look not only at the laws as written (*de jure*) but at how they are actually implemented in practice and experienced by those who are subject to them (*de facto*). The WJP Index methodology focuses on adherence to the rule of law in practice.

Defining the rule of law

The design of the Index began with the effort to formulate a set of principles that would constitute a working definition of the rule of law. Having reviewed the extensive literature on the subject, the project team was profoundly conscious of the many challenges such an effort entails. Among other things, it was recognized that for the principles to be broadly accepted, they must be culturally universal, avoiding Western, Anglo-American, or other biases. Thus, the principles were derived to the greatest extent possible from established international standards and norms, and informed by a thorough review of national constitutions and the scholarly literature. The principles (and the Index) were tested and refined through a series of consultations with experts from around the world to ensure, among other things, their cultural competence.

It also was recognized that any effort to define the rule of law must grapple with the distinction between what scholars call a “thin” or minimalist conception of the rule of law that focuses on formal, procedural rules, and a “thick” conception that includes substantive characteristics, such as self-government and various fundamental rights and freedoms. On one hand, it was felt that if the Index was to have utility and gain wide acceptance, the definition must be broadly applicable to many kinds of social and political systems, including some which lack many of the features that characterize democratic nations. On the other hand, it was recognized that the rule of law must be more than merely a system of rules—that indeed, a system of positive law that fails to respect core human rights guarantees established under international law is at best “rule *by* law,” and does not deserve to be called a rule of law system.

The four “universal principles” that emerged from our deliberations are as follows:

- I. The government and its officials and agents are accountable under the law.
- II. The laws are clear, publicized, stable and fair, and protect fundamental rights, including the security of persons and property.
- III. The process by which the laws are enacted, administered and enforced is accessible, fair and efficient.
- IV. The laws are upheld, and access to justice is provided, by competent, independent, and ethical law enforcement officials, attorneys or representatives, and judges who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

These principles represent an effort to strike a balance between thinner and thicker conceptions of the rule of law, incorporating both substantive and procedural elements—a

decision which was broadly endorsed by the international experts whom we have consulted. A few examples may be instructive:

- The principles address the extent to which a country provides for fair participation in the making of the laws—certainly an essential attribute of self-government. But the principles do not address the further question of whether the laws are enacted by democratically elected representatives.
- The principles address the extent to which a country protects fundamental human rights. But given the impossibility of assessing adherence to the full panoply of civil, political, economic, social, cultural and environmental rights, the principles treat a more modest menu of rights, primarily civil and political, that are firmly established under international law and bear the most immediate relationship to rule of law concerns.
- The principles address access to justice, but chiefly in terms of access to counsel and access to tribunals, rather than in the “thicker” sense in which access to justice is sometimes seen as synonymous with the legal empowerment of the poor and disfranchised. Access to justice is a critical cornerstone for the implementation of policies and rights that empower the poor.

In limiting the scope of the principles in this fashion, the WJP does not wish to signal any disagreement with a more robust and inclusive vision of self-government, fundamental rights, or access to justice, all of which are addressed in other important and influential indices, as well as in the papers developed by WJP scholars. Indeed, it is among the premises of the project as a whole that a healthy rule of law is critical to advancing such goals.

Cultural competence⁶ and traditional systems of justice

An analysis of legal and judicial institutions within a country or across countries must take into account variations that stem from many factors, including ethnic, cultural and religious differences, socio-economic status and geographic conditions.

A particular concern is the role played in many countries, and particularly developing countries, by traditional or “informal” systems of law—including traditional tribal and religious courts and community-based systems for resolving disputes. These systems play a large role in many cultures in which formal legal institutions fail to provide effective remedies for large segments of the population.

The project team has devoted much attention to considering the extent to which the Index can and should take account of these informal/traditional systems of law. On one hand, it was recognized that the Index cannot provide a complete picture of the rule of law without acknowledging the important role of such systems in many societies. On the other hand, it was clear that the complexities of these systems and the difficulties of measuring their effectiveness would make assessments extraordinarily challenging. The data collection

⁶ “Cultural competence” is a “set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework”. Cross, T L et al., *Towards a Culturally Competent System of Care: A Monograph on Effective Services for Minority Children*. National Center for Cultural Competence. Georgetown University, 1989.

instruments used in the country pilot tests included a basic set of questions regarding informal or traditional systems, but this is one of the areas in which substantial further work will be needed as the Index continues to evolve.

Building the Index

The Rule of Law Index seeks to give concrete form to the universal principles in a manner that takes into account diverse governing patterns, the gap between law and practice, and, where applicable, the role of traditional or informal systems of law.

Version 1.0 of the Index, which will be presented at the World Justice Forum in Vienna, consists of 13 factors and 50 sub-factors organized under four conceptual headings, or bands, which correspond to the four universal principles.

The factors and sub-factors are not intended to provide an exhaustive description of the institutional structures and processes that make up a given legal system. Indeed, these will vary widely among different systems. Rather, the factors and sub-factors denominate the core functions which the system must perform if it is to give effect to the universal principles.

Description of the Index

BAND I

The first band, which includes factors 1 through 4, comprises the means, both constitutional and institutional, by which the powers of the government and its officials and agents are limited and by which they are held accountable under the law. If there is a single litmus test for the rule of law, it is surely the notion that the government is subject to law.

Factor 1 speaks to the limits imposed on government and government officials by a constitution or other fundamental law which the government and its officials and agents are bound to uphold. It is understood that a constitution may be written or unwritten, and that some constitutions are intended to be more easily amended or suspended than others. As with other factors below, the text of the constitution itself does not constitute a satisfactory test for this factor. What is critical is that the constitutional definitions and the limits placed on government power are effectively observed in practice, and that the constitution is amended or suspended only by means that are themselves constitutional. It is the *de facto* efficacy of the laws that the Index methodology attempts to measure.

Factor 2 relates to the institutional and nongovernmental checks that operate to limit the power of the government and its officials. These include a distribution of powers among the separate organs of the government (or among the different layers of government), civilian control over law enforcement and the military, formal processes for reviewing the actions of government officials and agents, and access to government information. Governmental checks take many forms; they do not operate solely in systems marked by a formal separation of powers, nor are they necessarily codified in law. What is essential is that authority be distributed, whether by formal rules or by convention, in a manner that ensures that no single organ of government has the practical ability to exercise unchecked power.

Factor 3 describes the role of international law in holding the government to its commitments, both in its treatment of persons and entities within its jurisdiction and in its relations with foreign governments and foreign nationals. States are bound by treaties and other international agreements to which they are a party, as well as by recognized norms of customary international law.

Factor 4 concerns the means by which the system ensures that government officials and agents are subordinate to the law, including rules and processes by which they are held accountable for official misconduct and can be compelled to perform official duties or refrain from illegal acts. This factor also encompasses the means by which individuals who report official misconduct are protected from retaliation.

BAND II

The second band, comprising factors 5 through 9, sets forth the elements of clarity, publicity, stability, and fairness that characterize the laws and the fundamental rights whose protection is necessary for the rule of law to flourish, including protections for the security of persons and property.

Factor 5 relates to the elements of clarity, publicity and stability that are required for the public to know what the law is and what conduct is permitted and prohibited. There was much discussion of what is meant by laws that are “clear.” Many laws are written in language that is complex or obscure, sometimes unavoidably so, and their meaning may be far from evident—even to those schooled in the law. The test should therefore be whether the meaning of the law can reasonably be ascertained. The requirement that the laws be publicized includes the requirement that they be widely accessible in all official languages and to persons with disabilities. The requirement of stability includes the requirement that duly enacted laws not be abrogated in secret or by decree.

Factor 6 refers to the objective fairness of the laws. The laws can be fair only if they do not make arbitrary or irrational distinctions based on economic or social status—the latter defined to include race, color, ethnic or social origin, caste, nationality, alienage, religion, language, political opinion or affiliation, gender, marital status, sexual orientation or gender identity, age, and disability. It must be acknowledged that for some societies, including some traditional societies, certain of these categories may be problematic. In addition, there may be differences both within and among such societies as to whether a given distinction is arbitrary or irrational. Despite these difficulties, it was determined that only an inclusive list would accord full respect to the principles of equality and non-discrimination embodied in the Universal Declaration and emerging norms of international law. Other dimensions of fairness covered by this factor include the requirement that the laws accord national treatment to non-nationals who are lawfully present within the territory of the nation, forbid the imposition of religious laws on non-adherents, prohibit the retroactive application of the criminal laws, and protect the right to engage in private commercial activity subject to reasonable regulation.

Factor 7 concerns the legal protection of fundamental rights. Sixty years after its adoption, the Universal Declaration remains the touchstone for determining which rights may be considered fundamental, even as newer rights continue to emerge and gain acceptance. At the regional meetings there was spirited discussion over which rights should be encompassed

within the Index. Many urged that the list be confined to civil and political rights, particularly those, such as freedom of thought and opinion, which bear an essential relationship to the rule of law itself. Others argued for a broader treatment that would encompass social, economic and cultural rights. While the debate may never be fully resolved, it was determined as a practical matter that as there are many other indices that address human rights in all of their dimensions, and as it would be impossible for the Index to assess adherence to the full range of rights, the current version of the Index should focus on a relatively modest menu of rights that are firmly established under international law and are most closely related to rule of law concerns. Accordingly, factor 7 covers laws that ensure equal protection, freedom of thought and expression, freedom of association (including the right to collective bargaining), the right to privacy and the rights of the accused, as well as laws that provide a remedy for violations of these rights. Many of these rights have broad applications beyond the justice system. For example, the Index methodology tests the right to equal protection against discrimination in areas such as access to health and education services. It also should be noted that these elements are not the only aspects of the Index that relate to the protection of human rights. See, e.g., factor 6 (non-discrimination) and factors 8 and 9 (security of persons and property), factor 11 (selective or discriminatory enforcement) and factor 13 (access to justice).

Factor 8 concerns laws that protect the security of the person, including laws that protect persons from unjust treatment or punishment and laws that protect against and punish crimes against the person. While a broad international consensus supports prohibitions that have a strong basis in customary law regarding such practices as torture, arbitrary arrest, and the execution of juveniles, whether certain other practices constitute unjust treatment or punishment remains subject to varying interpretations in different societies

Factor 9 concerns laws which protect the security of property. These include laws that provide for the right to hold and dispose of property, prohibit arbitrary deprivations of property, and protect against and punish crimes against property.

BAND III

The third band, which comprises factors 10 and 11, describes the accessibility, fairness and efficiency of the process by which the laws are enacted, administered and enforced.

Factor 10 concerns the extent to which the process by which the laws are enacted, administered and enforced is accessible to the public. Among the indicia of access are: whether proceedings are held with timely notice and open to the public, the lawmaking process provides an opportunity for diverse viewpoints to be considered, and records of legislative and administrative proceedings and judicial decisions are available to the public.

Factor 11 looks at fair and efficient administration and enforcement which demands that the laws are not applied or enforced arbitrarily or selectively, for political advantage or in retaliation for lawful activities or expression; public privileges or benefits are not granted or denied on the basis of economic or social status; the laws are administered and enforced without the exercise of improper influence by public officials or private interests, without excessive fees, improper inducements, or unreasonable delay; and the laws provide effective redress for noncompliance.

BAND IV

The fourth band, comprising factors 12 and 13, addresses the need for judges, lawyers and law enforcement officials who will perform their roles in a manner that ensures the integrity of the justice system and guarantees access to justice.

Factor 12 addresses the need for sufficient numbers of judges, lawyers, and law enforcement officials, including prosecutors and correctional officers, who are competent, impartial, ethical, independent, and broadly representative of the communities they serve, and for courthouses, police stations and correctional facilities that are maintained in proper condition and in appropriate locations to ensure access and safety.

Factor 13 addresses the degree to which the society assures that access to justice is not denied to any person on the basis of economic or social status, persons accused of violations of law have the right to competent legal representation regardless of their ability to pay, non-profit or government-sponsored legal services are available to provide access to competent advice and representation in civil and criminal cases, and administrative and judicial proceedings are conducted in a way that does not place persons at a disadvantage on the basis of economic or social status. We note that many aspects of access to justice are contained in other Index factors, and that future versions of the Index may seek to address access to justice in a deeper and more expansive way.

Consultations and beta testing

The Index has benefited enormously from extensive consultations conducted over an 18-month period beginning in January 2007. From an initial conference call with five leading experts in rule of law and index development, to the formation of an expert advisory group, to seminars with rule of law scholars in Chicago and at Stanford, Yale, and the Hague, to multidisciplinary outreach meetings held on five continents, the Index has received a detailed and rigorous review.

A series of “beta test” versions has been critiqued by economists, political scientists, comparative legal scholars, business leaders, human rights advocates, and leaders from many other fields of endeavor. Their comments and questions have focused on such matters as the content and structure of the Index, rule of law definitions and applicable international standards, cultural competence, the applicability of the Index to diverse legal systems, the degree to which the Index should attempt to assess informal systems of law, the design of rule of law indicators and proxies, and methodological issues related to measurement, testing, and analysis of results.

The regional meetings have been a particularly rich source of feedback and advice. The initial draft, Beta Test Version 1.0, was presented in February 2007 in Washington, D.C. Subsequent beta versions were presented at international multidisciplinary outreach meetings in the Czech Republic, Singapore, Argentina, and Ghana between July 2007 and January 2008, bringing together some 200 individuals from more than 15 disciplines and 61 nations. The participants in these meetings were invited to scrutinize the principles, factors and sub-factors, and they provided a wide range of comments and criticisms that have been extraordinarily valuable in helping to ensure that the Index is applicable to societies with

diverse social, political, and legal systems, to correct for cultural bias, and to anticipate and address methodological concerns.

Overview of existing indexing methodologies

There are a number of existing cross-country data sources on institutions, governance, corruption, human rights, transparency and the rule of law, which follow various methodological approaches. Exhibit B lists some of the most relevant cross-country sources, classified by methodology and number of countries covered

Relevant methodological aspects to consider when constructing an index include: intended audience and uses of the information; data collection and information sources; coverage in terms of number of countries and areas of the law; data-collection methods; frequency; sample size; bias; aggregation of scores; cost and replicability; cultural competency, and traditional justice institutions.

Variety of audiences and uses of information

There is a tension among the needs of various users of information. While all of them seek timely and accurate information, they have different goals and emphases. For instance, the business community seeks simplicity and flexibility to enable rapid decision-making, while the legal community looks for conceptual precision and detail. Similarly, within the academic community, while development economists expect comparability and standardization, sociologists and anthropologists focus on understanding local realities and cultural competency.

Each methodology has strengths and weaknesses and some may be better suited than others to the particular needs of various audiences. For instance, the *PRS's International Country Risk Guide*, which includes subjective analysis of the available information and provides projections of future conditions for risk assessment purposes⁷, is suited to the needs of the business community. Aggregate indicators like the World Bank's *Worldwide Governance Indicators* are particularly useful for conducting cross-country research and broad policy analysis on development economics, but lack the level of data disaggregation needed for guiding specific policy reforms within a country.

Data collection and sources

Some indices, like the *Worldwide Governance Indicators*, aggregate the results of surveys and polls of different groups of people (e.g., attorneys, public officials, business people, and the broader public). Others, like indices produced by ROLI and Freedom House, use an in-country team of experts. These experts may interview people, review laws, employ a case study approach, or conduct research using national and international media. Still other indices, such as those included in the *Gallup World Poll*, rely exclusively on perception-based questions to the general population. All these approaches must contend with such

⁷ The PRS International Country Risk Guide Methodology (2008), p. 2.

challenges as that of achieving comparability across disparate countries while also allowing for in-depth examination of each country's culture and context.

Coverage: number of countries, areas of the law, and frequency

The number of countries covered by various indices and the frequency with which the countries are assessed depend in part on the methods employed for data collection and the available resources for conducting the research. Country-based, ground-up research requires more resources and often reduces the number of countries that can be covered. Methodologies demanding extensive participation of highly-qualified local individuals are often better suited for capturing a broad spectrum of interconnected issues in complex local realities, while they face significant practical difficulties for rapid and standardized expansion and raise methodological concerns for data comparability. Qualitative assessments are generally more culturally competent but also more time-consuming and expensive. As mentioned above, methodological variations among existing indices largely depend on their intended constituencies and goals.

Aggregation of scores

Existing indices take a variety of approaches to scoring and reporting results. Some, like Transparency International's *Corruption Perceptions Index* and the World Bank's *Doing Business*, employ a fine-grained scoring system that ranks countries. Other indices, like Freedom House's *Nations in Transit*, employ a looser ranking system, aggregating each country's score on different factors into grouped tiers. Others still, like CEELI's indices, reject rankings altogether, instead scoring each factor as positive, neutral or negative, and not aggregating these evaluations into a total score.

The complexity of the rule of law presents a particular challenge to the principle of "unidimensionality"⁸ and makes such aggregation highly problematic. This is one of the reasons that the WJP has decided not to aggregate rule of law scores into a single country score.⁹

WJP's contribution

The WJP is presenting at the World Justice Forum two complementary methodologies to measure adherence to the rule of law across countries.

- The WJP's Rule of Law Index methodology, which relies on a combination of data collection methods and sources of information, including a standardized general

⁸ "Unidimensionality" is one of the principles of index construction. It is "the principle that when using multiple indicators to measure a construct, all the indicators should consistently fit together and indicate a single construct." To follow this principle is essential for aggregating scores meaningfully. Neuman, W.L., *Social Research Methods*, at 202.

⁹ Other reasons include the fact that a single score will obscure as much as it informs, providing little practical guidance to legal reformers and failing to provide an accurate picture of the state of affairs.

population poll, four standardized expert surveys, and analysis of data from existing indices and local sources. This methodology was developed by the WJP team, and it was tested in Argentina, Australia, Colombia, Spain, Sweden and the United States. This methodology studies a number of dimensions relevant to the rule of law, in the following four areas: civil and commercial law; criminal justice; labor law; and public health.

- New performance indicators for the last two bands of the Index which were developed by the Vera Institute of Justice for the WJP and tested in Chile, India, Nigeria and the United States. These indicators draw on a range of data sources including the opinions of experts and members of the general public, information from the police, courts, prisons, and other institutions, NGO reports, and legislation. This methodology uses a flexible approach that is particularly strong in enabling in-depth understanding of local legal realities in radically different countries. Vera's indicators have a particular focus on the criminal justice dimensions of the rule of law. The results of the pilot tests conducted by the Vera Institute and its partners in the Altus Network are included in the report prepared for the WJP and attached at Exhibit C.

The WJP expects that these two complementary methodologies will represent a significant contribution to the field.

Description of the Methodology

Purpose and objectives

The WJP has developed a robust and cost-effective methodology that will produce accurate information at a policy-level disaggregation of detail, will be useful to various different audiences, and can be deployed on a frequent and regular basis in a large number of countries. It is anticipated that the methodology will enable the Index to cover a growing number of additional countries per year, attaining a truly global reach of 100 countries within three years.

Data sources

The WJP's Rule of Law Index methodology utilizes two main sources of new data to measure more than 100 variables:

- A general population poll which follows the most rigorous polling standards. Polls reach 1,000 randomly selected respondents per country (1,500 in very large countries), who answer questions based on both their perceptions and their personal experience. The questions are based on specific examples of how the rule of law works *in practice*.
- Qualified respondent's questionnaires conducted with attorneys, academics, government officers and judges and other highly qualified respondents with knowledge of the application of the rule of law in practice in their country. The

questionnaires are addressed to four areas of expertise: civil and commercial law; criminal justice; labor law; and public health.

In addition, local and cross-country data, including quantitative data and qualitative assessments drawn from such highly reputable indices as the World Bank's *Worldwide Governance Indicators* and *Doing Business*, Transparency International's *Corruption Perceptions Index*, and Freedom House's *Freedom in the World*, is under careful examination and testing for incorporation in the methodology.

The general population poll

The questionnaire for the general population poll was developed by WJP staff in collaboration with the research team and senior management team of the *Centro Nacional de Consultoría*, which is one of the oldest and most experienced polling companies in Latin America and a member of WalkerInformation Global Network, *CIMA* and *Gallup International*. It also includes valuable input from Roy Morgan Research, which is one of Australia's best known polling companies.

The general population poll was developed and applied in three stages. First, the initial questionnaire including close to 100 questions, was tested by WJP staff among respondents from diverse national, cultural and socio-economic background in several countries, individually or through a small-group methodology. Second, a selection of 54 questions was piloted in urban areas of Bogotá, Colombia to test strengths and weaknesses of various types of questions. In particular, the pilot tested the feasibility of including experience-based questions as one of the core elements of the Index methodology. The third stage was the application of 20 questions in the largest cities of five additional countries: Argentina, Australia, Spain, Sweden, and the United States. A total of 1000 interviews were collected per city, among people aged 18 years or older.

The pilot in Colombia proved an effective test of the questions to be applied in the remaining five countries. The questionnaire included both perception-based and experience-based questions. These questions are defined below. Several experience-based questions proved ineffective in Colombia for a sample of 1000 randomly selected individuals. The WJP is considering whether further tests using larger samples would be advisable.

The selection of additional pilot countries was driven by two main considerations: first, to include diverse regions of the world, levels of economic development, population sizes, and legal and cultural traditions; and second, to test the Index in groups of countries that might be expected to produce comparable results owing to the similarities in their legal and political systems. The combination of these two sets of considerations yielded two groups of countries: Colombia and Argentina; and Australia, Spain, Sweden and the USA.

