

## CONSTITUTIONAL LAW, CIVIL LIBERTIES, AND CRIMINAL LAW

The World Justice Project (WJP) is honored to count on your expertise for this questionnaire, which will be answered by highly qualified individuals around the world.

The questionnaire consists of 35 questions, and will take approximately 30 minutes to complete. Your responses will be aggregated with those of other experts and supplemented by the results of a randomized general population poll (GPP) conducted in the three largest cities of your country of practice. Together, this data will be used to evaluate adherence to the rule of law. The results will be published, alongside those of over 100 other countries worldwide, in the WJP Rule of Law Index® 2016 report, and in other reports produced by the WJP.

Your contribution will be acknowledged in the *WJP Rule of Law Index® 2016* report, as well as on The World Justice Project's web page and other WJP materials (unless you choose to remain anonymous).

Thank you in advance for your time and attention. With your participation, this joint endeavor will contribute to strengthening the rule of law worldwide.

### ***INSTRUCTIONS***

Please answer the following 35 questions in this questionnaire according to your perception of how the laws are applied **in practice** in your country. Please indicate in the box below which country you are responding to in this survey:

COUNTRY:

When you have completed the survey, please submit your answers by email or fax at:

- Email: [ruleoflawindex@wjpnet.org](mailto:ruleoflawindex@wjpnet.org)
- Fax: +1 (202) 747-5816

If you have comments or questions, please contact a member of The World Justice Project's (WJP) Rule of Law Index staff, at [ruleoflawindex@wjpnet.org](mailto:ruleoflawindex@wjpnet.org).

### **CONFIDENTIALITY**

The World Justice Project constructs the WJP Rule of Law Index report with strict guidelines in regard to the confidentiality of the data gathered and the privacy of the respondents. In the box below, please select if you would like to be either a **Publicly Acknowledged** contributor (meaning your name and organization will be published in the Contributing Experts section of the *WJP Rule of Law Index 2016* report and on the WJP website), OR you can select to be an **Anonymous** contributor (meaning your name will not be published in the WJP report, on the WJP website, or in any WJP materials, and your name and particulars will not be made known in any way).

***In all cases, your individual responses will remain strictly confidential.*** Responses are aggregated preceding any statistical analysis or reporting of results to ensure that individual responses cannot be ascertained.

### TYPE OF CONTRIBUTION

In the space below, **please select one** of the two options indicating if you would like to respond to this questionnaire as an Anonymous Contributor or as a Publicly Acknowledged Contributor. In both cases, your individual answers to the questionnaire will remain strictly confidential.

**PUBLICLY ACKNOWLEDGED** Contributor:

I would like to be **Publicly Acknowledged** as a contributor. I understand that my name, organizational affiliation, and country will be listed in the QRQ Contributing Experts section of the *Rule of Law Index 2016* report, and on the WJP's website, exactly as it is written below:

Name:	
Firm, Company, or organization:	

**ANONYMOUS** Contributor:

I would like to remain an **Anonymous** contributor. WJP will not reveal my name, organizational affiliation, or any other identifiable information in the *Rule of Law Index* report or any associated materials.

Please answer the following questions according to your perception of how the laws are applied in practice in your country. Please mark your answers with an X in the appropriate box.

### SECTION I

The following questions describe hypothetical situations. In each question, we will provide you with a set of assumptions. Please select the option that best represents your views.

#### Hypothetical Scenario No. 1

Please assume that a poor person is arrested on suspicion of aggravated robbery. Assume that the suspect is taken into custody and detained at a local police station in the city where you live.

1. How likely is it that the police interrogators inflict **minor** physical harm on the detained suspect to admit the crime?

Very likely	
Likely	
Unlikely	
Very unlikely	
Don't know/Not Applicable	

2. How likely is it that the police interrogators inflict **severe** physical harm on the detained suspect to admit the crime?

Very likely	
Likely	
Unlikely	
Very unlikely	
Don't know/Not Applicable	

3. If the detained suspect requests access to legal counsel, how likely is it that he/she receives adequate legal counsel from a public defender:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/Not Applicable
(a) During the initial police custody?					
(b) During pre-trial detention?					
(c) During the trial?					

4. If the detained suspect does not speak any of the official languages of your country, in practice, how likely is it that he/she obtains access to an interpreter?

Very likely	
Likely	
Unlikely	
Very unlikely	

Don't know/Not Applicable	
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5. How likely is the detained suspect to be tried and convicted in a secret trial?

Very likely	
Likely	
Unlikely	
Very unlikely	
Don't know/Not Applicable	

6. How likely is it that the suspect remains in police custody without an indictment (or without formal charges) by the prosecutor, or by the competent judicial or administrative authority:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/Not Applicable
(a) For more than three months?					
(b) For more than one year?					
(c) For more than three years?					

