



The  
World  
Justice Project

# THE RULE OF LAW INDEX

WORLD JUSTICE FORUM  
JULY 2-5, 2008 VIENNA, AUSTRIA



Copyright (US) 2008, by American Bar Association.  
All rights reserved except those specified herein.

Funded by generous grants from the Bill & Melinda Gates Foundation and The Ewing Marion Kauffman Foundation. Also funded with generous donations from Wal-Mart Stores, Inc. and Intel Corporation.

Nothing contained in this publication is to be considered as the rendering of legal advice. This material is intended for educational and informational purposes only. The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the ABA and may not be construed as representing policy of the ABA.

This material was developed and produced by the ABA as part of the ABA's World Justice Project, with the objective of sharing information about the rule of law. The ABA therefore grants permission for copies of the materials herein to be made, in whole or in part, by not-for-profit organizations and individuals, provided that the use is for informational, non-commercial purposes only and provided that any copy of the materials or portion thereof includes this statement of copyright ownership in its entirety, and the following legend: "Reprinted by permission of the American Bar Association."

Requests to reproduce this publication, or portions thereof, for any other purposes should be sent to Copyrights & Contracts Department, American Bar Association,  
321 North Clark Street, Chicago, Illinois, USA.



**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  
Vienna, Austria  
3 July 2008

*“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.*

## Table of Contents

<b>The Rule of Law Index</b> .....	4
Overview.....	4
Objectives .....	5
Defining the rule of law .....	6
Cultural competence and traditional systems of justice .....	7
Building the Index .....	8
Description of the Index.....	8
Consultations and beta testing .....	11
<b>Overview of existing indexing methodologies</b> .....	12
Variety of audiences and uses of information.....	12
Data collection and sources .....	12
Coverage: number of countries, areas of the law, and frequency .....	13
Aggregation of scores .....	13
WJP’s contribution .....	13
<b>Description of the Methodology</b> .....	14
Purpose and objectives.....	14
Data sources .....	14
The general population poll .....	16
The qualified respondent’s questionnaire .....	18
Internal data cross-check mechanism .....	19
Ethical considerations .....	19
Strengths and Limitations of the Methodology.....	19
<b>Results and Path Forward</b> .....	21
A global definition of the Rule of Law .....	21
Robust and standardized methodology .....	22
Testing in six countries .....	22
Cultural competency .....	22
Global network .....	23
Complementarity with other WJP initiatives .....	23
Path Forward.....	23
<b>Acknowledgments</b> .....	24

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

Mark David Agrast<sup>1</sup>, Juan Carlos Botero<sup>2</sup>,  
Alejandro Ponce-Rodríguez<sup>3</sup> and Claudia Dumas<sup>4</sup>

*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.

---

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

<sup>2</sup> Director, Rule of Law Index, World Justice Project.

<sup>3</sup> Consultant, World Justice Project.

<sup>4</sup> 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 country<sup>5</sup> 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

---

<sup>5</sup> 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 competence<sup>6</sup> 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

---

<sup>6</sup> “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 purposes<sup>7</sup>, 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

---

<sup>7</sup> 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"<sup>8</sup> 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.<sup>9</sup>

## 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

---

<sup>8</sup> "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.

<sup>9</sup> 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	
<b>Total</b>	<b>6</b>	<b>14</b>

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

<b>General Population Poll – Methodology</b>						
<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
<b>Sample Size</b>	1000	1000	1000	1000	1000	1000
<b>Sample Design</b>	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.
<b>Fieldwork by</b>	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,<sup>10</sup> 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.<sup>11</sup>
- 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.

---

<sup>10</sup>Djankov, et.al., "Courts", *Quarterly Journal of Economics*, May 2003.

<sup>11</sup>For 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.

## Acknowledgments

The authors gratefully acknowledge the support and assistance of the following individuals and organizations:

William H. Neukom, President, American Bar Association  
William C. Hubbard, Chair, Commission on the World Justice Project  
Robert L. Nelson, Director, American Bar Foundation

### Funders

Bill & Melinda Gates Foundation  
The Ewing Marion Kauffman Foundation  
Intel Corporation  
Wal-Mart Stores, Inc.

### Advisors

Jaime Alvarez, World Bank  
Elizabeth Anderson, American Society of International Law  
Charles Cadwell, The Urban Institute  
Thomas Carothers, Carnegie Endowment for International Peace  
Simon Conte, ABA Rule of Law Initiative  
Hon. Hans Corell, Former UN Under-Secretary-General for Legal Affairs  
Lisa Davis, Freedom House  
Sandra Elena, Foro de Estudios sobre la Administración de Justicia, Argentina.  
Yash Ghai and the WJP Access to Justice Group  
Tom Ginsburg, University of Illinois College of Law  
Jorge González, Universidad Javeriana School of Law, Colombia.  
Nathaniel Heller, Global Integrity  
Joseph Hewitt, University of Maryland  
Michael Maya, ABA Rule of Law Initiative  
Sam Muller, Hague Institute for the Internationalisation of Law  
Angela María Pinzón, Universidad del Rosario, Colombia  
Anita Ramasastry, University of Washington Law School  
Andrei Shleifer, Harvard University Department of Economics  
James R. Silkenat, Commission on the World Justice Project  
R. William Ide III, Commission on the World Justice Project  
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  
Vera Institute of Justice  
Institute for Development and Communication, India  
Center for Studies of Public Security, Chile  
CLEEN Foundation, Nigeria  
Julio Ponce-de-Leon, Diego Cuellar and Carlos Lemoine  
Centro Nacional de Consultoría, Colombia

The more than 200 participants from 61 nations who attended the WJP multidisciplinary outreach meetings and played a pivotal role in the development of the Index.