The general population questionnaire included the following areas, grouped by methodology:

	Perception-based questions	Experience-based questions
Resolution of a simple commercial dispute through both formal and traditional justice		4
Prevalence, reporting and punishment of police abuses	3	4
Prevalence, reporting and punishment of criminal activity		6
Labor rights – freedom of association	1	
Mob justice	1	
Corruption	1	
Total	6	14

The following table contains a full description of the polling methodology employed in all six countries:

General Population Poll – Methodology						
<p><u>Fieldwork methodology:</u> Polling was conducted by telephone, using a Computer Assisted Telephone Interviewing System. All the cities in the study have an average of at least 80% penetration rate of landline phones in urban areas. The set of questions was uniform across cities. The questionnaire was translated into local languages and adapted to common expressions. Socio-demographic information was collected in all cities.</p> <p><u>Sample Design:</u> Probabilistic samples were drawn in each city. The selection was performed using simple random sampling, but controlling for gender by alternating interviews between men and women.</p> <p><u>Quality control and supervision:</u> Interviewers and supervisors in each city were trained in the proper language and words to be used during the interview as well as in the meaning of the questions asked. A parallel re-interviewing procedure of 20% of the sample was performed to control the quality of the data collected during fieldwork. Also, a post hoc revision of the data set was made to detect any possible bias. Interviewing was conducted by experienced local polling companies. Coordination of methods and content was conducted among participating organizations under the supervision of Julio Ponce-de-León, PhD., head of research and senior manager at the Centro Nacional de Consultoría.</p>						
City	Bogotá, Colombia	Sydney, Australia	New York, United States	Madrid, Spain	Buenos Aires, Argentina	Stockholm, Sweden
Sample Size	1000	1000	1000	1000	1000	1000
Sample Design	Probabilistic sample, Mono-stage, Simple Random Sample, urban areas.	Probabilistic sample, Mono-stage, Simple Random Sample, urban areas.	Probabilistic sample, Mono-stage, Simple Random Sample, urban areas.	Probabilistic sample, Mono-stage, Simple Random Sample, urban areas.	Probabilistic sample, Mono-stage, Simple Random Sample, urban areas.	Probabilistic sample, Mono-stage, Simple Random Sample, urban areas.
Fieldwork by	Centro Nacional de Consultoría	Roy Morgan Research	Newlink Research	Análisis e Investigación	Ifop-Latam	ScandInfo Marketing Research

The qualified respondent's questionnaire

A Qualified Respondent's Questionnaire was designed and applied to complement polling data with expert opinion on a variety of dimensions relevant to the rule of law. The questionnaire included both open and close-ended questions (Likert scale). Following a methodology developed at Harvard University,¹⁰ the questionnaire included several hypothetical scenarios with highly detailed factual assumptions aimed at ensuring comparability across countries.

The expert questionnaire was applied in two stages. First, an initial questionnaire with over 200 questions was tested by WJP staff among respondents with significant rule of law expertise in several countries. This aimed at testing various types of open and close-ended questions, as well as to determine the areas of the law to be covered by standardized questionnaires in the second stage. Based on the results of this pilot, four questionnaires were tailored to the following areas of expertise: civil and commercial law; criminal justice (due process); labor law, and public health. These four questionnaires were applied among highly qualified individuals in the aforementioned countries: Argentina, Australia, Colombia, Spain, Sweden and the U.S.

Qualified respondents were selected from:

- Law professors with meaningful publications in at least one of the four areas of expertise.¹¹
- Practicing attorneys with significant practical experience in at least one of the four areas of expertise.
- Current and former government officials, prosecutors and judges.

Qualified respondents were selected based solely on their professional expertise.

All the questions applied in the general population poll were also included in the expert's questionnaires in order to obtain a proxy of possible respondent bias. In addition, the qualified respondent's questionnaires included both highly specific questions on the application of the law in practice in the relevant areas of expertise, and questions on transparency, access to information, and other general aspects of the rule of law.

¹⁰Djankov, et.al., "Courts", *Quarterly Journal of Economics*, May 2003.

¹¹For the public health questionnaire, in addition to health law professors, respondents also included professors of public health.

Internal data cross-check mechanism

The WJP's Rule of Law Index relies on experience-based questions and perception-based questions. Experience-based questions present simple cases to a broad range of individuals who relate their own recent experiences and those of close family members with regard to common situations that are relevant to the rule of law. Experience-based questions produce more reliable outcomes. They are also more difficult to implement due to sample size problems.

Conversely, perception-based questions ask respondents about their objective view of multiple dimensions of the rule of law, regardless of their personal familiarity with such situations. When these questions are asked of the general public, respondents relate to a wide range of sources of information, including the media and word of mouth. These questions can produce, at low cost, information on many areas, for a large sample of countries and on a yearly basis. Unfortunately, the perception of individuals may not be accurate if respondents have not had any previous experience with the situation asked. The WJP methodology also asks a broad range of perception-based questions of highly qualified individuals with expertise in one of four areas of the law.

The WJP's Rule of Law Index takes advantage of the strengths of both methodologies and combines them to overcome the possible bias that could arise due to the use of perception data. In particular, for every experience-based question in the general population poll, we included an equivalent perception-based question in the qualified respondent's questionnaire, with the objective of estimating the size and direction of the perception bias for multiple situations. Since the bias is likely to be correlated among very similar questions, knowing its size and direction for some of them allows us to be confident about a broad range of perception-based questions included in the qualified respondent's questionnaire. This internal cross-check mechanism is one of the most important contributions of the WJP's Rule of Law Index methodology.

Ethical considerations

Both of the WJP's data-gathering instruments—the general population poll and the expert's questionnaire—were applied in accordance with the highest standards of social science research to ensure that appropriate disclosures were provided, that respondents' participation was voluntary, and that their identities were not revealed.

For the general population poll, respondents' names and addresses were rapidly discarded and they were identified only by a code number to protect their anonymity. For the expert's questionnaire, the names and identifying information of respondents will be kept confidential. Only the number of respondents per country in each professional category will be disclosed.

Strengths and Limitations of the Methodology

- The WJP methodology described above exhibits a number of significant strengths:

- It produces accurate information at a policy-level disaggregation of detail regarding a variety of dimensions relevant to the rule of law (4 bands of the Index).
- It generates useful information for a variety of audiences, both within the country under review and internationally.
- It enables periodic and cost-effective application of the Index in a large number of countries so that the Index can track incremental changes over time.
- It employs a standardized approach that permits comparisons among similarly situated countries.
- It enables the Index to cover a growing number of additional countries per year, attaining a truly global reach of 100 countries within three years.
- It includes an innovative internal data cross-check methodology which enables calculation of a proxy of the size and direction of possible respondent's bias

With these methodological strengths come a number of limitations. First, the data will shed light on rule of law dimensions that appear comparatively strong or weak but will not be specific enough to establish causation. This will be necessary to use the Index in combination with other analytical tools to provide a full picture of causes and possible solutions.

Second, the measurement is not exhaustive. As with all other indices that use indicators as proxies for complex phenomena, the information conveyed by the Rule of Law Index will be at best a schematic approximation of reality. For example, the Index will provide useful information regarding access to lower civil and commercial courts, criminal courts and labor courts. Very basic information on access to traditional (informal) justice is also included, while family courts and military courts are presently not covered at all.

Third, the methodology was applied only in the largest city of each of the six pilot countries. As the project evolves, the WJP intends to extend the application of the methodology to other urban areas and eventually to rural areas as well.

Fourth, to the extent that the Index partially relies on the perceptions of qualified respondents, rather than entirely on hard data, several methodological concerns must be identified.

The first concern is that the perception of qualified respondents may not reflect the actual conditions faced by the general population in matters such as access to justice, discrimination, corruption or efficiency of the government, judiciary or police. This is because the respondent may not have experienced direct contact with such institutions and may base her opinion on information from third parties, newspapers or academic journals. Suppose, for example, that we are interested in the average level of corruption involved in obtaining a driver's license. If respondents have no knowledge about the actual process of getting a driver's license, their response will produce a biased estimate of the true expectation.

There are several ways to address this problem. The most obvious is to use a sample of experienced individuals, *i.e.* people from a broad range of social backgrounds who actually have experienced the particular situation. The WJP's Index relies as much as possible on the responses of such persons, by incorporating the general population poll (simple random probabilistic sample of 1000 individuals per country). Unfortunately, due to administrative costs it is not feasible to perform this exercise for every dimension of the Rule of Law Index.

Nonetheless, the Index relies on qualified respondents, and uses the experience-based questions of the general population poll, to quantify the direction and size of the bias. More specifically, in the general population poll, several questions were included for respondents to answer on the basis of their own experience. This enables us to obtain an unbiased estimate of the true expectation of some dimensions of the index. Then, we explore the same dimensions by asking the qualified respondents about their perceptions regarding the same topics.

By observing an unbiased estimate of the true expectation as well as an estimate of the respondent's perception of this expectation, we are able to estimate the size and direction of the perception bias. Knowing the size and direction of the bias is useful because the qualified respondent's survey is much more comprehensive than the general population poll. Thus, the WJP can obtain a proxy of the possible bias on many of the questions answered only by the qualified respondents. Using experience-based questions to generate an internal cross-check mechanism and obtain a proxy of possible respondent's biases is one of the most significant strengths of the WJP's Index methodology.

A second concern relates to the scale used, mainly by the qualified respondents, to measure the different dimensions of the rule of law. More specifically, many questions include a discrete (Likert) scale referring to categories such as "very likely", "likely" and so on. This labeling could be misleading as it could suggest different probability values to different individuals. To address this problem, a table containing the probability values for each category employed in the questionnaire has been included upon completion of the pilot stage.

A final concern relates to whether mass media coverage could affect the perception of individuals regarding the rule of law. In particular, cases publicized by the media could affect the perception of the general population in regard to a given topic, in a positive or negative way, regardless of the experience of the individual or any other additional information. To control for this possibility, we examined media coverage of cases related to corruption, abuse of the police, efficiency of the courts, etc., during the weeks before the application of the survey.

Results and Path Forward

A global definition of the Rule of Law

The most important result of this process is the development of a global definition of the Rule of Law. This definition – embodied in the Rule of Law Index - is deeply rooted in universal principles and is generally applicable across countries, cultural backgrounds, professional disciplines, and levels of economic development. It was developed and vetted through a highly participatory and inclusive process, during 18 months of intensive work involving hundreds of individuals from many nations and professional disciplines.

The Rule of Law Index that will be presented at the World Justice Forum in July 2008 has been critiqued by economists, political scientists, comparative legal scholars, business leaders, human rights advocates, and leaders from many other fields of endeavor. It has also

been vetted with local community leaders and other people working in the field in developing countries. It has been discussed with religious leaders from all corners of the world, not only at the WJP regional meetings but also during the intensive process of field-testing the Index in various nations.

The WJP has collected a wide range of comments and criticisms that have been extraordinarily valuable in helping to ensure that the Index is applicable to societies with diverse social, political, and legal systems, to correct for cultural bias, and to anticipate and address methodological concerns.

Participants at the World Justice Forum in Vienna will continue this highly participatory process to ensure that the WJP's definition of the Rule of Law becomes a global standard, one that may be of help for a variety of constituencies across nations in our collective effort to build a better world.

Robust and standardized methodology

The second result of this process is the development of a robust, cost-effective and highly standardized methodology that will produce accurate information at a policy-level disaggregation of detail, to track compliance with the rule of law around the world. This methodology will enable the production of information useful to various different audiences, and will allow the deployment of the Index on a frequent and regular basis in a large number of countries. It is anticipated that the Index will attain a truly global reach of 100 countries within three years.

Testing in six countries

The third outcome of this effort is the data gathered in the course of the pilot tests in Argentina, Australia, Colombia, Spain, Sweden and the United States. These field tests produced a large volume of valuable information which has been subjected to statistical analysis by the WJP team. The results of this data-gathering effort and analysis will be presented at the World Justice Forum in Vienna, in July 2008. Findings at this stage are very preliminary, and further analysis and testing will continue in the coming months. However, we believe these early results will provide a compelling demonstration of the value of this exercise.

Cultural competency

The development and testing of the WJP Index yielded the following lessons:

- A comprehensive evaluation of the effectiveness of the rule of law must take into account existing traditional and informal systems of rules and dispute settlement mechanisms.
- The variety of informal and traditional justice systems around the world is enormous, which substantially adds to the complexity of systematically comparing rule of law compliance across countries.
- The cultural competence of a country's legal and judicial institutions is a significant component of the practical effectiveness of the rule of law.

The WJP will continue to pay close attention to cultural competency considerations in the further development and deployment of the Index.

Global network

The many experts who responded to the questionnaires in the six pilot countries represent a strong constituency for advancing the rule of law at the local level. Interaction with many of these experts—academics, practitioners and government officials—has evolved far beyond the answering of the questionnaire, into productive collaboration in various areas related to the rule of law.

Complementarity with other WJP initiatives

The Rule of Law Index is highly complementary with other WJP initiatives, both benefiting and benefiting from the WJP's collaborative scholarship, mainstreaming, and local grantmaking programs. Over time, the index will produce information that will help identify and evaluate rule of law needs, assisting in the development of small projects and initiatives at the local level in developing countries. The index will also produce useful data for academic research.

Path Forward

The WJP will continue testing and analysis of the Index in additional countries during the second half of 2008, and further expansion will take place beginning in 2009. Several adjustments will be made to the methodology in the coming months, particularly as testing reaches less developed countries. For example, in countries and regions with a low penetration rate of landline telephones, face-to-face interviews will be required. Such factors will necessitate significant methodological adjustments. A pilot test of this methodology is expected to take place in Liberia during the third quarter of 2008.

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Melissa Thomas, Johns Hopkins University

World Justice Project Staff

Chantal Bright
Susanna Brown
Sarah Erickson-Muschko
Barbara Gottlieb
Sally Kim

Nathan Menon
Jennifer Miller
Rose Murray
Peggy Ochandarena

Consultants

José Caballero and Johannes Wheeldon
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Rule of Law Index

Version 1.0

The government and its officials and agents are accountable under the law.

1. The powers of the government and its officials and agents are defined and limited by a constitution or other fundamental law, whether written or unwritten.
 - 1.1. The powers of the government are defined and limited by a fundamental law which the government and its officials and agents are bound to uphold.
 - 1.2. The fundamental law can be amended or suspended only as it specifies.
2. The powers of the government and its officials and agents are limited by governmental and nongovernmental checks.
 - 2.1. The fundamental law distributes powers among the organs of the government in a manner that ensures that each is held in check.
 - 2.2. The fundamental law provides for civilian control over law enforcement and the military.
 - 2.3. The government has formal processes for reviewing the actions of government officials and agents.
 - 2.4. The government provides up-to-date and accurate information to the public and the media, subject to narrow and well justified exceptions defined by law.
3. The government is bound by international agreements to which it is a party and by customary international law.
 - 3.1. The government fulfills its obligations under international law with respect to persons and entities within its jurisdiction.
 - 3.2. The government conducts its relations with foreign governments and nationals, and seeks to resolve international disputes, in accordance with international agreements to which it is a party and customary international law.
4. The government and its officials and agents are subject to the laws.
 - 4.1. Government officials and agents are accountable for official misconduct, including abuse of office for private gain; acts that exceed their authority; and other violations of law.
 - 4.2. Government officials and agents may be compelled to perform official duties required by law and to refrain from official acts that violate the law.
 - 4.3. Government officials and agents may be sanctioned under standards of official conduct (including for actions taken following their term of office).

4.4. Government officials and agents follow clear procurement, expropriation, privatization and nationalization procedures and decisions are supported by evidence that the public can obtain in a reasonable time and at reasonable cost.

4.5. Government officials and agents, members of the media and private individuals who report official misconduct are protected from retaliation.

The laws are clear, publicized, stable and fair, and protect fundamental rights, including the security of persons and property.

5. The laws are clear, publicized, and stable.

5.1. The laws are clear.

5.2. The laws and compilations of legislative and administrative acts are published and widely accessible in a form that is up to date and available in all official languages and in formats accessible to persons with disabilities.

5.3. The laws are sufficiently stable to permit the public to ascertain what conduct is permitted and prohibited, and are not modified or circumvented in secret or by executive decree.

6. The laws are fair.

6.1. The laws do not make arbitrary or irrational distinctions based on economic status.

6.2. The laws do not make arbitrary or irrational distinctions based on social status, including race, color, ethnic or social origin, caste, nationality, alienage, religion, language, political opinion or affiliation, gender, marital status, sexual orientation or gender identity, age, and disability.

6.3. The laws provide national treatment to non-nationals who are lawfully residing or doing business within the territory of the nation.

6.4. The laws do not require non-adherents to submit to religious laws.

6.5. The laws prohibit the retroactive application of criminal laws.

6.6. The laws protect the right to engage in commercial activity subject to reasonable regulation.

7. The laws protect fundamental rights.

7.1. The laws ensure equality under the law and equal protection against discrimination.

7.2. The laws protect the rights of privacy, opinion, expression, assembly, association, and collective bargaining.

7.3. The laws protect the freedoms of thought, conscience and religion, and the free movement of persons and ideas.

7.4. The laws protect the rights of the accused.

7.5. The laws protect the right to seek an effective remedy before a competent tribunal for violations of fundamental rights.

8. The laws protect the security of the person.

8.1. The laws protect persons from unjust treatment or punishment by the government, including torture, arbitrary arrest, detention and exile.

8.2. The laws protect against and punish crimes against the person.

9. The laws protect the security of property.

9.1. The laws provide for the right to hold, transfer, lease or license property (including real property, personal property and intellectual property).

9.2. The laws prohibit arbitrary deprivations of property, including the taking of property by the government without just compensation.

9.3. The laws protect against and punish crimes against property.

The process by which the laws are enacted, administered and enforced is accessible, fair and efficient.

10. The laws are enacted, administered and enforced through a process that is accessible to the public.

10.1. Legislative, administrative and judicial proceedings are held with timely notice and are open to the public.

10.2. The lawmaking process (both legislative and administrative) provides an opportunity for diverse viewpoints to be heard and considered.

10.3. Official drafts of laws and transcripts or minutes of legislative and administrative proceedings are made available to the public on a timely basis.

10.4. Administrative and judicial decisions are published and broadly distributed on a timely basis.

11. The laws are fairly and efficiently administered and enforced.

11.1. The laws are not applied or enforced on an arbitrary or selective basis, for political advantage or in retaliation for lawful activities or expression.

11.2. Franchises, licenses, public contracts and other privileges or benefits are not granted or denied on the basis of economic or social status, including race, color, ethnic or social origin, caste, nationality, alienage, religion, language, political opinion or affiliation, gender, marital status, sexual orientation or gender identity, age, and disability.

11.3. The laws are administered and enforced without the exercise of improper influence by public officials or private interests.

11.4. Persons and entities are not subjected to excessive or unreasonable fees, or required to provide payments or other inducements to public officials who administer

or enforce the law in exchange for the timely discharge of their official duties other than as required by law.

11.5. Administrative and judicial proceedings are conducted without unreasonable delay and administrative decisions and judgments are enforced in a timely fashion.

11.6. The laws provide for timely and effective remedies to prevent and address lack of compliance with the law

The laws are upheld, and access to justice is provided, by competent, independent, and ethical law enforcement officials, attorneys or representatives, and judges who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

12. Law enforcement officials, attorneys or representatives, and judges are competent, independent, and ethical, are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

12.1. The government is represented by competent police, prosecutors and other law enforcement and correctional officers who act impartially and are broadly representative of the communities they serve, are adequately trained, are of sufficient number, have adequate resources, adhere to high standards of conduct, and are subject to effective sanctions for misconduct.

12.2. Persons and entities are represented by attorneys or representatives who are competent, independent of government control and broadly representative of the communities they serve, are adequately trained, are of sufficient number, have adequate resources, adhere to high standards of conduct, and are subject to effective sanctions for misconduct.

12.3. The integrity of the justice system is upheld by competent, impartial judges who exercise independent judgment and are broadly representative of the communities they serve, are adequately trained, are of sufficient number, have adequate resources, abide by high ethical and professional standards, and are selected, promoted, assigned, compensated, funded, dismissed and subject to discipline in a manner that fosters both independence and accountability.

12.4. Courthouses, police stations and correctional facilities are maintained in proper condition and in appropriate locations to ensure access and safety.

13. Access to justice is not denied to any person on the basis of economic or social status, including race, color, ethnic or social origin, caste, nationality, alienage, religion, language, political opinion or affiliation, gender, marital status, sexual orientation or gender identity, age, and disability.

13.1. Persons accused of violations of law have the right to be represented by a competent attorney or representative at each significant stage of the proceedings, with the court providing competent representation for defendants who cannot afford to pay.

13.2. Non-profit or government-sponsored legal services are available to ensure that all persons have access to competent advice and representation in civil and criminal cases regardless of economic or social status.

13.3. Administrative and judicial proceedings are conducted in a way that does not place persons at a disadvantage on the basis of economic or social status.