7. Assume that the prosecutor/judge/jury determines that there is probable cause (or probable responsibility) to hold the suspect in custody. How likely is the detained suspect to remain in custody without a formal conviction:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/Not Applicable
(a) For more than three months?					
(b) For more than one year?					
(c) For more than three years?					

### Hypothetical Scenario No. 2

8. Assume that a police officer inflicts **severe** physical harm on a criminal suspect to obtain a confession. Assume that the criminal suspect files a formal complaint with the competent authority (prosecutor, judge, ombudsman, etc.), and provides sufficient evidence to prove his/her case. Which one of the following outcomes is most likely? (**PLEASE CHOOSE ONLY ONE SINGLE ANSWER**)

(a) The accusation is completely ignored by the authorities	
(b) An investigation is opened, but it never reaches any conclusions	
(c) The police officer is prosecuted and punished (through fines, or time in prison)	
(d) Don't know/Not Applicable	

### Hypothetical Scenario No. 3

9. Assume that a high-ranking police officer is found by a newspaper reporter to be taking money from a criminal organization. Assume that there is enough evidence to prosecute and convict. Which of the following outcomes is most likely? **(PLEASE CHOOSE ONLY ONE SINGLE ANSWER)**

(a) The accusation is completely ignored by the authorities	
(b) An investigation is opened, but it never reaches any conclusions	
(c) The high-ranking police officer is prosecuted and punished (through fines, or time in prison)	
(d) Don't know/Not Applicable	

10. How likely is the newspaper reporter to be threatened, imprisoned, or punished (either through official or unofficial means), either by the police or by the organized criminal organization?

Very likely	
Likely	
Unlikely	
Very unlikely	
Don't know/Not Applicable	

**Hypothetical Scenario No. 4**

11. Assume that the police arrest a suspected member of a dangerous criminal organization (e.g. a drug cartel). How likely is it that:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/Not Applicable
(a) The police (or the military police) inflict <b>severe</b> physical harm on the suspect during the interrogation					
(b) The suspect is killed by the police (or the military police) without trial					

**Hypothetical Scenario No. 5**

12. Imagine that the local police detain a person suspected of committing a crime. In your opinion, how likely is the detained person to be at a disadvantage during the criminal process because he/she is:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/Not Applicable
(a) A poor person					
(b) A female					
(c) A member of an ethnic minority					
(d) A member of a religious minority					
(e) A foreigner (immigrant)					
(f) Gay, lesbian, bisexual, or transgender					

Or:

(g) None of the above	
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**Hypothetical Scenario No. 6**

13. Please assume that a criminal is apprehended by your neighbors after committing a serious crime. Which of the following two situations is more likely to happen? (**PLEASE CHOOSE ONLY ONE SINGLE ANSWER**)

(a) The criminal is beaten by the neighbors	
(b) The criminal is turned over to the authorities without harm	

**Hypothetical Scenario No. 7**

14. Please assume that someone in this neighborhood has a dispute with another resident over an unpaid debt. How likely is it that one or both parties resort to violence in the process of settling the dispute (for example, to intimidate one of the parties, or to ask for a payment of the unpaid debt)?

Very likely	
Likely	
Unlikely	
Very unlikely	
Don't know/Not Applicable	

**SECTION II**

15. The following question aims at identifying the main problems faced by the criminal **investigation system** in your country. On a scale from 1 to 10 (with 10 meaning a very serious problem, and 1 meaning not a serious problem), please tell us how significant are the following problems for the criminal investigative services (prosecutors, investigators, judicial police officers, etc.) in the city where you live:

	10 Serious problem	9	8	7	6	5	4	3	2	1 Not a serious problem	Don't know/ Not applicable
(a) Lack of effective intelligence systems to support criminal investigators											
(b) Lack of proactive investigation methods, such as undercover operations											
(c) Deficient mechanisms to gather information and analyze evidence											
(d) Deficient systems to protect witnesses and whistle-blowers											
(e) Deficient systems to exchange information between criminal investigative service agencies											

(f) Lack of enough criminal investigators													
(g) Incompetence of criminal investigators													
(h) Lack of technology and adequate resources													
(i) Lack of independence of prosecutors (unable to act against powerful government officials or private parties)													
(j) Corruption of investigators or judicial police													
(k) Corruption of prosecutors													

16. The following question aims at identifying the main problems faced by the **criminal courts** in your country. On a scale from 1 to 10 (with 10 being a very serious problem, and 1 being not a serious problem), please tell us how significant are the following problems faced by the criminal courts in the city where you live:

	10 Serious problem	9	8	7	6	5	4	3	2	1 Not a serious problem	Don't know/ Not applicable
(a) Excessive length and use of pre-trial detention											
(b) Delays in the criminal justice system (cases take too much time)											
(c) Court congestion and lack of enough judges											
(d) Appeals clogging the criminal justice system											
(e) Poor decisions by criminal judges											
(f) Lack of adequate selection and training of judges and clerks											
(g) Insufficient monetary compensation (pay) for judges and court officers											
(h) Lack of enough judges and court personnel											
(i) Lack of adequate resources											
(j) Insufficient number of state-provided or pro-bono (free-of-charge) attorneys for poor criminal defendants											
(k) Incompetence of state-provided or pro-bono (free-of-charge) attorneys for poor criminal defendants											
(l) Corruption of judges and judicial officers (they don't move the cases unless the parties bribe them)											
(m) Lack of mechanisms to track the efficiency of the criminal courts											
(n) Lack of independence of the judiciary from the government's power											

(o) Lack of translators (language barriers) for criminal defendants														
(p) Bias against marginalized people (discrimination based on social or economic status)														
(q) Insufficient or inefficient alternative dispute resolution mechanisms (conciliation, mediation) to resolve disputes outside the criminal system														

17. The following question aims at identifying the main problems faced by the **correctional institutions** in your country. On a scale from 1 to 10 (with 10 meaning a very serious problem, and 1 meaning not a serious problem), please tell us how significant are the following problems faced by correctional facilities (jails and prisons) in the city where you live:

	10 Serious problem	9	8	7	6	5	4	3	2	1 Not a serious problem	Don't know/ Not applicable
(a) Harsh conditions and overcrowding											
(b) Poor access to health care and malnutrition among inmates											
(c) Physical abuse by guards and correctional personnel											
(d) Physical abuse between inmates											
(e) Poor rehabilitative programs and recidivism											
(f) Lack of accessible complaint mechanisms											
(g) Lack of separate facilities for dangerous and less serious offenders											
(h) Poor security that facilitates escapes											
(i) Excessive use of incarceration for minor crimes that could be handled through house arrest											

### SECTION III

18. Based on your experience with common criminal cases (such as armed robbery) during the last year, approximately what percentage (%) of the suspects:

	100%	75%	50%	25%	5%	0%	Don't know/Not Applicable
(a) Were aware of the charges against them?							
(b) Were in fact presumed innocent during the criminal investigation?							
(c) Were forced to confess to a crime?							



(d) Were in fact presumed innocent by the judge during trial until all evidence has been presented?							
(e) Were in fact allowed to challenge the evidence used against them in court?							

19. Based on your experience with common criminal cases (such as armed robbery) during the last year, in approximately what percentage (%) of cases would you say that:

	100%	75%	50%	25%	5%	0%	Don't know/Not Applicable
(a) A judge was present during all court proceedings?							
(b) The defense was given access to all of the evidence used in court?							

20. Based on your experience with criminal cases decided by trial courts during the previous year, in approximately what percentage (%) of cases showed that:

	100%	75%	50%	25%	5%	0%	Don't know/Not Applicable
(a) The final decision reflected the judges' honest evaluation of the available evidence and applicable law							
(b) The final decision was influenced by undue pressure or corruption							

21. Based on your experience with criminal cases during the previous year, in approximately what percentage (%) of them did the criminal system:

	100%	75%	50%	25%	5%	0%	Don't know/Not Applicable
(a) <i>Correctly</i> indict or accuse the true perpetrator of a crime?							
(b) <i>Erroneously</i> indict or accuse the true perpetrator of a crime?							

22. In your opinion, how aware is the general population about their legal rights in the event of arrest or interrogation?

Very aware	
Somewhat aware	

Slightly aware	
Not aware at all	
Don't know/Not Applicable	

23. Based on your experience, please tell us:

	Less than 1 month	Between 1 month and 6 months	Between 6 months and 1 year	Between 1 year and 3 years	More than 3 years	Don't know/ Not applicable
(a) In practice, how long does it take to convict a suspect accused of a <b>serious</b> crime?						
(b) In practice, how long does it take to convict a suspect accused of a <b>minor</b> crime?						

24. Please answer:

	100%	75%	50%	25%	5%	0%	Don't know/Not Applicable
In your view, what percentage (%) of convicted criminals released from prison relapse into criminal behavior?							

25. How likely is it that the police:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/ Not applicable
(a) Arbitrarily arrest a citizen without probable cause (false arrest)?					
(b) Use excessive force during arrests?					