The more than 150 university professors, practicing attorneys and government officials from Argentina, Australia, Colombia, Spain, Sweden and the United States, who contributed their expertise, and the 6000 respondents to the general population polls, who shared their experiences.

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

## Rule of Law Index - Exhibit B

Global Insight (Global Risk Service)	<a href="http://www.globalinsight.com/ProductsServices/ProductDetail874.htm">http://www.globalinsight.com/ProductsServices/ProductDetail874.htm</a>	140 countries
IJET (Country Security Ratings)	<a href="http://www.ijet.com/index.asp">http://www.ijet.com/index.asp</a>	167 countries
Institute for Management Development (World Competitiveness Yearbook)	<a href="http://www.imd.ch/research/publications/wcy/index.cfm">http://www.imd.ch/research/publications/wcy/index.cfm</a>	55 countries
International Budget Project (Open Budget Initiative)	<a href="http://www.openbudgetindex.org">www.openbudgetindex.org</a>	59 countries
International Research and Exchange Board (Media Sustainability Index)	<a href="http://www.irex.org/msi/index.asp">www.irex.org/msi/index.asp</a>	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)	<a href="http://www.asiarisk.com/percinfo.html">http://www.asiarisk.com/percinfo.html</a>	12 Asian countries
Political Risk Service (International Country Risk Guide)	<a href="http://www.prsgroup.com">www.prsgroup.com</a>	140 countries
Public Financial Management, Performance Measurement framework	PEFA Secretariat, The World Bank	
Reporters Without Borders (Press Freedom Index)	<a href="http://www.rsf.org/article.php3?id_article=24025">http://www.rsf.org/article.php3?id_article=24025</a>	169 countries
Russell's EMPulse - Investors' Perceptions of the Pulse of Emerging Markets	<a href="http://www.russell.com/indexes/about/construction_methodology/Global/russell_global_indexes_methodology.asp">http://www.russell.com/indexes/about/construction_methodology/Global/russell_global_indexes_methodology.asp</a>	63 countries
The Global Integrity Report	<a href="http://report.globalintegrity.org/">http://report.globalintegrity.org/</a>	55 countries
Transparency International (Corruption Barometer 2007)	<a href="http://www.transparency.org/policy_research/surveys_indices/gcb/2007">www.transparency.org/policy_research/surveys_indices/gcb/2007</a>	180 countries
USAID (NGO Sustainability Index for Central and Eastern Europe and Eurasia)	<a href="http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/index.htm">www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/index.htm</a>	29 countries
World Bank (Country Policy and Institutional Assessments)	<a href="#">OPCS, World Bank</a>	80 countries
World Bank (Doing Business)	<a href="http://www.doingbusiness.org">www.doingbusiness.org</a>	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	<a href="http://www.afrobarometer.org">www.afrobarometer.org</a>	18 African countries
CIMA (Barómetro Iberoamericano de Gobernabilidad)	<a href="http://www.cimaiberoamerica.com/">http://www.cimaiberoamerica.com/</a>	22 countries
Gallup World Poll	<a href="http://www.gallup.com/consulting/worldpoll/24046/about.aspx">http://www.gallup.com/consulting/worldpoll/24046/about.aspx</a>	140 countries
Global Insight (Economic and Financial Data)	<a href="http://www.globalinsight.com/About/#efia">http://www.globalinsight.com/About/#efia</a>	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)	<a href="http://www.heritage.org/research/features/index/index.cfm">http://www.heritage.org/research/features/index/index.cfm</a>	162 countries
Latino-barometro	<a href="http://www.latinobarometro.org/">http://www.latinobarometro.org/</a>	18 Latin American countries
The Business Environment and Enterprise Performance Survey	Synovate/EBRD	
Transparency International (Bribe Payers Index)	<a href="http://www.transparency.org/policy_research/surveys_indices/bpi">www.transparency.org/policy_research/surveys_indices/bpi</a>	21 countries
US State Department (Trafficking in Persons Report)	<a href="http://www.state.gov/g/tip/rls/tiprpt/2006/">www.state.gov/g/tip/rls/tiprpt/2006/</a>	149 countries
Vanderbilt University (LAPOP- The Americas Barometer)	<a href="http://sitemason.vanderbilt.edu/lapop/americasbarometer2006eng">http://sitemason.vanderbilt.edu/lapop/americasbarometer2006eng</a>	20 countries
World Bank (Enterprise Surveys)	<a href="http://www.enterprisesurveys.org/">http://www.enterprisesurveys.org/</a>	105 countries
World Bank and European Bank for Reconstruction and Development (BEEPS- Business Environment and Enterprise Performance Survey)	<a href="http://info.worldbank.org/governance/beeps/">http://info.worldbank.org/governance/beeps/</a>	22 in the first round, 54 in the second round
World Economic Forum (The Global Competitiveness Report)	<a href="http://www.weforum.org/en/initiatives/gcp/Global%20Competitiveness%20Report/index.htm">http://www.weforum.org/en/initiatives/gcp/Global%20Competitiveness%20Report/index.htm</a>	131 countries

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