Rule of Law Index - Exhibit B

Cross-country data sources on institutions, governance, human rights, transparency, corruption and other issues, by dominant methodology and number of countries covered

Name	Source (web page or academic citation)	# of countries
1. Expert-based indicators and indices		
Bertelsmann Foundation (Transformation Index 2008)	http://www.bertelsmann-transformation-index.de/11.0.html?&L=1	125 Countries
Brown University (Center for Public Policy: Global E-Government Index)	http://www.insidepolitics.org/egovt07int.pdf	198 countries
CEELI (CEDAW –Convention to Eliminate all forms of Discrimination against Women Assessment)	http://www.abanet.org/rol/publications/cedaw_asessment_tool.shtml	20 countries
CEELI (JRI- Judicial Reform Index)	http://www.abanet.org/rol/publications/regional_publications.shtml#europe	20 countries
CEELI (LPRI - Legal Profession Reform Index)	http://www.abanet.org/rol/publications/regional_publications.shtml#europe	20 countries
CEELI (Prosecutorial Reform Index)	http://www.abanet.org/rol/publications/regional_publications.shtml#europe	20 countries
CEELI- Central European and Eurasian Law Initiative (ICCPR Legal Implementation Index- International Covenant on Civil and Political Rights)	http://www.abanet.org/rol/publications/iccpr_legal_implementation_index.shtml	20 countries
Center for Systemic Peace (Polity IV Project)	www.systemicpeace.org/polity	162 countries
EBRD (Sector Specific Assessment of Law and Practices)	www.ebrd.com/country/sector/law/about/assessment/index.htm ; www.ebrd.com/country/sector/law/about/index.htm	29 countries
EBRD (Transition Report)	http://www.ebrd.org/pubs/econo/series/tr.htm	29 countries
European Bank for Reconstruction and Development- EBRD (Country Law Assessments)	http://www.ebrd.com/country/sector/law/cla/index.htm	29 countries
Freedom House (Countries at the Crossroads)	http://www.freedomhouse.org/template.cfm?page=140&edition=8&ccrpage=38	30 countries
Freedom House (Freedom in the World)	http://www.freedomhouse.org/template.cfm?page=351&ana_page=333&year=2007	193 countries
Freedom House (Nations in Transit)	http://www.freedomhouse.org/template.cfm?page=352&ana_page=330&year=2006	29 countries

Rule of Law Index - Exhibit B

Global Insight (Global Risk Service)	http://www.globalinsight.com/ProductsServices/ProductDetail874.htm	140 countries
IJET (Country Security Ratings)	http://www.ijet.com/index.asp	167 countries
Institute for Management Development (World Competitiveness Yearbook)	http://www.imd.ch/research/publications/wcy/index.cfm	55 countries
International Budget Project (Open Budget Initiative)	www.openbudgetindex.org	59 countries
International Research and Exchange Board (Media Sustainability Index)	www.irex.org/msi/index.asp	76 countries
New Tools in Comparative Political Economy: The Database of Political Institutions	<i>The World Bank Economic Review</i> , Vol 15, No. 1 165-176	
Political and Economic Risk Consultancy (Asian Intelligence: Corruption Report)	http://www.asiarisk.com/percinfo.html	12 Asian countries
Political Risk Service (International Country Risk Guide)	www.prsgroup.com	140 countries
Public Financial Management, Performance Measurement framework	PEFA Secretariat, The World Bank	
Reporters Without Borders (Press Freedom Index)	http://www.rsf.org/article.php3?id_article=24025	169 countries
Russell's EMPulse - Investors' Perceptions of the Pulse of Emerging Markets	http://www.russell.com/indexes/about/construction_methodology/Global/russell_global_indexes_methodology.asp	63 countries
The Global Integrity Report	http://report.globalintegrity.org/	55 countries
Transparency International (Corruption Barometer 2007)	www.transparency.org/policy_research/surveys_indices/gcb/2007	180 countries
USAID (NGO Sustainability Index for Central and Eastern Europe and Eurasia)	www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/index.htm	29 countries
World Bank (Country Policy and Institutional Assessments)	OPCS, World Bank	80 countries
World Bank (Doing Business)	www.doingbusiness.org	178 countries
World Bank (DPI- Database of Political Institutions 2006)	Development Research Group, The World Bank	

2. Indicators based on general population or business surveys

Afro-barometer	www.afrobarometer.org	18 African countries
CIMA (Barómetro Iberoamericano de Gobernabilidad)	http://www.cimaiberoamerica.com/	22 countries
Gallup World Poll	http://www.gallup.com/consulting/worldpoll/24046/about.aspx	140 countries
Global Insight (Economic and Financial Data)	http://www.globalinsight.com/About/#efia	200 countries
Governance, Democracy and Poverty Reduction: Lessons Drawn from Household Surveys in Sub-Saharan Africa and Latin America	<i>International Statistical Review</i> (2007), 75, 1, 70-90	
Heritage Foundation (Index of Economic Freedom)	http://www.heritage.org/research/features/index/index.cfm	162 countries
Latino-barometro	http://www.latinobarometro.org/	18 Latin American countries
The Business Environment and Enterprise Performance Survey	Synovate/EBRD	
Transparency International (Bribe Payers Index)	www.transparency.org/policy_research/surveys_indices/bpi	21 countries
US State Department (Trafficking in Persons Report)	www.state.gov/g/tip/rls/tiprpt/2006/	149 countries
Vanderbilt University (LAPOP- The Americas Barometer)	http://sitemason.vanderbilt.edu/lapop/americasbarometer2006eng	20 countries
World Bank (Enterprise Surveys)	http://www.enterprisesurveys.org/	105 countries
World Bank and European Bank for Reconstruction and Development (BEEPS- Business Environment and Enterprise Performance Survey)	http://info.worldbank.org/governance/beeps/	22 in the first round, 54 in the second round
World Economic Forum (The Global Competitiveness Report)	http://www.weforum.org/en/initiatives/gcp/Global%20Competitiveness%20Report/index.htm	131 countries

3. Aggregate indicators		
Cingranelli-Richards (CIRI- Human Rights Dataset)	http://ciri.binghamton.edu/	195 countries
Mo Ibrahim Foundation (Ibrahim Index of African Governance)	http://www.moibrahimfoundation.org/index/index.asp	48 African countries
Organization for Economic Co-operation and Development- OECD (African Economic Outlook)	http://www.oecd.org/dev/aeo	35 African countries
Political Terror Scale	http://www.politicalterrorsscale.org/index.html	182 countries
Transparency International (CPI- Corruption Perceptions Index 2007)	www.transparency.org/policy_research/surveys_indices/cpi/2007	180 countries
World Bank (WGI- Worldwide Governance Indicators)	www.govindicators.org	212 countries
4. Country reports: Quantitative and qualitative assessments		
African Development Bank (Country Policy and Institutional Assessments)	www.afdb.org	50 African Countries
Asian Development Bank (Country Policy and Institutional Assessments)	www.adb.org	26 Asian Countries
Amnesty International (Report 2008)	http://thereport.amnesty.org/eng/Homepage	151 countries
Economist Intelligence Unit (Country Risk Service and Country Forecasts)	http://www.eiu.com/site_info.asp?info_name=aboutUs_ourMethodology&entry1=about_eiuNav&page=noads	200 countries
Human Rights First (Annual Report)	http://www.humanrightsfirst.info/pdf/HRF-080415-annual-rep-2007.pdf	vague/unclear
Human Rights Watch (Country Reports)	http://www.hrw.org/reports/world/index.html	205 countries
Open Society Institute and EU Monitoring and Advocacy Program (EU Accession Reports)	www.eumap.org/reports	9/20 countries
United Kingdom Foreign Office (Human Rights Annual Report)	http://www.fco.gov.uk/resources/en/pdf/human-rights-report-2007	21 countries
United Nations- UN (Universal Human Rights Index)	http://www.universalhumanrightsindex.org/	195 countries
United States Department of State (Human Rights Practices Annual Report)	http://www.state.gov/g/drl/rls/hrrpt/	196 countries



Developing Indicators to Measure the Rule of Law: A Global Approach

A Report to the World Justice Project

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Jim Parsons, Monica Thornton, Hyo Eun (April) Bang, Ben Estep, Kaya Williams, and Neil Weiner
Members of the Altus Global Alliance

Executive Summary

In recent years, performance indicators have emerged as a promising tool for tracking progress in key areas of governance, including the rule of law. With support from the American Bar Association’s World Justice Project, the Vera Institute of Justice partnered with three fellow Altus Global Alliance members to develop a set of 60 rule of law indicators—concrete measures designed to assess an abstract concept—and test them in four cities: Chandigarh, India; Lagos, Nigeria; Santiago, Chile; and New York City, U.S.

This six month pilot project complements the World Justice Project’s Rule of Law Index by adapting the detailed and comprehensive statement of legal standards it offers (i.e., *de jure* measures of rule of law) to largely *de facto* measures, rooted in United Nations covenants, that gauge how people *experience* the rule of law. These indicators draw on a range of data sources including the opinions of experts and members of the general public, information from the police, courts, prisons, and other institutions, NGO reports, and legislation.

This pilot project shows that a single set of indicators can be flexible enough to be used in extremely diverse jurisdictions internationally yet concrete enough to be meaningful to local policy makers, justice system professionals, and members of civil society. Although the findings are preliminary and merit further analysis, our measures already suggest strengths and weaknesses of the rule of law in the four cities where they were tested. Moreover, we now know it is possible to develop and implement rule of law indicators in a relatively short time.

Other useful lessons emerged in the course of this project. We confirmed that local partnerships are essential to designing and implementing indicators to strengthen the rule of law. We also learned that, if sufficiently flexible, rule of law indicators can be used successfully even in so-called “data poor” environments.

As we move beyond the pilot phase we will refine the indicators—eliminating or revising some and deciding which ones should receive greater weight. We aim to produce strong individual indicators that, when used in clusters, can reliably measure crucial aspects of the rule of law such as transparency, participation, and equal access to justice.

In this regard, our approach represents a departure from single-score indices designed primarily to rank countries on specific issues. Instead, we aim to generate rule of law indicators simple enough for most people to understand and discuss yet nuanced enough to reflect important details of the rule of law at the local level. This type of information is essential for governments and other reformers to understand problems and chart progress towards the goal of improving access to justice for all including the poor, women, ethnic minorities, and others living on the margins of society.

This project has built an exciting and innovative collaboration which spans four continents based on the Altus Global Alliance. As we develop and refine our rule of law indicators, Altus will continue to provide a network to test our methodology and engage regional partners—building local capacity and expanding this work.

Acknowledgments

This report was produced by the Vera Institute of Justice, but the project and its results reflect a joint effort by Vera and three other members of the Altus Global Alliance (the Institute for Development and Communication in Chandigarh, India; the Center for Studies of Public Security in Santiago, Chile and the CLEEN Foundation in Lagos, Nigeria). Only through collaboration was it possible to successfully complete this ambitious project in a remarkably limited time period. We are grateful for the support of our expert advisors, Christopher Stone and Christopher Scott, as well as our colleagues at Vera. We would also like to thank Jennifer Trone for providing editorial support. Alongside our Altus partners, we are indebted to the many academics, government officials, and members of civil society who shared their opinions and experiences with the research teams, as well as members of the general public who participated in the surveys. We thank you for sharing your opinions, experiences, insights, and access to information.

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Introduction

This report describes a pilot project to develop indicators of the rule of law for use in diverse international settings. With support from the American Bar Association's World Justice Project (WJP), the Vera Institute of Justice (Vera) joined with nonprofit organizations in Chile, India and Nigeria to create a set of practical and empirically driven indicators and test them in four cities around the world: Chandigarh, Lagos, New York City, and Santiago. The indicators aim to gauge the extent to which all people, particularly those who are poor or otherwise marginalized, experience and benefit from the rule of law.

This project, which is part of WJP's multidisciplinary initiative to strengthen the rule of law worldwide, began in January 2008 and concludes with a presentation of findings on July 3, 2008, at the World Justice Forum in Vienna, Austria. It complements the World Justice Project's Rule of Law Index (WJP Index) by adapting the *de jure*¹ statements that make up the WJP Index to largely *de facto*² measures (indicators) rooted in United Nations covenants—the Vera-Altus Indicators.

In an uncommonly collaborative venture, 27 researchers based in four nonprofit organizations on four different continents worked together to complete this pilot project.

- The Vera Institute of Justice in New York City has worked with leaders in government and civil society for more than 45 years to improve the services people rely on for justice and safety and is a recognized leader in the fields of program evaluation and performance measurement.
- The Institute for Development and Communication (IDC) in Chandigarh, India, works across South Asia, using cross-cultural research methods and tools to study social, economic, and environmental problems and spur practical and fair solutions to those problems.
- The CLEEN Foundation (CLEEN) in Lagos, Nigeria, is active in Nigeria and throughout West Africa, working with government and civil society to promote public safety, security, and accessible justice.
- The Center for Studies on Public Safety (Centro de Estudios en Seguridad Ciudadana—CESC) in Santiago, Chile, is part of the Public Affairs Institute at the University of Chile. CESC studies violence, crime, and the public policies and institutions that aim to promote safety and justice in Latin America, using that knowledge to spark and guide reform.

All four organizations are founding members of the Altus Global Alliance (Altus). Founded in 2004, the alliance offers a truly global perspective on issues of safety and justice, a greater capacity to work across borders, and a larger role for civil society in advancing justice. Altus members are distinguished by their close work with government to study social problems and explore new ways of delivering justice—collaborations that produce practical reforms of benefit to all people, especially the poor and other marginalized groups.

The Vera-Altus Indicators Project (the Indicators Project) took shape in three stages: (1) development of the indicators, (2) implementation, and (3) analysis and reporting. During the last two stages, project leaders at Vera worked closely with local research teams in the test sites.

¹ *De jure* is defined as “according to law.” “De jure.” *The American Heritage® Dictionary of the English Language*, 4th ed. Boston: Houghton Mifflin, 2000. < <http://www.bartleby.com/61> > (12 June 2008).

² *De facto* is defined as “in reality or fact.” “De facto.” *The American Heritage® Dictionary of the English Language*, 4th ed. Boston: Houghton Mifflin, 2000. < <http://www.bartleby.com/61> > (12 June 2008).

The pilot project shows that a single set of indicators can be flexible enough to be used in extremely diverse jurisdictions internationally yet concrete enough to be meaningful to local policy makers, justice system professionals, and members of civil society. We now know it is possible to develop and implement rule of law indicators in a relatively short time period (the project lasted just six months). Finally, although the findings are preliminary, the pilot shows that indicators can provide clear signs of the strengths and weaknesses of the rule of law in operation, and therefore, can be useful in guiding tangible reform at the local level.

Another sign of the success of this project is the number of lessons that emerged during the implementation process as researchers encountered gaps or weaknesses in the indicators themselves and the methods for collecting data. These lessons will inform how we, and hopefully others, refine this new and promising methodology for measuring and strengthening the rule of law.

The body of this report provides an overview of approaches to measuring the rule of law, describes the methodology of the Indicators Project in detail, reports preliminary findings from the four test sites, and discusses challenges, successes, and lessons learned through the process. The report ends with recommendations for how we expect to advance this work in the future.

Measuring the Rule of Law: Approaches and Debates

Academics, policy makers, and reformers have struggled to define the term “rule of law” and to date no universal definition has been widely accepted. In 2004, the United Nations Secretary General provided a detailed definition in an effort to promote uniformity in usage and understanding:

[The “rule of law”] refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.³

This definition of the rule of law thoughtfully presents the concept as a collection of principles that can be used to inform the structure, operation, reform, and evaluation of law-related institutions across societies. It emphasizes equity, accountability, and avoidance of arbitrariness and is rooted in fundamental principles of human rights as well as the more traditional concept of the supremacy of the law. Although various commentators and practitioners define the rule of law more narrowly, this United Nations definition provides a baseline for this project.

In recent years, individuals and institutions working in the area of the rule of law, as well as other fields internationally have looked to indicators as a promising tool for identifying and responding to global or regional problems. In essence, an indicator provides information on whether and to what degree progress is being made in an area.⁴ More specifically, indicators may be used to assess progress toward an objective, measure performance, and may track progress in the implementation of a program or policy.⁵

Indicators, often reduced to a single measure for purposes of easily comparing countries and tracking change over time, are being used globally to understand governance, corruption, press freedom, health, education, and literacy. The potential strength of comparative indices, as well as the challenge for index developers, lies in their ability to produce standardized summary measures, benchmarking jurisdictions against norms, ideals, or standards. This requires developing reliable methods for defining, recording, and summarizing the component parts of index scores to ensure reliability, validity, and comparability. While no comparative index has been developed that focuses solely on the rule of law, some indices, such as the World Bank’s World Governance Indicators (WGI) and the Ibrahim Index of African Governance (Ibrahim Index), include rule of law components.

There is considerable variety in the sources of data used to produce the most well-known governance, accountability, and rule of law indices. Some are based mainly on compilations of existing data, including both the WGI and Ibrahim Index, while Transparency International’s Corruption Perceptions Index (CPI) and the Global Integrity Index both base ratings on expert polls. Other measures, such as the Afrobarometer, use extensive public surveys. Elsewhere, reviews of legislation

³ Secretary-General to the Security Council. *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*. (United Nations Security Council, 2004, S/2004/616*), 4.

⁴ USAID Center for Democracy and Governance. *Handbook of Democracy and Governance Program Indicators* (Washington, DC: U.S. Agency for International Development, 1998).

⁵ Vera Institute of Justice. *Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*. (New York: Vera Institute of Justice, 2003).

are used to compile *de jure* measures based on governance principles. Each of these approaches has strengths and weaknesses: the use of existing data and expert polls are efficient and allow for comparisons but may mask crucial nuances; public surveys are informative but resource intensive; and legislative reviews reflect little about the actual operation of the law and delivery of public services.

Indices are attractive because they make complex information and ideas easily understandable and facilitate comparisons across place and time. However, in the process of simplifying complex information there is a significant risk that important nuances will be lost. In particular, the process of aggregation can mask inequity in experiences and outcomes among differently situated groups of people, especially the poor and otherwise marginalized populations. Additionally, summary measures simplify data and thus can hide problems with the quality of that data. The ultimate risk, however, is producing a high-level indicator that is actually devoid of real-world meaning and useless for the purposes of reform.

The practice of aggregating individual measures (indicators) to produce a higher-level index—and the ranking that often flows from that approach—has sparked much debate. Broadly speaking, aggregation has two aims: to provide a useful summary of findings and to strengthen and validate results through the combination of different and independent data sources. There are also attendant risks: loss of precision, amplification of measurement error, and increased possibility of misinterpretation. For this reason, there is a divide between an “aggregationist” and “non-aggregationist” approach.⁶ The former believes that a summation of indicators, thoughtfully executed, can indeed be reflective of reality and provides useful tools for policy makers and stakeholders. The latter feels that the precision of individual indicators is undermined by the aggregation process and that this cost outweighs the benefit of increased palatability. This is perhaps especially true in the area of rule of law where even superficially simple terms (e.g., “legal contract,” “public hearing,” or the distinction between “serious” and “minor” offenses) mask a great deal of variation in definition. There is growing interest in a middle path in which narrowly defined indicators are thoughtfully aggregated to produce measures broad enough to inform public debate and reform but not reduced to a single index score. The Indicators Project is one example.

A further consideration concerns weighting—to what extent should one measure count for more than another, and on what basis? Most index systems rely on equal weighting, whereby each variable is considered equivalent for the purposes of combination. The CPI gives equal weight to each of its sources per country (though two annual publications are included as separate sources per year, effectively lending them extra weight). In contrast, the WGI explicitly sets out to assign more weight to sources that it believes are more reliable and useful. A measure that is highly correlated with another independent measure is granted more weight on the grounds that sources that agree with one other are more likely to be reflective of reality.⁷ Other proposed weighting schemes include granting extra weight to measures produced with extensively documented data, weighting survey data more heavily where sample sizes are larger and more representative, and granting more weight to indicators that pertain to concepts that are under-represented elsewhere.⁸

⁶ Sharpe, Andrew. “Literature Review of Frameworks for Macro-indicators.” *Centre for the Study of Living Standards Research Report 2004-03* (2004).

⁷ Kaufmann, Daniel, Kraay, Aart, and Mastruzzi, Massimo. “Worldwide Governance Indicators Project: Answering the Critics.” World Bank Policy Research Working Paper No. 4149 (March 1, 2007).

⁸ Knack, Stephen. “Measuring Corruption in Eastern Europe and Central Asia: A Critique of the Cross-Country Indicators.” World Bank Policy Research Working Paper No. 3968 (July 1, 2006).

Debates about the choice of data sources and techniques for weighting and aggregating information should not lead the reader to conclude that there are “right” and “wrong” approaches to indicator measurement. The choice of methods will prioritize certain types of information and relegate others. A single index cannot be all things to all people. Our aim is to develop measures that will be useful to justice institutions seeking to improve the services they provide.

Vera’s Approach to Developing Indicators

As an incubator of new programs and innovations in the administration of justice, performance measurement is a key part of Vera’s work. Vera has assessed justice systems in the United States as well as other countries, including South Africa, Nigeria, Russia, Chile, Brazil, China, and India. In November 2003, following several years of exploratory work regarding best practices in the area of performance indicators, a team of researchers at Vera—with support from the British Department for International Development (DFID) and in partnership with staff of DFID’s program on Safety, Security and Accessible Justice—produced *Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector* (the Global Guide).

Vera’s methodology for developing rule of law indicators centers on the need for empirically defensible measures that gauge the *operation* of the rule of law as *experienced* by people. As we have already mentioned, a number of indices in the area of governance, and more specifically the rule of law, rely on existing data sources,⁹ polls of expert opinions,¹⁰ or *de jure* measures of statutes, legislation, or administrative documents.¹¹ If used in isolation, these data may fail to capture how laws and principles are translated into practice.¹²

Equally important, indicators should be meaningful to a wide audience and sensitive to change. Indicators that are esoteric or require expert knowledge to interpret are generally less useful than simpler measures. Indicators are most effective when they are used as repeat measures, providing a metric to assess the impact of economic, societal, or policy changes on rule of law outcomes over time. Developing this kind of indicator requires sources of data that are sensitive to change in the short term.

Since indicators are almost always proxies for underlying concepts, they are most effective when carefully crafted and used in combination. For example, the number of fatalities in jail may be a sign of abuse, but deaths may also signal the presence of epidemic disease—a different kind of problem. A robust indicator of abuse in custody might draw on a few specific measures and types of data: deaths in custody disaggregated by cause; formal complaints, if such a system exists; and NGO reports of torture.

⁹ For example, the Electoral Quotas for Women Database compiles results from existing data sources (United Nations Development Programme. *Governance Indicators: A User’s Guide* (2nd ed.)).

¹⁰ The Bertelsmann Transformation Index and the Annual Survey of Freedom are both based on expert survey data (Bertelsmann Stiftung (2008). *Bertelsmann Transformation Index: Criteria and Methodology*. <http://www.bertelsmann-transformation-index.de/fileadmin/pdf/Anlagen_BTI_2008/4_Criteria_and_Methodology.pdf>; Freedom House (2006). *Methodology*. <<http://www.freedomhouse.org/template.cfm?page=35&year=2006>>.

¹¹ For examples of *de jure* measures see the Political Constraint Index and the Commitment to Development Index (United Nations Development Programme. *Governance Indicators: A User’s Guide* (2nd ed.)).

¹² For example, a “mirror survey” of corruption conducted by IDEA between 2001 and 2003 in eight African cities found no correlation between expert opinions on the prevalence of bribery and the public’s experience of bribery and other forms of corruption. <<http://www.ird.fr/us/actualites/fiches/2007/fas259.pdf>>.

The experiences of poor and marginalized groups are an important litmus test for problems with the rule of law because those on the margins of society usually experience problems accessing justice first and most acutely. Conversely, if the poorest members of society are able to access services and public goods, it is almost certain that richer and more powerful groups will have access as well. However, many types of data do not capture the experiences of poor and marginalized groups. Reviews of policy documents may find special provisions for the poor, women, or members of minority groups but usually provide no indications of actual practice. Similarly, because some groups (e.g., undocumented immigrants) do not approach the police or other public agencies for help, administrative data describing the work of those agencies will not reflect their experience of the rule of law.

One solution is to develop indicators with an implicitly pro-poor or pro-gender focus (e.g., measuring the cost of license applications or the existence of special procedures for dealing with sexual violence offenses). Another approach is to collect demographic information that allows for disaggregation along important lines of inequality. Surveys can also be particularly useful if they reach members of marginalized communities.

It is also important to assess non-state justice mechanisms. In many parts of the world, the majority of criminal and civil disputes are resolved without ever contacting the police or formal court system. The poorest members of society, minority groups, women, and those who live in geographically remote areas often rely on religious, traditional, or other informal justice mechanisms to resolve legal problems. Rule of law indicators that are blind to these systems will miss problems of inequity and abuse stemming from their operation. In addition, the existence of a widespread non-state system may be a sign that the formal justice system is not equally accessible to everyone. Developing measures that can capture the operation of non-state systems, however, is inherently challenging. For example, non-state courts may be based on oral traditions that are hard to describe, record keeping is often poor or non-existent, and those who turn to non-state systems for justice may be unwilling to share their experiences. Nevertheless, efforts must be made.

Finally, Vera believes that for indicators to be useful globally they must be broad and flexible enough to be applied in a variety of legal and cultural contexts based on different governance models and political systems, yet be meaningful to local policy makers, managers, and justice system reformers. The Indicators Project provided an opportunity to achieve this balance in practice.

Such flexibility is produced in part by involving key stakeholders responsible for managing justice systems in the process of developing and applying indicators. They can help to choose which measures and data sources to use, provide access to data, and help to interpret results. Additionally, if these stakeholders are consulted during the process, they are more likely to find use in the results. Probably the most important measure of success for any system of indicators is whether governments adopt the measures to guide decisions on an ongoing basis. For this reason and others, Vera discourages combining measures to produce a single summary score used to “rank” jurisdictions. By their nature, such scores simplify real-life experience and also fail to provide the information needed to strengthen the rule of law locally.

Vera has developed a few specific principles to guide the actual development of indicators. They are described in detail in the Global Guide and are abbreviated in Table 1.

Table 1. Summary of Vera Principles for Indicator Development

Vera Global Guide Principles
◆ Start with the outcome, not the indicator
◆ Measure outcomes with balanced baskets of indicators
◆ Test your indicators for their sensitivity to the changes you hope to make
◆ Design indicators that allow you to isolate the experiences of relatively powerless groups, such as people living in poverty
◆ Avoid creating perverse incentives ¹³
◆ Use the simplest and least expensive indicators possible
◆ Build confidence in indicators among stakeholders
◆ Design indicators that make sense to most people

Creating “balanced baskets of indicators” is perhaps the most important methodological feature of Vera’s approach. Each of the Vera-Altus baskets attempts to measure a core principle of the rule of law from a range of perspectives, drawing information from a variety of data sources. This method can take various forms. Table 2 provides an example of a basket designed to measure access to justice taken from the Global Guide. This basket achieves some balance by drawing information from the different institutions people approach for justice and by mixing public opinion and administrative data, both disaggregated to reflect the experience of the poor or otherwise marginalized groups. The individual measures and the basket overall are designed to identify deficits in the rule of law that harm poor and marginalized groups and provide information that can spur and guide reform.

Table 2. Global Guide: Creating a Balanced Basket¹⁴

Aim: Equal Access to Justice
Indicator Basket
◆ Indicator 1: Percentage of citizens who say that they have access to court systems to resolve disputes, disaggregated by gender, ethnicity, region, and level of urbanization
◆ Indicator 2: Percentage of accused persons legally represented at one or more court appearances in their cases, disaggregated as above
◆ Indicator 3: Percentage of citizens who say that the police will respond to them without requiring a bribe if called to resolve a dispute, disaggregated as above
◆ Indicator 4: Ratio of prosecution caseloads in courts serving wealthier communities to those in courts serving marginalized communities

¹³ A *perverse incentive* refers to indicators which encourage or lead to counter-productive behavior.

¹⁴ Vera Institute of Justice. *Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*. (New York: Vera Institute of Justice, 2003).

Vera-Altus Justice Indicators Project: Methodology

This section describes two distinct sets of activities. First, we discuss the process for developing baskets of indicators linked to the factors and subfactors of the WJP Index. Second, we describe data collection activities in each of the test sites, the data sources that each team used to populate the indicators, and their methods of data collection.

The first task of the Indicators Project was to convert the WJP Index from a *de jure* set of measures to a set of largely *de facto* indicators, in keeping with Vera’s empirical approach to developing indicators. The WJP Index is a detailed and comprehensive statement of legal standards and mechanisms necessary to ensure the effective delivery of rule of law. It aims to measure adherence with four overarching principles (bands) that are further divided into constituent factors and subfactors. For example, WJP Index factor 6.1 states, “the laws do not make arbitrary or irrational distinctions based on economic status.” We reinterpreted this as, “the operation of the legal system does not make arbitrary or irrational distinctions based on economic status.” This shift focuses attention on the *de facto* delivery of rule of law, rather than *de jure* principles of law.

The Indicators Project focuses only on two of the four bands in the WJP Index. These bands describe the process for enacting, administrating, and enforcing laws, equality of access to justice, and the operation of justice institutions. As a first step, we distilled each of the bands and their factors and subfactors into 13 core principles informed by United Nations covenants. Second, the team developed between three and seven indicators for each of the principles, resulting in a total of 60 indicators. This was an iterative process and involved internal discussions at Vera, consultations with the project’s expert advisors, and several rounds of written feedback from the project teams in each of the pilot sites. Finally, the team created operational definitions for each of the indicators to guide selection of measures and defined minimum standards for data collection.

From Principles to Baskets of Indicators

The case study illustrates the process for designing and developing baskets of indicators using the judiciary as an example. Furthermore, Tables 3–7 outline those principles (“baskets”) and indicators that we distilled from WJP Index bands III and IV.

Case Study: Developing Indicators of Judicial Integrity

The WJP Index factor 12 addresses the operation of justice officials and institutions and includes four subfactors. Three of these relate to law enforcement officials (12.1), attorneys and representatives (12.2), and the judiciary (12.3). The Vera-Altus Indicators add prisons and non-state justice systems to this list. Subfactor 12.4 assesses infrastructure including courthouses, police stations, and correctional facilities.

Subfactor 12.3 (the judiciary) reads, *The integrity of the justice system is upheld by **competent, impartial** judges who have a duty to exercise **independent** judgment and are broadly **representative** of the communities they serve, are **adequately trained**, are of **sufficient number**, have **adequate resources**, abide by **high ethical and professional standards**, and are **selected, promoted, assigned, compensated, funded, dismissed, and subject to discipline** in a manner that fosters both **independence and accountability**.*

This is a thorough definition. However, there are too many potential indicators for practical measurement, so we distilled it to a small number of underlying principles: (1) good conduct; (2) competence; (3) independence; (4) sufficient resources; and (5) accountability.

These core principles form the basis for the following basket of proxy measures (indicators) of judicial integrity. We balanced the basket by including a range of factors that influence judicial integrity, measured from a range of perspectives, and drawing on a diverse set of data sources.

Indicator 1: Percentage of all cases involving “small claims”—the proportion of minor cases is a proxy for both confidence in the judiciary and the accessibility of the courts. Where there is little of either, potential plaintiffs will not approach the courts unless completely necessary, and therefore, the number of non-serious cases will be minimal.

Indicator 2: The judiciary is perceived as independent—public perceptions of justice agencies are important measures of both conduct and competence. Differences in perceptions between socio-economic groups may detect implicit or explicit bias.

Indicator 3: The government does not overturn judicial decisions—the independence of the judiciary is key to an effective rule of law.

Indicator 4: Number of judges per population for rich versus poor areas—this indicator is a proxy for judicial resources and implicit biases resulting from unequal coverage and resource management. In places with insufficient resources the disparity is usually greatest in poor areas.

Indicator 5: Existence of special procedures or processes for hearing gender-based violence cases—women often have particular difficulty accessing the courts, and problems of gender disparity can be detected by measuring the existence, or non-existence, of specific gender-based policies.

Indicator 6: Ability to appeal judicial decisions in serious offense cases—in order for the judiciary to be held accountable there should be official mechanisms for appealing decisions.

Tables 3–7. Cross-Referencing the WJP Index to Vera-Altus Indicators

WJP Band III: The process by which laws are enacted, administered and enforced is accessible, fair and efficient			
10. Accessible System: The laws are enacted and administered through a process that is accessible to the public.			
Baskets	Indicators	Data Sources Used	Relevant WJP Index Subfactors
I. Transparency <i>Definition: The public is informed of legislative proceedings</i>	(1) Timely notice of hearings and laws are published in main languages	Administrative Data, Documents and Legislation	10.1, 10.3
	(2) There is a good faith effort to inform the public of the <i>real</i> /legislative process	Administrative Data, Documents and Legislation, Expert Survey	10.1, 10.3, 10.4
	(3) The public views the process for enacting laws as transparent	Expert Survey, Public Survey, Secondary Survey Data	10.1, 10.3, 10.4
II. Participation <i>Definition: The public is able to influence legislation</i>	(4) Members of the public attend meetings where changes to the law are presented and discussed	Administrative Data, Case Study/ Observation, Documents and Legislation, Expert Survey, Media Review, Public Survey	10.1
	(5) There is an opportunity for the public to comment or vote on drafts of legislation	Administrative Data, Documents and Legislation, Expert Survey, Media Review, Public Survey	10.2
	(6) Members of the public are able to meet (or have meaningful contact) with local government officials without financial inducements	Administrative Data, Expert Survey, Media Review, Public Survey, Secondary Survey Data	10.2
	(7) Expert opinion on the ability of the public to influence recent legislation	Expert Survey	10.2
	(8) Civil society groups have confidence in their ability to influence legislation	Expert Survey	10.2
11. Fair and Efficient Administration and Enforcement: The laws are fairly and efficiently administered and enforced.			
Baskets	Indicators	Data Sources Used	Relevant WJP Index Subfactors
III. Bias in Public Administration <i>Definition: Licenses and public benefits are granted without discrimination</i>	(9) In law, people are able to apply for driver's licenses irrespective of their background	Documents and Legislation	11.1, 11.2
	(10) Cost of driver's license applications as a percentage of median area income	Administrative Data, Documents and Legislation	11.1, 11.2, 11.4
	(11) Proportion of public who believes that they can receive timely services for electricity or other public utilities without having to pay a bribe	Expert Survey, Public Survey, Secondary Survey Data	11.2, 11.4, 11.5
IV. Bias in Franchises and Public Contracts¹⁵ <i>Definition: Franchises and public contracts are granted without discrimination</i>	(12) Average processing time from applying to receiving a license to operate a small business	Administrative Data, Expert Survey, Public Survey	11.2, 11.5
	(13) There is an open and transparent bidding process for receiving public contracts	Documents and Legislation, Expert Survey, Media Review, Public Survey	11.2
V. Bias in Enforcement¹⁶ <i>Definition: The laws are enforced equitably</i>	(14) Expert opinion on the use of bribery in receiving franchises and public contracts	Expert Survey	11.2, 11.4
	(15) The Government publishes the results of all procurement decisions	Documents and Legislation, Expert Survey	11.2, 11.3
V. Bias in Enforcement¹⁶ <i>Definition: The laws are enforced equitably</i>	(16) Police stop and searches, disaggregated by key cultural groups	Public Survey, Secondary Survey Data	11.1
	(17) Sentence for robbery and serious assault, disaggregated by defendant SES	Administrative Data, Secondary Administrative Data	11.1
	(18) Proportion of sentenced served, disaggregated by SES	Administrative Data	11.1
	(19) Expert opinion on the use of arrest as a tool of oppression or political advantage	Expert Survey	11.1, 11.3
	(20) Public perceptions of police corruption	Public Survey, Secondary Survey Data	11.1, 11.3, 11.5

¹⁵ Government favoritism when issuing public contracts is a common and widespread problem.

¹⁶ Inequality in the enforcement of the law may be the result of the selective use of police powers, but bias can also occur further downstream when cases are heard in court. We have included indicators designed to detect both forms of bias.

WJP Band IV: The laws are upheld, and access to justice is provided, by competent, independent, and ethical law enforcement officials, attorneys or representatives, and judges who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

12. Delivery of Justice: Justice institutions and leaders are accountable and have the attributes and resources necessary to provide unbiased and efficient services.

Baskets	Indicators	Data Sources Used	Relevant WJP Index Subfactors
VI. Police <i>Definition: Police are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct</i>	(21) Public perceptions of police fairness	Expert Survey, Media Review, Public Survey, Secondary Survey Data	12.1
	(22) Police promotions are based on competence/merit	Administrative Data, Documents and Legislation, Expert Survey	12.1
	(23) Salary of entry level police as percentage of area median income of households and individuals	Administrative Data, Documents and Legislation	12.1, 12.4
	(24) Deaths in police custody	Administrative Data, Secondary Administrative Data	12.1, 12.4
	(25) Opinions of the effectiveness of accountability mechanisms	Expert Survey, Public Survey, Secondary Survey Data	12.1
	(26) Percentage of police complaints resolved	Administrative Data, Secondary Administrative Data	12.1
VII. Judiciary <i>Definition: Judges and courts are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct</i>	(27) Percentage of all <u>civil</u> cases involving “small claims”	Administrative Data	12.2, 12.3
	(28) The judiciary is perceived as independent	Expert Survey, Public Survey	12.2, 12.3
	(29) The government does not overturn judicial decisions	Documents and Legislation, Expert Survey	12.3
	(30) Number of judges per population for rich versus poor areas	Administrative Data	12.3
	(31) Existence of special procedures or processes for hearing gender-based violence cases	Administrative Data, Documents and Legislation, Expert Survey	12.3
	(32) Ability of poor people to appeal judicial decisions in serious offense cases	Documents and Legislation, Expert Survey	12.3
VIII. Non-State or Informal Justice Mechanisms¹⁷ <i>Definition: Non-State or informal justice mechanisms are transparent, fair, and held accountable to high standards of professional and ethical conduct.</i>	(33) Consistency of outcome, disaggregated by SES	Administrative Data, Case Study/Observation	Vera addition
	(34) Public perceptions of the fairness of non-state or informal justice mechanism	Expert Survey, Public Survey	Vera addition
	(35) There are written or oral standards, which are available for review and consistently applied	Case Study/Observation, Documents and Legislation	Vera addition
	(36) Proportion of women who use state versus non-state systems as compared to men	Expert Survey, Public Survey, Secondary Survey Data	Vera addition
	(37) NGO reports of human rights abuses by non-state or informal justice mechanisms	Case Study/Observation, Documents and Legislation, NGO Reports	Vera addition
	(38) There is a right to appeal decisions	Case Study/Observation, Documents and Legislation, Public Survey	Vera addition
IX. Prisons¹⁸ <i>Definition: Prisons are maintained according to universally acceptable conditions, and prison staff are held accountable to high standards of professional and ethical conduct</i>	(40) Existence of rules barring the use of restraints as punishment	Administrative Data, Documents and Legislation	Vera addition
	(41) Exit survey on use of restraints as punishment	Administrative Data, Expert Survey	Vera addition
	(42) Prisons are accessible to civil society prison oversight bodies at short notice (or frequency of NGO visits in an oversight capacity)	Documents and Legislation, Expert Survey	Vera addition
	(43) Number of medical personnel per prison inmate	Administrative Data, Secondary Administrative Data	Vera addition, 12.4 and beyond
	(44) Entry level salary for correction officers, as percentage of median area income	Administrative Data, Documents and Legislation	Vera addition, 12.4 and beyond
	(45) NGO reports of torture in prison (non-police) custody	Documents and Legislation, NGO Reports	Vera addition
	(46) Overcrowding	Administrative Data, Secondary Administrative Data	12.4

¹⁷ Non-state justice mechanisms take many forms and developing indicators across this range, especially for systems which have no formal system for record keeping, is hugely challenging.

13. People are equally able to access, engage with and receive services from the justice system.

Baskets	Indicators	Data Sources Used	Relevant WJP Index Subfactors
X. Information/Awareness <i>Definition: People have equal access to information on their rights and procedures to access police or legal services</i>	(47) The public understands procedures for reporting a crime	Public Survey	13.1-13.3
	(48) Information available in police stations on complaints procedures in relevant languages	Case Study/Observation, NGO Reports, Public Survey, Secondary Survey Data	12.1, 13.3
	(49) Availability of free legal advice	Administrative Data, Documents and Legislation, Expert Survey	13.2, 13.3
XI. Accessibility <i>Definition: People are equally able to report a crime and receive adequate responses</i>	(50) Percentage of population who believe that they could contact the police to report a crime within 24 hours, disaggregated by geography and SES	Public Survey	12.4, 13.3
	(51) Difference in police patrol deployment, disaggregated by area SES	Administrative Data, Secondary Survey Data	12.1
	(52) Percentage of population who believe they could report a crime without having to pay a bribe	Public Survey	13.3
	(53) Percentage of women vs. men who believe that the police would respond if they reported a crime	Expert Survey, Public Survey	13.3
XII. Legal Representation <i>Definition: People have equal access to and quality of legal representation</i>	(54) Percentage of defendants in cases that may result in jail sentence who are represented at trial, at least one hearing, disaggregated by SES	Case Study/Observation, Documents and Legislation	12.2, 13.1
	(55) Existence of professional accreditation body for court appointed representatives, disaggregated by SES	Administrative Data, Documents and Legislation	12.2, 13.1
	(56) Court interpreters are made available in relevant languages in court hearings on timely basis.	Administrative Data, Documents and Legislation, Expert Survey	13.2, 13.3
XIII. Engagement <i>Definition: People are equally able to engage with the justice system</i>	(57) Proportion of public trials involving poor victims	Administrative Data	12.2 13.1
	(58) Proportion of crime complaints that are investigated by police, disaggregated by complainant SES/gender/complaint type	Administrative Data, Public Survey	13.1
	(59) Expert opinion on underreporting of rape	Expert Survey	13.3
	(60) Number of crime reports divided by the number of arrests, disaggregated by area SES	Administrative Data, Secondary Administrative Data	13.3

¹⁸ The rule of law in correctional facilities may be undermined as a result of abusive actions by correctional staff or because there are insufficient resources to care for prisoners, leading to neglect and maltreatment. Often the two problems are intertwined, and we have included indicators of each.

The Four Pilot Sites: Jurisdictions at a Glance

The Indicators Project selected four cities as test sites. Given the short time period of the pilot project, it would not have been possible to implement the indicators nationally. Moreover, it seemed more useful at this stage of development to test and refine the methodology and its utility globally by experimenting in a diverse group of smaller jurisdictions.

Table 8. Overview of Pilot Sites

	Chandigarh, India	Lagos, Nigeria	Santiago, Chile	New York City, U.S.
City Type	State-capital (Punjab & Haryana)	Non-capital economic center	Capital	Non-capital economic center
Jurisdiction	90% urban, 10% rural	Urban; 20 local government areas	Urban; 37 municipalities	Urban; 5 boroughs (counties)
Population¹⁹	0.9 million	7.9 million	6.4 million	8.2 million
Languages	Hindi, Punjabi, English	English (official); Pidgin English, Yoruba, various tribal languages	Spanish	English, Spanish, and more than 170 other languages spoken
Racial/Ethnic Composition	Diverse 79% Hindu, 16% Sikh, 4% Muslim; 18% belong to Scheduled (lower) Castes	Extremely diverse approx. 400 ethnic groups	Minimal	Extremely diverse
Type of Government	Federal Republic (since 1950)	Federal Republic (since 1999)	Republic (since 1989)	Constitutional Federal Republic (since 1787)
Political Stability	Stable democracy	Transitional democracy	Stable democracy	Stable democracy
Country Economic Classification²⁰	Low-income	Low-income	Upper-middle income	High-income
Legal Base	English Common Law	English Common Law	Civil Law	English Common Law
Police	Local police force	National police force	2 national police forces: Carabineros (uniformed military police) & Investigative Police	Largest local police force in North America
Courts	High Court located in Chandigarh, subordinate judiciary distributed	System of Federal & State courts: Southern courts - criminal code, Northern courts - penal code (influenced by Sharia law)	Implementing major reform since 2005, including independent public prosecutors & defenders	City level: Civil and Criminal Courts; State level: Supreme, Family & Surrogate's Courts
Jails & Prisons	State system; 1 prison (capacity: 1,000 total; 60 women)	Federal system	Federal system with public-private partnerships for providing services to prisoners (mental health, food, etc.)	City level jail (capacity: 15,000) for arraignment & sentences under 1 year & State level prison for sentences over 1 year
Oversight Bodies	4 state oversight bodies	1 judicial oversight body	n/a	n/a
Non-State Justice Systems	The Lok Adalats (tradition-based alternative dispute resolution system)	Informal policing groups, i.e., O'odua People's Congress; traditional/religious justice systems (arbitration & adjudication)	n/a	Community mediation centers; Beth din (Jewish religious courts)

¹⁹ Based on most recent Census data for each city.

²⁰ World Bank (2008). Country Classification.

<<http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20421402~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html>> (6 June 2008).

Data Collection

As previously discussed and outlined in Tables 3–7 (see pages 10–12), Vera’s approach to developing indicators involves drawing data from a range of sources. By conducting surveys of the general public and experts, collecting administrative data, and reviewing legislation, we aspire to measure the operation of rule of law from multiple perspectives including individuals’ experiences of the strengths and failings of civil, legislative, and criminal justice systems.

In order to test a methodology that seeks to be globally replicable, we attempted to strike a balance between a set of methods which had common elements—providing guidance to local teams and allowing for some comparison of data collection between sites—while also ensuring enough flexibility for teams to use methods that were culturally appropriate and made the best use of existing resources. We provided a detailed definition for each indicator and minimum standards for sources of data. However, our methodology allowed for variation among the sites in the choice of data for a particular indicator. For example, a number of the sites identified data from existing victimization surveys, but this was not always available and we did not require it for all sites.

A team of four to six local researchers in each test site experimented with a variety of data sources and collection methods to “populate” the indicators, selecting those that worked best. Members of the Vera team provided detailed feedback on the choice of data sources, both by phone and in-person during week-long site visits. As expected, we found that data sources readily available in one site were either non-existent or practically impossible to obtain in others. Our flexible approach enabled the research teams to populate the indicators even in so-called “data poor” environments. This flexibility was balanced by minimum standards. For example, we asked each team to collect information that was reliable and reflective of current circumstances. Additionally, we required baskets that included at least three indicators, drawn from two or more data sources. The research teams in Chandigarh, Lagos, and Santiago collected data for their jurisdictions over a 10 week period, while the team in New York City collected data over a seven-week period. The tables in the appendix of this document describe the data sources used by different sites, by indicator.

Data collection methods and sources include the following:

- **Public Surveys:** Measures of public opinion are a key component of the Indicators Project. The views of members of the public reflect actual experiences at the grassroots level, and public opinions can provide an important check on information from official sources, which may be subject to problems with data quality or other biases. Public opinion data can be collected via public surveys or by using more focused data collection activities, such as service user surveys and focus groups. Each local research team developed its own targeted survey. These surveys were based on different approaches to sampling and question formulation. Each was designed strategically to capture disparity, focus on under-represented groups, and gauge various levels of involvement with the justice system. They were used to canvas experiences (e.g., stop and search by police officers), perceptions (e.g., whether the process of enacting laws is viewed as transparent), and opinions (e.g., views of police corruption). Further details on the use of public surveys are provided below.
- **Expert Surveys:** The Vera-Altus Indicators make frequent use of expert opinion. Each local research team developed its own approach for contacting and interviewing experts. This allowed us to test a range of methods for conducting expert surveys. The approaches adopted by each of the teams ranged from email surveys and telephone calls to in-person interviews and focus groups. Experts included government officials, criminal justice

practitioners, NGO representatives, and academics. Our use of expert surveys needs further development, and we intend to provide guidelines on the definition of “experts,” minimum sample sizes, and best-practice models for convening expert groups as part of our future work. Further details on the use of expert surveys are provided below.

- **Secondary Surveys:** In addition to the small-scale targeted surveys created specifically for this pilot project, local research teams extracted relevant data from existing national, regional, and international public surveys. These surveys included the Latinobarometer, the Afrobarometer, corruption surveys, and crime victimization surveys.
- **Administrative Data:** Each local research team obtained routinely collected administrative data from justice agencies. These data were gathered from both primary and secondary sources, including national publications on crime statistics and internal administrative records containing, for example, the entry-level salary of police officers and the number of crime reports received by the police.
- **Documents and Legislation:** Each local research team reviewed official documents and legislation to verify the existence of certain laws and procedures (e.g., the right to appeal judicial decisions and limitations on the use of restraints in prisons) and to understand the powers of a particular oversight institution or group.
- **Third-party Reports:** Each local research team used narrative reports to collect data on indicators pertaining to human rights and police accountability. These sources included reports by local, national, and international NGOs, news articles, and reports from the Altus Police Station Visitors Week.²¹
- **Case Study/Observation:** For a small number of the indicators, a few research teams conducted in-depth case studies or systematic observations of particular institutions in the criminal justice system.

A Closer Look at the Public and Expert Surveys

The public and expert surveys were designed and conducted specifically for the Indicators Project. They are interesting in part because they illustrate the diversity of approaches to data collection across the four test sites.

Public Surveys

Although limited by time and resources, the mere fact that all four sites were able to successfully design and conduct a public survey was a significant achievement of the pilot project. Project staff in the four sites surveyed a total of 3,697 members of the public. Because the test sites are dramatically different from one another in terms of population demographics and cultures, the surveys were also carried out very differently. Table 9 presents an overview of the public survey methods in each site. We have provided additional background on the methodology below the table.

²¹ Altus Police Station Visitors Week was an event that happened in 2006 and 2007 providing an opportunity for communities to engage with their local police departments to review the services provide to the community. In 2007, over 800 police stations were visited by approximately 3,600 visitors. More information and regional reports can be found at www.altus.org.

Table 9. An Overview of Public Survey Methods

	Chandigarh	Lagos	Santiago	New York City
Sampling method	Stratified random sampling	Clustered, stratified, multi-stage random sampling	Quota sampling	Quota sampling
Interview method	In-home, face to face interviews	In-home, face to face interviews	Interviews at subway stops	Street interviews near subway stops
Number of substantive questions	16 questions	19 questions	15 questions	16 questions
Sample size	N = 252	N = 2000	N = 942	N= 503

In Chandigarh, where the city’s zoning system has created districts with different levels of socio-economic status (SES), the local research team selected five diverse zones, randomly selecting a small number of residents in each zone. The researchers surveyed people in person inside their homes, alternating between male and female respondents.

In Lagos, the local research team partnered with Practical Sampling International, which administers the Afrobarometer in Nigeria, to conduct their survey. They employed a clustered, stratified, multi-stage random selection method reaching 20 local government areas and selected people using a “random walk” pattern.²² Surveys were conducted face to face in peoples’ homes.

In Santiago, the local research team used a quota sampling method. To select the sample, the local research team used a stratification matrix that separated municipalities into three groups representing richer and poorer areas of the city. Every day over the course of a week, researchers polled a select number of people entering or exiting high-traffic subway stations. The survey reached 39 of the 52 municipalities in Santiago.

In New York City, the local research team also used a quota sampling method, employing a stratification matrix that grouped New York’s 51 City Council districts by median income and predominant racial or ethnic group and then randomly selected districts from each group. Researchers then polled people near subway stations in these districts during a four day period that included one weekend. The survey instrument was developed in English and translated into Spanish, and interviews were conducted in three languages: English, Spanish, and Russian.²³

Expert Surveys

Each test site also conducted surveys of a small number of experts. The methods for surveying experts varied widely across the sites with varying degrees of success. Generally, the in-person interviews and focus groups were more successful than surveys conducted by email or over the phone, to which there was usually a low response rate. Table 10 presents an overview of expert survey methods employed in each site. Additional background on the methodology is provided below the table.

²² In a “random walk sample,” interviewers follow randomly assigned directions from the sample starting point. This technique is used to approximate a random sample in areas without a readily available sampling frame.

²³ Russian surveys were translated verbally during the interview by Russian-English speakers using the English version of the questionnaire.

Table 10. An Overview of Expert Survey Methods

	Chandigarh	Lagos	Santiago	New York City
Survey method	In-person survey with follow-up focus group discussion	Paper survey in person immediately followed by focus group discussion	Email survey with follow-up by telephone	Email survey with follow-up by telephone
Groups/expertise represented	Judicial experts Civil society members Political-legal experts Governance experts Police/jail experts Gender experts	Government Judiciary Prisons Informal justice system Civil society	Government Academia Civil society	Legislative process Policing Corrections
Total number of experts surveyed	47	9	36	27

In Chandigarh, the local research team selected a sample of experts based on their experience, level of involvement in the field, and known ability to articulate their opinions. The researchers arranged individual in-person interviews with those experts who agreed to participate. During the interview, each participant was asked a series of scaled questions, followed by more open-ended questions. In addition to the expert surveys, the team in Chandigarh conducted focus groups to better understand the nuances of individual responses. In both cases, participants were told in advance that their responses would be anonymized.

In Lagos, the local research team convened a heterogeneous panel of experts from the public sector, private sector, social sector, media, and informal justice system for a roundtable discussion. Experts were selected based on their experience in and knowledge of rule of law institutions and other agencies relevant to the pilot project. The meeting was divided into two parts. Upon arrival each of the participants was asked to complete a short questionnaire. Once the surveys were completed and returned, researchers facilitated a group discussion. Lagos was the only team to convene a heterogeneous panel of experts for open discussion. Instead of the tension and discord they anticipated, the experts engaged in a productive conversation that revealed a high degree of shared opinions and consensus.

In Santiago, the research team surveyed eight NGOs and 36 experts whom they identified as individuals who had an established reputation in their area of specialization and were currently working in a respected institution in that area. These experts fell into three main groups (see Table 10 above). Researchers contacted them initially by phone and then emailed a questionnaire. Email surveys that were not returned were followed-up by telephone and, wherever possible, interviews were completed over the phone.

In New York City, the research team grouped expert opinion indicators into three topic areas (see Table 10 above) and designed a separate set of questions for each area. To identify experts, the team consulted staff at Vera, conducted internet research, reviewed recent newspaper articles, and sought suggestions from experts who were already participating. Mainly due to time limitations, the team opted to email the surveys and then prompted those who did not respond by following up by phone or email.

Findings

Our observations of the quality of the rule of law in the four test sites are at best preliminary. The most important findings from this project are the methodological and substantive insights which emerged during this practical test of our methods. While we believe that the majority of our indicators are useful measures of the rule of law, we are still examining which should be prioritized and which might be eliminated or substantially revised. Additionally, we have not defined standards (cut-off points) that delineate a positive result from a negative one. For example, if we learn that 45 percent of the general public believes the police are corrupt, without a standard to measure it against, we can't offer a strong statement about the meaning of the finding.

For these reasons and others, it would be premature at this stage to try to aggregate individual measures to produce basket-level summaries of transparency, participation, bias in public administration, or any of the other 13 measures of rule of law principles that we developed. And without these summaries, it is impossible to describe rule of law in any of the pilot sites using global human rights principles. This kind of description is important to provide tools for jurisdictions to identify deficits in the provision of services and monitor the effect of remedial policies over time. As we continue to refine our methods, we aim to aggregate findings to the basket level.

We offer a series of tables (11–14) that briefly summarize the findings for each of the sites. More detailed tables, including each jurisdiction's choice of data sources and indicator-by-indicator findings are contained in the appendices. These tables include a series of keyed symbols to help the reader navigate the data: indicators with a "+" indicate some positive findings, a "o" indicates inconclusive data, and "-" suggests there may be problems, based on available information. Where no symbol is provided, this indicates that the data were either missing or did not meet our minimum data standards.

When reading the summary tables for each test site, it is important to note that this information is not a reliable measure of rule of law in any of these jurisdictions. Moreover, since this pilot project collected information at the city level only, we cannot comment on the strength of the rule of law nationwide in any of these countries.

As we extend this project beyond the initial six month pilot phase, we will continue to work with our partners in the four test sites and additional jurisdictions to refine both the indicators and our methodology. This will produce increasingly useful information about the rule of law and lead to a measurement system that we hope will contribute to standard practice internationally.

Table 11. Summary Findings for Chandigarh, India

Transparency	We do not have enough information to assess whether the public is informed of legislative proceedings. However, the majority of experts (17 out of 30) do not believe that the government informs the public about the process as legislative decisions are made. It remains unclear whether the public views the process of enacting laws as transparent as 31% of the public surveyed view the process as transparent while 27% do not.
Participation	Based on available data, there is mixed evidence as to whether the public is able to influence legislation. A majority of the experts surveyed (10 out of 16) believe that civil society groups are able to influence legislation; however, 19 out of 30 experts surveyed do not believe that there is an opportunity for the public to comment or vote on drafts of legislation. There is no clear majority of opinion as to the ability of the public to influence legislation.
Bias in Public Administration	Based on available data, there is some indication that the public administration functions without discrimination. In law, people are able to apply for driver's licenses as long as they meet the minimum standards for age, physical health, and driving skills. The cost of driver's license applications are 5% of median per capita monthly income, which suggests that these are relatively affordable for people of lower income levels. With respect to public services, the public is not confident that they would be able to receive timely service without paying a bribe (47% believe they would, while 44% believe they would not). In addition, the majority of experts surveyed (3 out of 5) believe that the average processing time from applying to receiving a license to operate a small business is unreasonable.
Bias in Franchises and Public Contracts	Based on available data, there is mixed evidence as to whether franchises and public contracts are granted without discrimination. In law, the government is required to publish all procurement decisions. However, the majority of the experts surveyed (11 out of 21) do not believe that there is an open and transparent bidding process for receiving public contracts.
Bias in Enforcement	Based on available data, there is little indication that the laws are enforced equitably. Data does not show a relationship between caste and number of times stopped and searched. With regard to other aspects of enforcement, however, the majority of experts surveyed (6 out of 7) believe that arrest is used as a tool of oppression or political advantage, and a majority of the public surveyed (80%) disagree with the statement that the police are free from corruption.
Police	Based on available data, there is some indication that the police are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct. Promotions based on merit are required within police rules, and salary of entry level police was 133% of the per capita monthly income in Chandigarh in 2005-2006. According to administrative data, there was only one death in police custody in 2007. Moreover, a strong majority of police complaints are resolved (92% of cases were resolved in 2007). The only exceptions to positive performance were expert opinions on the effectiveness of accountability mechanisms and public opinion on police fairness. Experts are undecided (11 out of 33 are positive and 12 are not) about the effectiveness of accountability mechanisms, and a majority of the public surveyed (55%) do not believe that the police treat people equally overall.
Judiciary	Based on available data, there are encouraging indications that judges and courts are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct. Everyone in Chandigarh has access to the same pool of judges. A majority of experts surveyed (17 out of 25) agree that the government does not overturn judicial decisions. The law lays out special procedures and guidelines for dealing with sexual harassment cases, including the assurance of confidentiality and anonymity in court proceedings. Finally, in law, everyone has the right to appeal judicial decisions in serious offense cases. The only indicator that is not fully positive is the public's perception of the judiciary's independence: only 48% of the public feel that courts and judges are able to make decisions without influence.
Non-State or Informal Justice Mechanisms	Based on available data, there is some indication that tradition-based justice systems in Chandigarh (i.e., the Lok Adalats) are transparent, fair, and held accountable to high standards of professional and ethical conduct. Written standards exist for the Lok Adalats. There are no documented reports of human rights abuses (though lack of evidence in itself does not suggest the absence of such abuses). The public is on the whole unsure (40% responded "don't know") as to whether the Lok Adalats are free from corruption. The Lok Adalats are accessible to women: proportionally, more women access the Lok Adalats than do men. With respect to appeals, the Lok Adalats operate on consensus; in the absence of consensus, the case returns to the formal courts.
Prisons	Based on available data, there is some indication that prisons are maintained according to universally acceptable conditions and prison staff members are held accountable to high standards of professional and ethical conduct. There are rules which ban the use of restraints as punishment, and there were no reports of torture in prison custody found between May 2007 and April 2008. Entry level salaries for corrections officers were 133% of per capita monthly income of Chandigarh in 2005-2006. There is no indication of prison overcrowding: according to administrative data, prisons were operating at an occupancy rate of 51% in 2008. The only exception to positive performance is the accessibility of prisons to civil society on short notice: the majority of experts surveyed (14 out of 24) do not believe this to be the case.
Information/Awareness	Based on available data, there are encouraging indications that people have equal access to information on their rights and procedures to access police or legal services. A majority of the public surveyed (66%) report that they understand procedures for reporting a crime, the Altus police station assessment in 2007 gave an "excellent" score (96%) regarding the availability of adequate information in police stations on complaints and procedures, and there are statutory provisions for free legal advice.
Accessibility	Based on available data, there are encouraging indications that people are equally able to report a crime and receive adequate responses. A majority of the public surveyed (84%) believe that they can report a crime within 24 hours, and a majority of the public surveyed (55%) believes they can report a crime without having to pay a bribe. Moreover, more women than men believe the police would respond if they reported a crime, and police deployment seems to be equitable.
Legal Representation	Based on available data, there are encouraging indications that people have equal access to and quality of legal representation. Court records show that every case had legal representation. There is a professional accreditation body for court-appointed representatives. Translation and interpretation for the accused who are not proficient in the main language of the courts are required by law.
Engagement	Based on available data, there is mixed evidence as to whether people are equally able to engage with the justice system. Although all crime complaints are investigated by police, a majority of the experts surveyed (6 out of 9) believe that rape is seldom or almost never reported, and very few public trials involve poor victims.

Table 12. Summary Findings for Lagos, Nigeria

Transparency	Based on available data, there is little indication that the public is informed of legislative proceedings. A review of legislation suggests that timely notice of hearings and laws are published, though only in the official language, and members of the public are invited to hearings. However Rules of the House are not available to the public and the majority of the public surveyed (56%) do not view the process for enacting laws as transparent.
Participation	Based on available data, there is little indication that the public is able to influence legislation. A majority of the public surveyed (57%) does not believe that they are able to attend meetings where changes to the law are presented and discussed. Though select members of the public have an opportunity to submit their comments and suggestions at House committee meetings, experts on the panel reached a consensus that the public is unable to vote in these meetings and has very little influence on legislation.
Bias in Public Administration	Based on available data, there is some indication that public administration functions without discrimination. In law, people are able to apply for driver's licenses as long as they meet the minimum standards for age; however the cost of a driver's license, at 40% of the monthly minimum wage, may be prohibitively expensive to some. With respect to public services, a majority of the public surveyed (59%) report that they are unable to receive electricity and other utilities without having to pay a bribe. A majority of respondents for the 2006 National Crime Victimization Survey (74%) believe that they would have to pay a bribe to get help from the power company.
Bias in Franchises and Public Contracts	Based on results from expert surveys, there is no indication that franchises and public contracts are granted without discrimination. Experts agree there are attempts to publicize the bidding process for receiving public contracts but that dissemination is inadequate. Experts also agree that there is bribery, nepotism, and favoritism at every level for receiving franchises and public contracts and that those decisions are rarely published.
Bias in Enforcement	Based on available data, there is little indication that the laws are enforced equitably. Experts shared many instances of police brutality and extra judicial killings. A majority of respondents for the 2006 National Crime Victimization Survey (74%) believe that they would likely have to pay a bribe to get help from police officers.
Police	We do not have enough information to assess whether the police are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct. However, we do know that the salary of entry level police is 347% of the national minimum wage. The number of deaths in police custody is uncertain, but NGO reports indicate that more than 700 suspects were killed by the police in the course of law enforcement between July and October of 2007.
Judiciary	Based on available data, there is some indication that judges and courts are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct. There were 30,763 small claims cases mediated by the Citizens Mediation Center in 2004, suggesting access to civil remedies. Experts reached a general consensus that the judiciary in the lower courts is not independent. On the other hand, they believe that the current regime seems to be fairing well with respect to judicial decisions as the new government has not yet overturned judicial decisions.
Non-State or Informal Justice Mechanisms	Based on available data, there is little indication that non-state or informal justice mechanisms in Lagos are transparent, fair, and held accountable to high standards of professional and ethical conduct. A majority of the public surveyed (53%) do not believe that non-state or informal mechanisms are fair in their decisions. Fifty-eight percent said that these mechanisms treat men and women unequally. There is no formal record-keeping in the informal justice systems nor are there clear cut traditional edicts to guide outcomes. Data shows that more men than women use both state and non-state systems, though there is not much disparity in the proportion of men versus women who used non-state systems. Informal policing systems, which have been linked to serious human rights abuses, have increased in popularity as public confidence in effectiveness and integrity of formal justice systems have waned. Finally, a majority of the public surveyed (61%) believe that corruption exists in the informal justice system, and a majority (70%) of those with experience of the system and who were dissatisfied with the result report that they were not offered a right to appeal their decision.
Prisons	Based on available data, there is little indication that prisons are maintained according to universally acceptable conditions and prison staff members are held accountable to high standards of professional and ethical conduct. The entry level salary for corrections officers is 347% of the minimum wage, and there are rules that ban the use of restraints as punishment; however expert consensus is that restraints are nonetheless used as punishment. In addition, there are only 0.01 medical personnel per prison inmate, there are reports of torture in prison custody, and there is significant overcrowding (current occupancy rate is 159% of capacity).
Information/Awareness	Based on available data, there is some indication that people have equal access to information on their rights and procedures to access police or legal services. A majority of the public surveyed (59%) report that the public understands procedures for reporting a crime. Experts on the panel agree that free legal advice is available. However, in the area of the availability of information in police stations on complaints procedures, the Altus Police Station Visitor's Week score was "inadequate" (48%).
Accessibility	Based on available data, there is some indication that people are equally able to report a crime and receive adequate responses. A majority of the public surveyed (63%) believe that they can report a crime within 24 hours. However, a majority of the public surveyed (52%) do not believe that they can report a crime without having to pay a bribe. Administrative data from one police station suggests equal patrol deployment across areas and equal numbers of men and women believe the police would respond if they reported a crime.
Legal Representation	We do not have enough information to assess whether people have equal access to and quality of legal representation. However, we do know that there is a professional accreditation body for court-appointed representatives. Court interpreters are also provided, but not quickly.
Engagement	We do not have enough information to assess whether people are equally able to engage with the justice system. However, experts on the panel reached an agreement that rape is highly underreported.

Table 13. Summary Findings for Santiago, Chile

Transparency	We do not have enough information to assess whether the public is informed of legislative proceedings. However, we do know that the government provides a link to the official diary, which provides timely notice of hearings and laws published in the main language.
Participation	Based on available data, there are encouraging indications that the public is able to influence legislation. A majority of experts surveyed (22 out of 35) agree that members of the public are able to attend meetings where changes to the law are presented and discussed. There is also an opportunity for the public to comment or vote on drafts of legislation (58% of the laws analyzed by the research team involved public participation).
Bias in Public Administration	Based on available data, there are encouraging indications that public administration functions without discrimination. In law, people are able to apply for driver's licenses as long as they meet legitimate minimum standards. With respect to public services, a majority of the public surveyed (54%) agree that they would not be required to bribe a power company technician to receive timely service. The average processing time from applying to receiving a license to operate a small business is 6.7 working days.
Bias in Franchises and Public Contracts	Based on available data, there are encouraging indications that franchises and public contracts are granted without discrimination. The law requires transparency and openness in the bidding process. A majority of experts surveyed (27 out of 36) agree that the government procurement process facilitates fair competition. A majority of experts surveyed (33 out of 36) also agree that Chilean companies can compete for public contracts without having to pay a bribe. Finally, a majority of experts surveyed (30 out of 36) agree that the government publishes procurement decisions.
Bias in Enforcement	Based on available data, there are encouraging indications that the laws are enforced equitably. There are similar rates of stop and search across all income areas. A majority of experts surveyed (26 out of 36) do not believe that the government uses arrests and detention to suppress rival political groups. Seventy-two percent of the public believe that they would not be able to avoid a ticket by bribing the police, although 67% believe they would be able to if they were a police officer themselves.
Police	Based on available data, there is mixed evidence as to whether the police are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct. A majority of experts agree that both the Carabineros (20 out of 35 experts agree) and Investigative Police (17 out of 34 experts agree) use merit as a criterion for promotion. However, a majority of the public surveyed (78%) do not believe that the police treat people equally.
Judiciary	Based on available data, there is mixed evidence as to whether judges and courts are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct. A majority of experts surveyed (28 out of 36) agree that the government complies with judicial decisions. While the law establishes a right to mistrial, there is no right to appeal judicial decisions in serious offense cases.
Non-State or Informal Justice Mechanisms	This basket is not applicable for Santiago.
Prisons	Based on available data, there is mixed evidence as to whether prisons are maintained according to universally acceptable conditions and prison staff members are held accountable to high standards of professional and ethical conduct. Entry level salaries for corrections officers are 353% of median income per capita, and there are regulations barring torture and other types of degrading treatment. However, there were two reports of torture in prison custody, and prisons are operating at an occupancy rate of 158% of capacity.
Information/Awareness	Based on available data, there is some indication that people have equal access to information on their rights and procedures to access police or legal services. Based on published survey data from the Altus Police Station Visitors week, information on complaints procedures is more than adequate (score of 71%) in police stations. However, only 50% of the public survey respondents were able to correctly describe the procedures for reporting a crime and the average wait time to receive free legal advice was a little over seven working days.
Accessibility	Based on available data, there are encouraging indications that people are equally able to report a crime and receive adequate responses. A majority of the public surveyed (94%) believe that they can report a crime within 24 hours. A majority of the public surveyed (65%) did not believe that offering a bribe to the police would help the investigation. There was no disparity in responses between men and women when asked whether the Carabineros would investigate their report of a crime.
Legal Representation	We do not have enough information to assess whether people have equal access to and quality of legal representation. However, we do know that the law guarantees free legal defense in criminal matters, and there is a professional accreditation body for court-appointed representatives.
Engagement	We do not have enough information to assess whether people are equally able to engage with the justice system. However, experts surveyed believe that rape is underreported (average estimated rate of underreporting is 39%).

Table 14. Summary Findings for New York City, U.S.

Transparency	Based on available data, there is mixed evidence as to whether the public is informed of legislative proceedings. A majority of experts surveyed (7 out of 9) do not believe that the government in New York City informs the public about the way that legislative decisions are actually made.
Participation	Based on available data, there are encouraging indications that the public is able to influence legislation. The public is allowed to comment on any hearing topic, and oral testimony is permitted on invitation only. A majority of the experts surveyed (6 out of 9) believe that there is an opportunity for the public to comment on drafts of legislation. A majority of the public surveyed (52%) believe that they are able to meet with local government officials without financial inducements. A majority of experts surveyed (8 out of 9) also agree that civil society groups have the ability to influence legislation.
Bias in Public Administration	Based on available data, there are encouraging indications that public administration functions without discrimination. In law, people are able to apply for driver's licenses as long as they meet the minimum standards for age, physical health, and proof of identity. The cost of driver's license applications is 2% of median per household monthly income, which suggests that these are relatively affordable for people of lower income levels. With respect to public services, a majority of the public surveyed (78%) agree that a bribe would not be required to solve a problem with their home's electrical, gas, or telephone service.
Bias in Franchises and Public Contracts	We do not have enough information to assess whether franchises and public contracts are granted without discrimination. However, we do know that in law the bidding process must be transparent, and the city is required to publish procurement decisions of all large contracts.
Bias in Enforcement	Based on available data, there is mixed evidence as to whether laws are enforced equitably. More than twice as many black public survey respondents reported being stopped and searched in the previous year than white respondents. A majority of the experts surveyed (approximately 6 out of 9) believe that arrest and detention is rarely or never used as a tool of oppression or political advantage. No significant difference was found in sentencing for robbery and serious assault among defendants of different socio-economic status. Yet, a majority of the public surveyed (66%) disagree with the statement that the police in New York City do not abuse their power for personal gain.
Police	Based on available data, there is little indication that the police are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct. Salaries of entry level police are 269% of minimum wage, and 100% of police complaints are investigated. On the other hand, a majority of the public surveyed (69%) believe that the police treat rich people better than poor people, and 73% of the respondents disagree that the police treat people from all racial/ethnic groups equally. A majority of the experts surveyed (5 out of 9) do not believe that police personnel promotions are based largely on the employee's merit and competence. The majority of the public surveyed (54%) do not believe that the police are held accountable if they abuse their power or engage in other forms of misconduct.
Judiciary	Based on available data, there are encouraging indications that judges and courts are adequately resourced to perform their duties effectively and held accountable to high standards of professional and ethical conduct. The U.S. Constitution prohibits the government from overturning judicial decisions. There does not seem to be a difference in the number of judges per population for high-income versus low-income boroughs. Special procedures exist and are consistently applied for gender-based violence cases. There is a right to appeal judicial decisions in serious offense cases if the defendant is indigent, and indigent defendants can also ask for court-appointed counsel to prepare appeals documents.
Non-State or Informal Justice Mechanisms	Based on available data, there are encouraging indications that non-state or informal justice mechanisms in New York City are transparent, fair, and held accountable to high standards of professional and ethical conduct. Among public survey respondents, 19% of women and 20% of men report having used a community, religious, or other organization as an alternative to the police or courts. Based on two local non-state systems (mediation and Jewish religious courts), the right to appeal exists in that cases can be referred either to higher informal courts or to the formal court system.
Prisons	Based on available data, there is some indication that prisons are maintained according to universally acceptable conditions and prison staff members are held accountable to high standards of professional and ethical conduct. Entry level salaries for corrections officers are 91% of household income. The jail occupancy rate in 2003 was 68% of capacity and the prison occupancy rate in 2006 was 104% of capacity. On the other hand, a majority of experts surveyed (6 out of 9) are aware of restraints being used as a form of punishment in jails and prisons. Seven out of nine experts surveyed do not believe that non-governmental oversight groups are able to visit jails and prisons in New York City at short notice.
Information/Awareness	Based on available data, there are encouraging indications that people have equal access to information on their rights and procedures to access police or legal services. A majority of the public surveyed (90%) report that they understand procedures for reporting a crime. There are a number of organizations that provide free legal advice and aid.
Accessibility	Based on available data, there are encouraging indications that people are equally able to report a crime and receive adequate responses. A majority of the public surveyed (99%) believe that they can report a crime within 24 hours. A majority of the public surveyed (77%) believe they can report a crime without having to pay a bribe. There is no significant disparity between the percentages of men (31%) versus women (24%) who believed the police would respond if they reported a crime.
Legal Representation	Based on available data, there are encouraging indications that people have equal access to and quality of legal representation. States, by law, are required to provide legal counsel for every defendant facing imprisonment. Individuals must be accredited by the American Bar Association to provide counsel. The New York court system employs interpreters in 24 different languages. A Justice Speaks Taskforce survey reports that the majority of clients (85%) wait less than 12 hours before an interpreter appears for them.
Engagement	We do not have enough information to assess whether people are equally able to engage with the justice system. However, seven out of nine experts believe that the police are more likely to investigate a crime when the victim is of high wealth or social status. According to the New York City Alliance Against Rape, rapes are underreported at a rate of 84% in the state.

Lessons Learned and Future Challenges

The Indicators Project tested a new set of methods for measuring an important but often poorly defined concept—the rule of law. As such, we are able to report a number of important successes and a host of informative challenges.

Probably our greatest achievement is the fact that we were able to develop and implement a new and innovative set of rule of law measures across four jurisdictions characterized by their diverse geography, culture, politics, levels of development, and a variety of approaches to the organization of their justice institutions and legal systems. We have gathered data that reflects the actual experiences of members of the public and the opinions of experts. Local project teams have compiled government statistics and amassed large quantities of administrative data describing the operation of the police, courts, and correctional systems, as well as making some firm steps towards measuring non-state systems of justice.

We expect to revise the Vera-Altus Indicators. While most of our measures provided useful information, some were ultimately not informative, either because they were poorly defined, did not accurately assess the intended concept, or were not measurable in practical terms. We also addressed only two out of the four bands in the WJP Index, and these results are neither definitive nor complete. The challenges that we encountered were exacerbated by the striking contrast between the scope of the work and the amount of time available. However, as is often the case when testing new approaches, we have learned much from the challenges of conducting this work as well as our successes.

Lessons Learned

Local knowledge and expertise is essential. The Altus member organizations that joined together to conduct this pilot project are each national and regional leaders with a history of working on justice reform issues and have well-developed networks of civil society and government partners. This level of expertise made it possible to build a set of indicators that, while rooted in globally defined principles and common data collection methods, were also informed by teams who brought an intimate understanding of the nuances of local context to the implementation of indicators and analysis of the data. In each site, our partners' reputations and preexisting relationships with government partners enabled them to access data, which even they did not anticipate. For example, researchers in Santiago received 90 percent of all administrative data requested, even within the short time frame of the pilot project. In Lagos, the police and prisons, which are notoriously closed when it comes to providing administrative data, were extremely responsive and open to requests for data from the research team.

If sufficiently flexible, rule of law indicators can be used even in “data poor” environments. We found that while the reliability and availability of data certainly varied between sites, there were data strengths and weaknesses in each site. In New York City, for example, government agencies routinely record information on the use of publicly funded services such as the courts, jails, and police but produce no data on victimization, while in Santiago victimization survey data is available. As another example, researchers in Lagos were able to partner with a research firm to produce a household survey of 2,000 residents, while the teams in Chandigarh, New York City, and Santiago relied on smaller, street-based surveys.

The use of multiple data collection methods by the various teams proved to be a strength of the pilot. In particular, researchers in each site were able to adopt methods for surveying the public and experts that are culturally appropriate and draw on local resources. As a result, the pilot tested a variety of methods for conducting expert polls and public surveys. At the same time, the teams would have benefited from additional standards to guide the choice of data and collection methods.

Face to face communication is crucial. During the pilot project researchers from all four teams convened at three points. Directors from the four Altus member organizations met in New York City during the first month of the project to discuss the selection and design of indicators. Mid-way through the data collection period Vera staff visited each country to meet the local research teams, providing advice and feedback on data collection methods, and learning about data availability. These visits included press conferences, roundtable discussions, and in-depth meetings with key stakeholders. Finally, we convened a week-long meeting of the project research teams in New York City towards the end of the project. These in-person meetings were central to the project's success, allowing our geographically scattered team to build relationships, develop shared understandings of the methods, and discuss the project's successes and challenges. We recognize a need for better use of information technologies in future iterations of the project allowing for communication between *all* partners in-between meetings.

Future Challenges

Defining concepts and ambiguities in interpretation. This reaches to the heart of any international project. Even basic concepts can be interpreted quite differently from place to place. Take corruption as an example: our initial decision was to use measures of bribery. While that worked well in Lagos, feedback from our New York City and Santiago experts indicated that police corruption in those sites is not related to bribery but instead to preferential treatment and exchanges of favors. The challenge in this case is to define corruption in a way that is not so vague that it does not measure the concept (for example, asking the public “do the police treat everyone equally”), but not so narrowly defined that it is not globally relevant (for example, asking only about bribery).

Developing precise indicators. In some cases, our chosen indicators did not accurately measure the underlying principle or missed potentially important facets. Indicator 17, for example, measures “average sentence(s) for robbery and serious assault, disaggregated by defendant SES” as an indicator of bias in enforcement. In several sites, based on administrative data, we found that the sentence did not vary across different socio-economic statuses, suggesting a lack of bias. There is anecdotal evidence in each of the sites, however, that high status defendants are convicted at a lower rate, either because their cases are dismissed or because of bias in judicial decision making. Our basket did not measure either of these potentially important sources of inequality.

Balancing flexibility and comparability. To deal with the diversity of contexts, we allowed considerable flexibility in the wording and selection of data sources and collection methods. For example, indicator 12 asks sites to gather information on the “average processing time from applying to receiving a license to operate a small business” as a measure of potential bias in civil administration. In Lagos this information is not as relevant, and therefore, the local research team collected data on the average processing time to register a business name. However, differences in the choice of measure across sites can be problematic. In Chile, for example, the process for reporting a crime is more complex than other sites, and therefore, the research team supplemented indicator 47, “the public understands procedures for reporting a crime,” with a question asking respondents to describe the

process in detail. This led to lower reported rates of understanding that are, in part, attributable to the formulation of the question.

Facing the limitations of available data. Although we were surprised by the extent to which the indicators could be implemented in so-called “data poor” environments, certain types of information were generally unavailable across the sites. This was most striking in two instances: information from administrative data sources and demographic data necessary for disaggregation. In some sites, administrative data was simply not recorded in an accessible form; in others, it was available but was outdated; and in still others, the information was theoretically available, but not practically accessible within the timeframe of the project. Even when information was both recorded and available— for example, the average sentence for robbery and serious assault (indicator 17)—the courts did not record details of defendants’ gender or socio-economic status. In some cases where socio-economic data was required for the purposes of disaggregation, the teams were able to use proxies based on available data, such as education or place of residence. The widespread lack in all sites of administrative data that can be disaggregated shows a clear need to include indicators that do not rely on this information and also highlights the need for better record keeping.

Resisting *de jure* measures. This pilot project sought to develop and implement *de facto* measures, providing important insights into the experiences of the public. Generally, the research teams were able to gather data to produce *de facto* measures, but in some cases the teams had to rely on less stringent *de jure* measures. For example, indicator 54 asks for information on the “percentage of defendants in cases that may result in jail sentence who are represented at trial,” disaggregated by socio-economic status. This information was not available within the time frame of the pilot project for most of the cities, so the researchers in two of the sites based their measures on the existence of legislation guaranteeing a lawyer at trial.

Measuring the rule of law provided by non-state justice systems. Key problems arose in relation to measuring non-state systems. Non-state systems can be hard to define and often lack documentation. For example, in India, the Lok Adalats originated as part of traditional practices, but have now been integrated into the formal system. Indicator 35 asks about the existence of written or oral standards which are consistently applied. In Lagos, the traditional ruler met with the project research team and described the types of cases heard, staffing, and case load, but did not provide written records.

Taking the results to the next level. As discussed, we provide summaries of findings from the test sites in this report that offer some preliminary indication of performance based on 13 rule of law principles. However, this pilot stops far short of a definitive assessment, at either the level of individual indicators or baskets. To take the project to the next level of analysis requires assigning scores for “acceptable performance.” For example, we found that in Santiago, New York City, and Chandigarh there was an average of one medical staff person for every 33 inmates, and in Lagos the same measure indicated 1 medical person for every 100 inmates. At this stage, we have not defined the appropriate medic-to-inmate ratio. These kinds of judgments require further consideration. Further iterations of the Indicators Project will also test approaches to weighting and aggregating individual measures to produce basket-level summaries that are useful for tracking progress over time.

Next Steps

Impact of the Pilot Project

The Indicators Project developed and implemented a promising methodology to measure the operation of the rule of law in an international context. In this report we've shared both the dispassionate science that girds our methodology as well as our passion for confronting the challenges that lie ahead. It is clear to us that this work has an important role to play in the quickly developing field of justice indicators. We believe these methods can guide efforts to strengthen the rule of law in ways that improve the well-being of all people, especially the poor and marginalized.

The Altus Global Alliance provided a natural home for this pilot project. The member organizations share common expertise and specializations in both research and practice in the area of justice. The greatest challenge to this type of project is defining and measuring the rule of law in a way that is rooted in truly universal standards of human rights that are also meaningful locally. While not all of the indicators developed through this pilot project are equally useful in a global context, the pilot shows that it is possible to create and implement standardized measures of the rule of law as it functions in reality—measures rooted in United Nations covenants.

In addition to producing a promising set of indicators to be refined and tested further in the future, this pilot project has produced other benefits. As we went about our business of building justice indicators, the people and institutions involved began to engage one another in dialogue about how to use the indicators to improve the civil, criminal, and non-state justice systems which people rely upon.

The Indicators Project has had a marked impact in all the sites. In Lagos, CLEEN will continue to use the Vera-Altus Indicators to hold accountable a government that came to power on a platform promoting the delivery of the “rule of law” to the poor. In Santiago, government partners from policing, prosecution, and corrections were eager to learn how to integrate the indicators into their institutions' existing performance indicators. In New York City, this project lays the groundwork for further international collaboration. In Chandigarh, there were specific demands from stakeholders for “action plans” based on the indicators. These are neither small nor inconsequential steps forward in areas of government that are traditionally guarded and resistant to change.

Expansion of the Project: Peer to Peer Rollout

Now that we have a solid foundation, we are ready to start a new phase that builds on lessons learned. We propose to expand and extend our work, adopting a controlled rollout of the project to reach new countries, re-testing existing measures, and developing new ones. We imagine a staggered development process whereby indicators are developed and tested at a rate that matches the naturally slow pace of institutional reform. An indicator could be designed in one year and tested again every three years, for example. In the intervening years, other indicators could be developed, although we would remain mindful of how one indicator might influence the development of another indicator. For example, expert surveys may lay the groundwork for setting up public surveys. We also anticipate the further design and testing of aggregation methods.

The proposed rollout would proceed as follows:

First, review and modify the Vera-Altus Indicators based on lessons learned from the four test sites. Particular emphasis would be given to the standardization of definitions, the process of collecting data, and even some specific data collection tools such as expert surveys and public surveys.

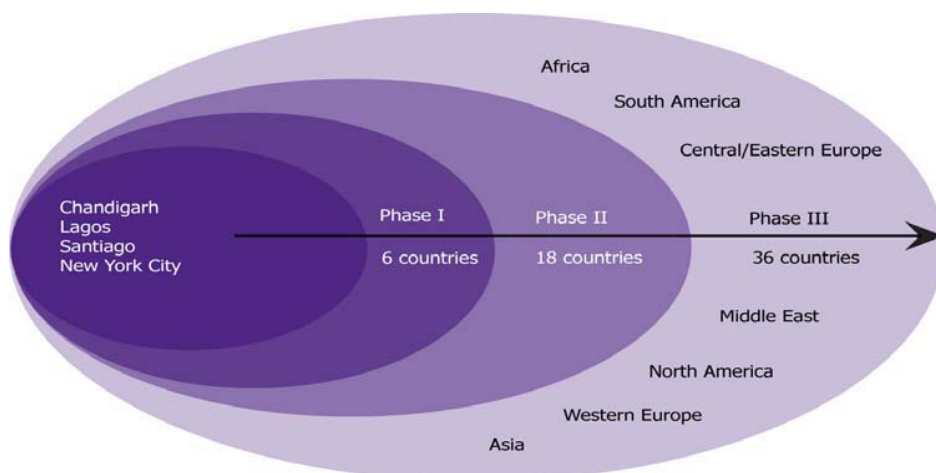
Second, develop second-generation indicators that allow for implementation at the national level and add substantive areas not covered by the present set of indicators. The practical implications of expanding to a national level are considerable. We know there are pros and cons of collecting data at a national level, and therefore, our second-generation indicators would be developed taking those factors into consideration.

These steps would result in: (1) an adjusted set of Vera-Altus Indicators; and (2) a set of second-generation indicators to be piloted nationwide in Chile, India, Nigeria, and the United States.

In addition, we propose the following stages of development:

- ◆ **Extend the project to reach all six Altus members countries:** Vera-Altus Indicators would be implemented in the other two Altus countries: Brazil and Russia.
- ◆ **Establish regional hubs:** During the first phase, regional hubs will be established in each of the six Altus member countries.
- ◆ **Expand geographically through the regional hubs:** During the second phase, each of the six Altus members would bring two neighboring countries into the project using a peer to peer model, resulting in 18 countries (6 Altus sentinel sites and 12 satellite sites). For example, IDC might implement the indicators throughout India while collaborating with partners in Malaysia and Pakistan to implement the Vera-Altus Indicators for the first time. In this way we can deepen the methodology while at the same time we expand outreach.
- ◆ **Achieve a five-year goal:** We expect to complete the third phase within five years. At this point, the project that will reach 36 countries around the world.
- ◆ **Make time for reflection and feedback:** After each phase, we would set aside time for analysis, innovation, dissemination of findings, and modification of the rollout plan.

Figure 1. Vera-Altus Indicators Project Strategic Expansion



Appendix: Tables of Summary Findings, by Jurisdiction

Appendix Table 1.1 Summary Findings for Chandigarh, India

Band III	Data Source	Summary Findings
Transparency		
Timely notice of hearings and laws are published in main languages	Documents/Legislation	Data unavailable
There is a good faith effort to inform the public of the real legislative process	Expert Survey	- "The government informs the public about the process and issues while making legislative decisions": out of 30 experts, 8 agree, 5 neutral, 17 disagree
The public views the process for enacting laws as transparent	Public Survey	o "The government is open and transparent about the process for making laws": 31% agree, 12% neutral, 27% disagree, 30% don't know
Participation		
Members of the public attend meetings where changes to the law are presented and discussed	Documents/Legislation; Media Review; Case Study/Observation	Data unavailable
There is an opportunity for the public to comment or vote on drafts of legislation	Expert Survey	- "There is an opportunity for the public to comment or vote on drafts of legislation": out of 30 experts, 7 agree, 4 neutral, 19 disagree
Members of the public are able to meet (or have meaningful contact) with local government officials without financial inducements	Expert Survey; Media Review; Public Survey	Data unavailable
Expert opinion on the ability of the public to influence recent legislation	Expert Survey	o "The public is able to influence legislation": out of 25 experts, 8 agree, 5 neutral, 11 disagree ²⁴
Civil society groups have confidence in their ability to influence legislation	Expert Survey	+ "Civil society groups are able to influence legislation": out of 16 experts, 10 agree, 3 neutral, 3 disagree
Bias in Public Administration		
In law, people are able to apply for driver's licenses irrespective of their background	Documents/Legislation	+ Age, physical health, and driving skills are the only criteria.
Cost of driver's license applications as a percentage of median area income	Documents/Legislation	+ Cost of application is 5% of median per capita monthly income.
Proportion of public who believes that they can receive timely services for electricity or other public utilities without having to pay a bribe	Public Survey	o "It is possible to receive public utilities - such as telephone and electricity services - within a reasonable time and without having to pay a bribe": 47% agree, 44% disagree, 8% no opinion or don't know ²⁵
Average processing time from applying to receiving a license to operate a small business	Expert Survey	- "Average processing time from applying to receiving a license to operate a small business is reasonable": out of 5 experts, 2 agree, 3 disagree
Bias in Franchises and Public Contracts		
There is an open and transparent bidding process for receiving public contracts	Expert Survey	- "There is an open and transparent bidding process for receiving public contracts": out of 21 experts, 7 agree, 11 disagree
Expert opinion on the use of bribery in receiving franchises and public contracts	Expert Survey	o "Companies are able to compete for franchises and public contracts without paying bribes, levies, or other unofficial inducements": out of 14 experts, 7 agree, 6 disagree, 1 did not know
The Government publishes the results of all procurement decisions	Documents/Legislation	+ Legislation requires that the government publish all procurement decisions.
Bias in Enforcement		
Police stop and searches, disaggregated by key cultural groups	Public Survey	+ There was no relationship found between caste and number of times stopped and searched.
Sentence for robbery and serious assault, disaggregated by defendant SES	Administrative Data; Secondary Admin. Data	Data unavailable
Proportion of sentenced served, disaggregated by SES	Administrative Data	Data unavailable
Expert opinion on the use of arrest as a tool of oppression or political advantage	Expert Survey	- "The government or other powerful groups use arrest as a tool of oppression or for political advantage": out of 7 experts, 6 agree, 1 neutral
Public perceptions of police corruption	Public Survey	- "Police are free from corruption": 7% agree, 13% neutral, 80% disagree, 1% did not know

²⁴ We have not included responses of 'do not know' or non-responses in our descriptions of expert panels. Therefore, reported responses may not equal the number of experts polled.

²⁵ As we have rounded percentages, the total does not always equal 100%.

Appendix Table 1.1 Chandigarh, India

Band IV	Data Source	Summary Findings
Police		
Public perceptions of police fairness	Public Survey	- Police treat people equally: 24% agree, 15% neutral, 55% disagree, 6% did not know
Police promotions are based on competence/merit	Documents/Legislation	+ Promotions based on merit are required within police rules.
Salary of entry level police as percentage of area median income of households and individuals	Administrative Data	+ 133% of per capita income
Deaths in police custody	Administrative Data	o 1 death in custody for 2007
Opinions of the effectiveness of accountability mechanisms	Expert Survey	o "Police are held accountable for abuses of power or other forms of misconduct": out of 33 experts, 11 agree, 10 neutral, 12 disagree
Percentage of police complaints resolved*	Administrative Data	+ 92% of cases resolved in 2007.
Judiciary		
Percentage of all civil cases involving "small claims"	Administrative Data	Data unavailable
The judiciary is perceived as independent	Public Survey	o "Courts and judges are able to make decisions without influence": 48% agree, 15% neutral, 23% disagree, 15% did not know
The government does not overturn judicial decisions	Expert Survey	+ "The government does not overturn judicial decisions": out of 25 experts, 17 agree, 3 neutral, 4 disagree
Number of judges per population for rich versus poor areas	Administrative Data	+ The entire population of Chandigarh has access to the same pool of judges, so there is no difference in rich versus poor areas.
Existence of special procedures or processes for hearing gender-based violence cases	Documents/Legislation	+ Procedures exist in law for dealing with sexual harassment cases, providing video deposition, and protecting the identity of the victim.
Ability of poor people to appeal judicial decisions in serious offense cases	Documents/Legislation	+ In law, everyone has the right to appeal.
Non-State or Informal Justice Mechanisms		
Consistency of outcome, disaggregated by SES	Case Study/Observation	Data unavailable
Public perceptions of the fairness of the Non-state or informal justice mechanism in their jurisdiction	Expert Survey	o "Public perceptions of the fairness of the Non-state or informal justice mechanism (Lok Adalat) in their jurisdiction": out of 34 experts, 17 agree, 9 neutral, 6 disagree
There are written or oral standards, which are available for review and consistently applied	Documents/Legislation	+ Written standards exist for the Lok Adalats.
Proportion of women who use state versus non-state systems	Public Survey	+ 20% of men and 25% of women use the non-state system. Therefore there is equal access.
NGO reports of human rights abuses by non-state or informal justice mechanisms	Documents/Legislation	+ No documented reports
There is a right to appeal decisions	Documents/Legislation	+ The Lok Adalats operate on consensus; if no consensus is reached, the case returns to the formal courts.
Public perceptions of corruption in the non-state or informal justice mechanism	Public Survey	o "The Lok Adalats are free from corruption": 24% agree, 15% neutral, 22% disagree, 40% don't know
Prisons		
Existence of rules barring the use of restraints as punishment	Documents/Legislation	+ Such rules exist.
Exit survey on use of restraints as punishment*		Data unavailable
Prisons are accessible to civil society prison oversight bodies at short notice (or Frequency of NGO visits in an oversight capacity)	Expert Survey	- "Prisons are accessible to civil society prison oversight bodies at short notice": out of 24 experts, 9 agree, 14 disagree
Number of medical personnel per prison inmate	Administrative Data	o 0.03 medical personnel per inmate
Entry level salary for correction officers, as percentage of median area income	Administrative Data	+ 133% of per capita income
NGO reports of torture in prison (non-police) custody	Documents/Legislation	+ No reports of torture were found from May 2007 - April 2008.
Indicator for overcrowding	Administrative Data	+ Occupancy rate at 51% of capacity
Information/Awareness		
The public understands procedures for reporting a crime	Public Survey	+ 66% agree that they know the procedures for reporting a crime.
Information available in police stations on complaints procedures in relevant languages	NGO Reports	+ Altus Police Station Visitors Week score of 96 (Excellent)
Availability of free legal advice	Documents/Legislation	+ Free legal advice is available.
Accessibility		
Percentage of population who believe that they could contact the police to report a crime within 24 hours, disaggregated by geography and SES	Public Survey	+ 84% of those surveyed believe they can report a crime in less than 24 hours.
Difference in police patrol deployment, disaggregated by area SES	Administrative Data	+ 78% of police deployed in urban areas, 22% deployed in rural. This means that proportionally, more police are deployed in rural areas than in urban areas. However data indicates that this is due to the fact that the Union Territory border is in a rural area.
Percentage of population who believe they could report a crime without having to pay a bribe	Public Survey	+ "Do you think you would be able to register a crime without having to pay a bribe?" 55% yes, 35% no, 10% do not know
Percentage of women vs. men who believe that the police would respond if they reported a crime	Public Survey	+ 67% of women and 61% of men surveyed believed the police would respond if they reported a crime.
Legal Representation		
Percentage of defendants in cases that may result in jail sentence who are represented at trial, at least one hearing, disaggregated by SES	Administrative Data	+ Review of court records shows that every case had representation.
Existence of professional accreditation body for court appointed representatives, disaggregated by SES	Documents/Legislation	+ Accreditation body exists.
Court interpreters are made available in relevant languages in court hearings on timely basis.	Documents/Legislation	+ There are requirements in law to provide both translation and interpretation.
Engagement		
Proportion of public trials involving poor victims	Administrative Data	o 1.9% public trials involved poor victims in March 2008.
Proportion of crime complaints that are investigated by police, disaggregated by complainant SES/gender/complaint type	Administrative Data	+ 100% of complaints by males and 85% of complaints by females are investigated. The remaining 15% of complaints are not crimes.
Expert opinion on underreporting of rape	Expert Survey	- Out of 9 experts, 6 believe that rape is seldom (10-30% of the time) or almost never (<10% of the time) reported to the police, 3 believe that rape is sometimes (30-70% of the time) reported.
Number of crime reports divided by the number of arrests, disaggregated by area SES	Administrative Data	o The proportion of crime reports to arrests in urban areas is higher (2.16) than in rural areas (1.36).

Appendix Table 1.2 Summary Findings for Lagos, Nigeria

Band III	Data Source	Summary Findings
Transparency		
Timely notice of hearings and laws are published in main languages	Documents/Legislation	o The House publishes notices of hearings, but only in English.
There is a good faith effort to inform the public of the real legislative process	Documents/Legislation	o Public hearings are published in newspapers and members of the public are invited to hearings, but Rules of the House are not meant for public consumption.
The public views the process for enacting laws as transparent	Public Survey	- The process for enacting laws is transparent: 40% agree, 56% disagree
Participation		
Members of the public attend meetings where changes to the law are presented and discussed	Public Survey	- Members of the public are able to attend meetings where changes to the law are presented and discussed: 37% agree, 57% disagree
There is an opportunity for the public to comment or vote on drafts of legislation	Expert Survey	+ Expert consensus is that members of public are able to comment, but unable to vote.
Members of the public are able to meet (or have meaningful contact) with local government officials without financial inducements	Secondary Survey Data	o National Crime Victimization Survey (NCVS): 38% of the public feel it is likely they would need to pay a bribe to get help from an elected official, 30% feel it is not likely.
Expert opinion on the ability of the public to influence recent legislation	Expert Survey	- Expert consensus is that the public has very little influence.
Civil society groups have confidence in their ability to influence legislation	Expert Survey	o Expert consensus is that there is some opportunity but with little impact.
Bias in Public Administration		
In law, people are able to apply for driver's licenses irrespective of their background	Documents/Legislation	+ Age is the only basis of denial.
Cost of driver's license applications as a percentage of median area income	Administrative Data	- Cost of application is 40% of national monthly minimum wage (note: uses minimum wage, not median income).
Proportion of public who believes that they can receive timely services for electricity or other public utilities without having to pay a bribe	Public Survey; Secondary Survey Data	- 59% of public survey respondents reported that they are unable to receive electricity and other utilities without paying a bribe. 74% of Lagos respondents to 2006 Victimization survey thought they would have to pay a bribe to get help from the power company.
Average processing time from applying to receiving a license to operate a small business	Expert Survey	+ Experts report that the average time to register a business name is 4 weeks - which was thought to be reasonable.
Bias in Franchises and Public Contracts		
There is an open and transparent bidding process for receiving public contracts	Expert Survey	- Expert consensus is that there is an attempt at publicity but dissemination is inadequate.
Expert opinion on the use of bribery in receiving franchises and public contracts	Expert Survey	- Expert consensus is that there is bribery, nepotism, and patronages to party members at every level.
The Government publishes the results of all procurement decisions	Expert Survey	- Expert consensus is that decisions are 'very rarely' published and when they are it is 'celebrated.'
Bias in Enforcement		
Police stop and searches, disaggregated by key cultural groups	Secondary Survey Data	o Data on ethnicity is not collected by NCVS because of sensitivities; gender shows bias (more men stopped than women).
Sentence for robbery and serious assault, disaggregated by defendant SES	Administrative Data	Data unavailable
Proportion of sentenced served, disaggregated by SES	Administrative Data	Data unavailable
Expert opinion on the use of arrest as a tool of oppression or political advantage	Expert Survey	- Experts shared many instances of police brutality and extra judicial killings.
Public perceptions of police corruption	Secondary Survey Data	- 74% of people surveyed in the NCVS (2006) thought it was likely that they would have to pay a bribe to get help from the police.

Appendix Table 1.2 Summary Findings for Lagos, Nigeria

Band IV	Data Source	Summary Findings
Police		
Public perceptions of police fairness	Secondary Survey Data	Data unavailable
Police promotions are based on competence/merit	Administrative Data	Data unavailable
Salary of entry level police as percentage of area median income of households and individuals	Administrative Data	+ 347% of national minimum wage
Deaths in police custody	NGO Reports	- Human Rights Watch reports that between June and September 2007, 785 suspected "armed robbers" were shot and killed by the police.
Opinions of the effectiveness of accountability mechanisms	Secondary Survey Data	Data unavailable
Percentage of police complaints resolved*	Administrative Data	Data unavailable
Judiciary		
Percentage of all civil cases involving "small claims"	Administrative Data	+ 30,763 cases dealt with by Citizen's Mediation center in 2004 - data is not available on the total number of civil cases, however this number is judged to be high and indicates access to justice for the poor.
The judiciary is perceived as independent	Expert Survey	- Expert consensus is that there is no real independence.
The government does not overturn judicial decisions	Expert Survey	+ Expert consensus is that the current regime is faring well in this regard.
Number of judges per population for rich versus poor areas	Administrative Data	Data unavailable
Existence of special procedures or processes for hearing gender-based violence cases	Expert Survey	o Expert consensus is that these procedures exist in law but are often not applied.
Ability of poor people to appeal judicial decisions in serious offense cases	Expert Survey	o Expert consensus is that there is no law restricting right to appeal, but most of the time, defendants cannot afford the financial burden of the appeal process.
Non-State or Informal Justice Mechanisms		
Consistency of outcome, disaggregated by SES		Data unavailable
Public perceptions of the fairness of the Non-state or informal justice mechanism in their jurisdiction	Public Survey	- 35% of respondents said they do and 53% that they do not believe that non-state or informal justice mechanisms are fair in their decisions. 32% said that these mechanisms treat men and women equally and 58% said that they do not.
There are written or oral standards, which are available for review and consistently applied		- There are no formal record-keeping mechanisms in the informal justice systems. Also, there are no clear cut traditional edicts to guide such outcomes.
Proportion of women who use state versus non-state systems	Secondary Survey Data	+ Men have more contact with both the informal and formal justice systems, but proportionally there does not seem to be a disparity.
NGO reports of human rights abuses by non-state or informal justice mechanisms	NGO Reports	- Informal policing systems or vigilante justice have increased in popularity as public confidence in effectiveness and integrity of formal police wanes; these groups are linked to serious human rights abuses, including beatings, trial by ordeal, killing and burning of suspects.
There is a right to appeal decisions	Public Survey	- 30% of survey respondents with experience of the system and who were dissatisfied with the result report that they were given an opportunity to appeal, 70% reported that they were not.
Public perceptions of corruption in the non-state or informal justice mechanism	Public Survey	- 61% of respondents believe corruption exists in the informal justice mechanisms.
Prisons		
Existence of rules barring the use of restraints as punishment	Administrative Data	+ These rules do exist.
Exit survey on use of restraints as punishment	Expert Panel	- Expert consensus is that in spite of the laws, restraints are used as punishment against people who break prison rules, usually as a deterrent to others.
Prisons are accessible to civil society prison oversight bodies at short notice (or Frequency of NGO visits in an oversight capacity)	Expert Survey	o Expert consensus is that while there is no legal right to accessing prisons on short notice, informal visits are usually allowed.
Number of medical personnel per prison inmate	Administrative Data	- 0.01 medical personnel per inmate
Entry level salary for correction officers, as percentage of median area income	Administrative Data	+ 347% of minimum wage
NGO reports of torture in prison (non-police) custody	NGO Reports	- Amnesty International reports torture in prison custody.
Indicator for overcrowding	Administrative Data	- Occupancy rate at 159% of capacity
Information/Awareness		
The public understands procedures for reporting a crime	Public Survey	+ 59% of respondents believe members of the public understand procedures for reporting crime, 41% do not.
Information available in police stations on complaints procedures in relevant languages	NGO Reports	- Altus Police Station Visitors Week score of 48 (Inadequate)
Availability of free legal advice	Expert Survey	+ There is expert consensus that free legal is advice.
Accessibility		
Percentage of population who believe that they could contact the police to report a crime within 24 hours, disaggregated by geography and SES	Public Survey	+ 63% of respondents believe they can report a crime in less than 24 hours. 33% believe they cannot.
Difference in police patrol deployment, disaggregated by area SES	Administrative Data	+ Administrative data for one week at one police station suggests equal beat patrol deployment across areas.
Percentage of population who believe they could report a crime without having to pay a bribe	Public Survey	- 46% of respondents agree and 52% disagree that they would be able to report a crime to the police without having to pay a bribe.
Percentage of women vs. men who believe that the police would respond if they reported a crime	Public Survey	+ 52% of men and 52% of women believe the police would respond if they reported a crime.
Legal Representation		
Percentage of defendants in cases that may result in jail sentence who are represented at trial, at least one hearing, disaggregated by SES		Data unavailable
Existence of professional accreditation body for court appointed representatives, disaggregated by SES	Documents/Legislation	+ Accreditation body exists.
Court interpreters are made available in relevant languages in court hearings on timely basis.	Expert Survey	o Expert consensus is that, while interpreters may be provided, it may take some time and can prolong detention.
Engagement		
Proportion of public trials involving poor victims	Administrative Data	Data unavailable
Proportion of crime complaints that are investigated by police, disaggregated by complainant SES/gender/complaint type	Administrative Data	Data unavailable
Expert opinion on underreporting of rape	Expert Survey	- Expert consensus is that rape is highly underreported. A number of potential reasons were provided, including stigmatization, poverty, and illiteracy.
Number of crime reports divided by the number of arrests, disaggregated by area SES	Administrative Data	Data unavailable

Appendix Table 1.3 Summary Findings for Santiago, Chile

Band III	Data Source	Summary Findings
Transparency		
Timely notice of hearings and laws are published in main languages	Documents and Legislation	+ Government provides link to official diary.
There is a good faith effort to inform the public of the real legislative process	Expert Survey	o "The government provides information about the mechanisms used in public decision-making": out of 36 experts, 10 agree, 15 disagree
The public views the process for enacting laws as transparent	Secondary Survey Data	Data unavailable
Participation		
Members of the public attend meetings where changes to the law are presented and discussed	Expert Survey	+ "Citizens have access to sessions where legislative changes are debated": out of 35 experts, 22 agree, 7 disagree
There is an opportunity for the public to comment or vote on drafts of legislation	Documents/Legislation	+ 58% of laws analyzed showed public participation.
Members of the public are able to meet (or have meaningful contact) with local government officials without financial inducements	Public Survey	Data unavailable
Expert opinion on the ability of the public to influence recent legislation	Expert Survey	o "Civil society organizations are able to influence the legislative process": out of 26 experts, 15 agree, 14 disagree. Out of 8 NGOs, 3 agree, 3 disagree
Civil society groups have confidence in their ability to influence legislation	Expert Survey	Data unavailable
Bias in Public Administration		
In law, people are able to apply for driver's licenses irrespective of their background	Documents/Legislation	+ Review of transit law found this to be true.
Cost of driver's license applications as a percentage of median area income	Administrative Data	o Cost is 65% of median per capita monthly income. This reflects cost of driving course rather than application fee.
Proportion of public who believes that they can receive timely services for electricity or other public utilities without having to pay a bribe	Public Survey	+ "Do you think you can avoid having your service discontinued if you offer money to the technician?" 46% yes, 54% no
Average processing time from applying to receiving a license to operate a small business	Administrative Data	+ Average processing time is 6.7 days.
Bias in Franchises and Public Contracts		
There is an open and transparent bidding process for receiving public contracts	Expert Survey	+ "The government procurement system facilitates fair competition among suppliers": out of 36 experts, 27 agree, 4 disagree
Expert opinion on the use of bribery in receiving franchises and public contracts	Expert Survey	+ "Chilean companies can compete for public contracts without having to pay bribes or other kinds of illegal payments": out of 36 experts, 33 agree, 2 disagree
The Government publishes the results of all procurement decisions	Expert Survey	+ "The government publishes the results of all public procurement processes (excluding those related to defense and national security)", out of 36 experts, 30 agree, 3 disagree
Bias in Enforcement		
Police stop and searches, disaggregated by key cultural groups	Public Survey	+ Similar rates of stop and search were reported by those interviewed in high (15%), med (13%) and low (13%) income areas (based on area income where interview was conducted).
Sentence for robbery and serious assault, disaggregated by defendant SES	Administrative Data	Data unavailable
Proportion of sentenced served, disaggregated by SES		Data unavailable
Expert opinion on the use of arrest as a tool of oppression or political advantage	Expert Survey	+ "The government uses arrests and detention to suppress rival political groups": out of 36 experts, 2 agree, 26 disagree
Public perceptions of police corruption	Public Survey	o 72% of public survey respondents disagree that they could get out of a ticket by offering police a bribe; but 67% believe they could avoid a ticket if they were a police officer.

Appendix Table 1.3 Santiago, Chile

Band IV	Data Source	Summary Findings
Police		
Public perceptions of police fairness	Public Survey	- Police treat everyone the same way: 13% agree, 78% disagree
Police promotions are based on competence/merit	Expert Survey	+ "Promotions within the (name of police force) are based on personal merit": out of 35 experts, 20 agree, 5 disagree for the Carabineros; out of 34 experts, 17 agree, 2 disagree for the Investigative Police
Salary of entry level police as percentage of area median income of households and individuals	Administrative Data	o Salary is 284% of median per capita income; however data is only available for the Investigative Police and not the Carabineros.
Deaths in police custody	Administrative Data	o 1 death in police custody; however, data is only available for the Investigative Police and not the Carabineros.
Opinions of the effectiveness of accountability mechanisms	Expert Survey	o "The accountability mechanisms for police officers are effective": out of 35 experts, 14 agree, 10 disagree
Percentage of police complaints resolved*	Administrative Data	o 80% of complaints are resolved; however, data is only available for the Investigative Police and not the Carabineros.
Judiciary		
Percentage of all civil cases involving "small claims"		Data unavailable
The judiciary is perceived as independent	Expert Survey	o "Judges make decisions independently and are not influenced by politicians or other powerful groups": out of 36 experts, 17 agree, 9 disagree
The government does not overturn judicial decisions	Expert Survey	+ "The government complies with judicial decisions": out of 36 experts 28 agree, 3 disagree
Number of judges per population for rich versus poor areas	Administrative Data	o 3.71 in rich areas, 3.07 in poor areas
Existence of special procedures or processes for hearing gender-based violence cases	Expert Survey	o Out of 33 experts 21 yes, 12 no to the statement, "based on your experience, a special judicial procedure for gender-based violent crimes exists;" however, 5 out of 8 NGO respondents disagree that reports of crimes against women are addressed in special proceedings.
Ability of poor people to appeal judicial decisions in serious offense cases	Documents/Legislation	- While law establishes right to mistrial, there is no right to appeal.
Non-State or Informal Justice Mechanisms		
Consistency of outcome, disaggregated by SES		Not applicable
Public perceptions of the fairness of the Non-state or informal justice mechanism in their jurisdiction		Not applicable
There are written or oral standards, which are available for review and consistently applied		Not applicable
Proportion of women who use state versus non-state systems		Not applicable
NGO reports of human rights abuses by non-state or informal justice mechanisms		Not applicable
There is a right to appeal decisions		Not applicable
Public perceptions of corruption in the non-state or informal justice mechanism		Not applicable
Prisons		
Existence of rules barring the use of restraints as punishment	Documents/Legislation	+ Regulations prohibit torture and other kinds of degrading treatment such as restraint.
Exit survey on use of restraints as punishment*		Data unavailable
Prisons are accessible to civil society prison oversight bodies at short notice (or Frequency of NGO visits in an oversight capacity)	Expert Survey	Data unavailable
Number of medical personnel per prison inmate	Administrative Data	o 0.03 medical personnel per inmate
Entry level salary for correction officers, as percentage of median area income	Administrative Data	+ 353% of per capita income
NGO reports of torture in prison (non-police) custody	Documents/Legislation	- 2 reports of torture in prison custody
Indicator for overcrowding	Administrative Data	- Occupancy rate at 158% of capacity
Information/Awareness		
The public understands procedures for reporting a crime	Public Survey	o 50% of public survey respondents were able to describe the correct procedures for reporting a crime [this is a more stringent measure than those adopted by other teams].
Information available in police stations on complaints procedures in relevant languages	Secondary Survey Data	+ Altus Police Station Visitor's Week score of 71 (More than adequate)
Availability of free legal advice	Administrative Data	o Average wait time to receive free legal advice is 7.3 working days.
Accessibility		
Percentage of population who believe that they could contact the police to report a crime within 24 hours, disaggregated by geography and SES	Public Survey	+ 94% of public survey respondents believe that they can report a crime in less than 24 hours.
Difference in police patrol deployment, disaggregated by area SES	Secondary Survey Data	o 61% of respondents to public survey residing in high income areas reported the police pass in front of their house at least once per day compared to 49% for medium income areas and 50% for low income areas.
Percentage of population who believe they could report a crime without having to pay a bribe	Public Survey	+ 65% of public survey respondents disagree that offering a bribe to police officers would help the investigation.
Percentage of women vs. men who believe that the police would respond if they reported a crime	Public Survey	+ 17% of both men and women believe that they would get quick results from the police investigation after reporting a crime. (While the overall proportion is low, the indicator measures the extent of disparity between men and women.)
Legal Representation		
Percentage of defendants in cases that may result in jail sentence who are represented at trial, at least one hearing, disaggregated by SES	Documents/Legislation	+ Law guarantees defense in criminal matters.
Existence of professional accreditation body for court appointed representatives, disaggregated by SES	Documents/Legislation	+ Guaranteed by law
Court interpreters are made available in relevant languages in court hearings on timely basis.		Data unavailable
Engagement		
Proportion of public trials involving poor victims		Data unavailable
Proportion of crime complaints that are investigated by police, disaggregated by complainant SES/gender/complaint type	Public Survey	o Data suggests possible disparity (high-income victims more likely to have crimes investigated in general, but for violent robbery low income victims more likely to have crimes investigated).
Expert opinion on underreporting of rape	Expert Survey	- Experts estimate rates of underreporting of rape ranging from 10 - 90%; average rate is 39%.
Number of crime reports divided by the number of arrests, disaggregated by area SES	Administrative Data	Data unavailable

Appendix Table 1.4 Summary Findings for New York City, U.S.

Band III	Data Source	Summary Findings
Transparency		
Timely notice of hearings and laws are published in main languages	Administrative Data	o Notice is given, but not available in all main languages.
There is a good faith effort to inform the public of the real legislative process	Expert Survey	- "The government in New York City informs the public about the way that legislative decisions are actually made": out of 9 experts, 2 neutral, 7 disagree
The public views the process for enacting laws as transparent	Public Survey	o "In New York City, laws are made in an open and public manner": 41% agree, 43% disagree
Participation		
Members of the public attend meetings where changes to the law are presented and discussed	Expert Survey; Public Survey	Data unavailable
There is an opportunity for the public to comment or vote on drafts of legislation	Expert Survey	+ "In the Council of the City of New York, there is an opportunity for members of the public to comment on drafts of proposed legislation": out of 9 experts, 6 agree, 1 neutral, 1 disagrees, 1 did not respond
Members of the public are able to meet (or have meaningful contact) with local government officials without financial inducements	Public Survey	+ "In New York City, members of the public are able to meet with their elected representatives": 52% agree, 12% neutral, 32% disagree
Expert opinion on the ability of the public to influence recent legislation	Expert Survey	o "There are recent examples of the public having significant influence on the legislative process in New York City": out of 9 experts, 3 agree, 3 neutral, 3 disagree
Civil society groups have confidence in their ability to influence legislation	Expert Survey	+ "Civil society groups have the ability to influence legislation": out of 9 experts, 8 agree, 1 neutral
Bias in Public Administration		
In law, people are able to apply for driver's licenses irrespective of their background	Documents/Legislation	+ Age, health, and proof of identity are the only criteria for application.
Cost of driver's license applications as a percentage of median area income	Administrative Data	+ Cost of application is 2.0% of median per household monthly income.
Proportion of public who believes that they can receive timely services for electricity or other public utilities without having to pay a bribe	Public Survey	+ "Do you think you would ever need to pay a bribe to solve a problem with your home's electrical, gas or telephone service?" 15% yes, 6% unsure, 78% no
Average processing time from applying to receiving a license to operate a small business		Data unavailable
Bias in Franchises and Public Contracts		
There is an open and transparent bidding process for receiving public contracts	Documents/Legislation	+ Procurement Policy Board establishes rule and practices to ensure transparency.
Expert opinion on the use of bribery in receiving franchises and public contracts	Expert Survey	Data unavailable
The Government publishes the results of all procurement decisions	Documents/Legislation	+ City required to publish decision of all large contracts.
Bias in Enforcement		
Police stop and searches, disaggregated by key cultural groups	Public Survey	- More than twice as many blacks reported being stopped and searched in the previous year than whites (49% v 23%). Black respondents were stopped and searched an average of 7 times annually (compared to 0.74 times for whites).
Sentence for robbery and serious assault, disaggregated by defendant SES	Administrative Data	+ No significant difference was found in sentencing, using education as a proxy for socio-economic status.
Proportion of sentenced served, disaggregated by SES	Administrative Data	Data unavailable
Expert opinion on the use of arrest as a tool of oppression or political advantage	Expert Survey	+ Used expert responses to three separate questions "In your opinion, how frequently do the police in your city use arrest and detention as a way to gain political advantage for themselves or other powerful groups?" Out of 9 experts 3 responded 'frequently,' 6 responded 'infrequently.' "How frequently do the police in your city use arrest and detention as a way to prevent specific social groups from participating in the political process?" Out of 9 experts 3 responded 'frequently,' 6 responded 'infrequently.' "How frequently do the police in your city use arrest and detention as a way to prevent specific social groups from exercising their civil rights?" Out of 9 experts 4 responded 'frequently,' 5 responded 'infrequently.'
Public perceptions of police corruption	Public Survey	- "The police in New York City do not abuse their power for personal gain": 19% agree, 12% neutral, 66% disagree

Appendix Table 1.4 Summary Findings for New York City, U.S.

Band IV	Data Source	Summary Findings
Police		
Public perceptions of police fairness	Public Survey	- 69% agreed and 17% disagreed with the statement that the police treat rich people better than poor people; 18% agreed and 73% disagreed with the statement that police treat people from all racial/ethnic groups equally.
Police promotions are based on competence/merit	Expert Survey	- "Police personnel promotions are based largely on the employee's merit and competence": out of 9 experts, 3 agree, 5 disagree, 1 don't know
Salary of entry level police as percentage of area median income of households and individuals	Administrative Data	+ 91% of median household income (269% of minimum wage)
Deaths in police custody	Administrative Data	Data unavailable
Opinions of the effectiveness of accountability mechanisms	Public Survey	- "If police officers do abuse their power or engage in other forms of misconduct, they are held accountable": 34% agree, 10% neutral, 54% disagree
Percentage of police complaints resolved*	Administrative Data	+ 100% of cases investigated
Judiciary		
Percentage of all civil cases involving "small claims"	Administrative Data	Data unavailable
The judiciary is perceived as independent	Public Survey	o "Judges in New York City are able to make decisions free from the influence of politicians and other powerful groups": 33% agree, 50% disagree, and 11% are neutral
The government does not overturn judicial decisions	Documents/Legislation	+ The Constitution prohibits the government from overturning judicial decisions.
Number of judges per population for rich versus poor areas	Administrative Data	+ There does not appear to be a difference, but NYC jurisdictions do not lend themselves to disaggregation by economic status.
Existence of special procedures or processes for hearing gender-based violence cases	Documents/Legislation	+ Special procedures exist and are consistently applied, including rape shield laws, domestic violence courts, special arrest policies in DV cases, and special victims unit.
Ability of poor people to appeal judicial decisions in serious offense cases	Documents/Legislation	+ There is a right to appeal and if defendant is indigent, they can ask for court-appointed counsel to prepare appeal documents.
Non-State or Informal Justice Mechanisms		
Consistency of outcome, disaggregated by SES	Case Study/Observation	Data unavailable
Public perceptions of the fairness of the Non-state or informal justice mechanism in their jurisdiction	Case Study/Observation	Data unavailable
There are written or oral standards, which are available for review and consistently applied	Case Study/Observation	o Based on two local non-state systems (mediation and Jewish religious courts), standards do exist but are not accessible and may not be routinely applied.
Proportion of women who use state versus non-state systems	Public Survey	+ Among public survey respondents, 19% of women and 20% of men reported having used a community, religious or other organization as an alternative to the police or courts.
NGO reports of human rights abuses by non-state or informal justice mechanisms	Case Study/Observation	Data unavailable
There is a right to appeal decisions	Case Study/Observation	+ Based on two local non-state systems (mediation and Jewish religious courts), cases can be referred either to higher informal courts or to formal court system.
Public perceptions of corruption in the non-state or informal justice mechanism	Case Study/Observation	Data unavailable
Prisons		
Existence of rules barring the use of restraints as punishment	Documents/Legislation	+ The United States constitution bans the use of "cruel and unusual punishment."
Exit survey on use of restraints as punishment*	Expert Survey	- "Are you aware of restraints such as hand-cuffs or leg irons ever being used as a form of punishment in New York City jails and prisons?" Out of 9 experts, 6 yes, 1 possibly, 2 no
Prisons are accessible to civil society prison oversight bodies at short notice (or Frequency of NGO visits in an oversight capacity)	Expert Survey	- "Non-governmental oversight groups are able to visit jails and prisons in New York City at short notice": out of 9 experts, 1 agree, 1 neutral, 7 disagree
Number of medical personnel per prison inmate	Administrative Data	o 0.03 medical personnel per inmate
Entry level salary for correction officers, as percentage of median area income	Administrative Data	+ 91% of household income
NGO reports of torture in prison (non-police) custody	Expert Survey	o "Are you aware of any credible recent reports of prisoners being tortured while in New York City Department of Corrections custody?" Out of 9 experts, 3 yes, 6 no
Indicator for overcrowding	Administrative Data	+ Jail occupancy rate at 68% of capacity; prison occupancy rate at 104% of capacity
Information/Awareness		
The public understands procedures for reporting a crime	Public Survey	+ 90% of respondents believe they know where and how to report a crime to police.
Information available in police stations on complaints procedures in relevant languages	Case Study/Observation	o Based on a very small sample (N=5) police stations do post information in languages other than English, but not necessarily all relevant languages.
Availability of free legal advice	Administrative Data	+ Free legal advice is available.
Accessibility		
Percentage of population who believe that they could contact the police to report a crime within 24 hours, disaggregated by geography and SES	Public Survey	+ 93% of respondents believe they can report a crime in less than 24 hours.
Difference in police patrol deployment, disaggregated by area SES	Administrative Data	Data unavailable
Percentage of population who believe they could report a crime without having to pay a bribe	Public Survey	+ "Do you believe you would ever need to pay a bribe to get the New York City police to receive your crime report?" 12% yes, 9% maybe, 77% no
Percentage of women vs. men who believe that the police would respond if they reported a crime	Public Survey	+ "If you reported a crime, do you think the police would make an effort to investigate it?" 31% of men and 24% of women responded in the affirmative.
Legal Representation		
Percentage of defendants in cases that may result in jail sentence who are represented at trial, at least one hearing, disaggregated by SES	Documents/Legislation	+ Legal representation is guaranteed under the law.
Existence of professional accreditation body for court appointed representatives, disaggregated by SES	Documents/Legislation	+ Individuals must be accredited by American Bar Association to provide counsel.
Court interpreters are made available in relevant languages in court hearings on timely basis.	Administrative Data; Secondary Survey Data	+ New York court system employs interpreters in 24 different languages; Justice Speaks Taskforce survey reports the majority of clients (85%) wait less than 12 hours before an interpreter appears for them.
Engagement		
Proportion of public trials involving poor victims	Administrative Data	Data unavailable
Proportion of crime complaints that are investigated by police, disaggregated by complainant SES/gender/complaint type	Expert Survey	Used expert responses to three separate questions "Do you believe that the police in your city are more likely to investigate a criminal complaint if the victim is perceived to be of high wealth or social status?" Out of 9 experts, 7 yes, 1 possibly, 1 no. o Do you believe that the police in your city are less likely to investigate a criminal complaint if the victim is female?" Out of 9 experts, 1 yes, 7 no, 1 don't know. "Do you believe that the police in your city are less likely to investigate cases of domestic violence than other types of violent crimes?" Out of 9 experts, 3 yes, 5 no, 1 don't know.
Expert opinion on underreporting of rape	NGO Reports	The New York City Alliance Against Rape (contracted for civil society oversight on this issue) reports 84% of rapes go unreported in New York State.
Number of crime reports divided by number of arrests, disaggregated by area SES	Administrative Data	Data unavailable

Members of the Altus Global Alliance

CENTER FOR STUDIES ON PUBLIC SAFETY

Hugo Frühling
Alejandra Mohor
Juan Carlos Oyanedel
Decio Mettifogo
Ignacia Arriagada

CLEEN FOUNDATION

Innocent Chukwuma
Etannibi Alemika
Shola Omotosho
Chigozirim Odinkalu
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INSTITUTE FOR DEVELOPMENT AND COMMUNICATION

Pramod Kumar
Rainuka Dagar
Harsh Chopra
Sangeeta Puri
Nishtha Jain
Rohini Atmaran
Sunil Arora

VERA WJP NYC TEAM

Besiki Kutateladze
Paul Kobrak
Kathryne Brewer
Zainab Latif

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