26. Please answer:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/ Not applicable
(a) How likely are local police officers to collect bribes from traders and small merchants, so that they can carry on their activity?					
(b) How likely are police in your country to receive bribes from criminal organizations to turn a blind eye to their illegal activities (like selling drugs on the streets)?					
(c) How likely are the police to arrest innocent people and take them to court on false charges in order to solicit bribes or to fill a quota?					
(d) How likely are political dissidents to be secretly					

imprisoned or killed by agents of the state?					
(e) How likely are government agents to intercept (wiretap) private telephone or electronic communications of <b>regular citizens</b> , without judicial authorization?					
(f) How likely are government agents to intercept (wiretap) private telephone or electronic communications of <b>political opponents</b> , without judicial authorization?					
(g) How likely is it that an inmate breaks out of a <b>maximum</b> security prison?					
(h) How likely is it that an inmate breaks out of an ordinary prison?					

27. How much influence do criminal organizations, such as drug cartels or arms smugglers, have on the policies and actions of the following institutions of your country?

	Very strong influence	Significant influence	Minor influence	No influence	Don't know/ Not applicable
(a) Members of the government					
(b) Members of the courts					
(c) The police					
(d) The military					

28. How frequently do the police officers and court officers (prosecutors, court personnel, or judges) working on criminal cases request or receive bribes or other informal payments to:

	Almost always	In most cases	In some cases	Almost never	Don't know/ Not applicable
(a) Actually investigate a crime?					
(b) Actually prosecute a criminal?					
(c) Drop charges or grant a bail?					
(d) Destroy or tamper with evidence?					
(e) Expedite court processes?					

29. How frequently would you say that:

	Almost always	In most cases	In some cases	Almost never	Don't know/ Not applicable
(a) In practice, the government provides easy-to-understand information on criminal suspects' rights					
(b) In practice, the government strives to make the laws accessible in languages spoken by significant segments of the population, even if					

they are not "official" languages					
(c) The basic laws are publicly available in all official languages					
(d) In practice, judicial decisions of the highest court are published on a timely basis					
(e) In practice, criminal laws are sufficiently stable to permit the public to ascertain what conducts are permitted and prohibited					

30. To what extent do you agree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ Not applicable
(a) In practice, police officers who commit crimes are prosecuted and punished					
(b) In practice, police officers abusing their power are sanctioned for misconduct					
(c) In practice, the reports issued by the National Human Rights Institution/ombudsman are taken seriously by the authorities, with negative findings drawing prompt corrective action					
(d) In practice, the programs serving the needs of rape victims (to help them to move through the traumatizing experience) are effective					

31. Please choose the statement that is closest to your views on how the National Human Rights Institution (ombudsman) operates in practice in your country: **(PLEASE CHOOSE ONLY ONE SINGLE ANSWER)**

(a) The institution is effective in investigating human rights violations	
(b) The institution starts investigations into human rights violations, but is limited in its effectiveness. The institution may be slow or unwilling to take on politically sensitive issues	
(c) The institution does not effectively investigate human rights violations	
(d) There is no such institution in my country	
(e) Don't know/Not applicable	

32. To what extent do you agree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ Not applicable
(a) In practice, <i>civil society organizations</i> in your country can freely express opinions against government policies and actions without fear of retaliation					

(b) In practice, the government collaborates with civil society organizations in designing public policy					
(c) In practice, people in your country can freely join together with others to draw attention to an issue or sign a petition					
(d) In practice, people in your country can freely join any political organization they want					
(e) In practice, people in your country can freely hold public non-violent demonstrations without fear of reprisal					
(f) In practice, non-adherents in your country are not required to submit to religious laws					
(g) In your country, religious minorities can freely and publicly observe their holy days and religious events					
(h) In practice, the media (TV, radio, newspapers) in your country can freely expose cases of corruption by high-ranking government officers without fear of retaliation					
(i) In practice, the media (TV, radio, newspapers) in your country can freely express opinions against government policies without fear of retaliation					
(j) In practice in your country, the government does not prevent citizens from accessing content published on-line					
(k) In practice in your country, <i>opposition parties</i> can freely express opinions against government policies without fear of retaliation					
(l) In practice in your country, <i>opposing factions within the dominant party</i> can freely express opinions in public without fear of facing substantial negative consequences					

33. To what extent do you agree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ Not applicable
(a) In practice, the government's power is not concentrated in one person, but is distributed among different independent branches, for instance, the President or Prime Minister, the Congress or Legislative body, and the judges					
(b) In practice, the national courts in your country are free of political influence in their application of power					

(c) In practice, the local courts in your country are free of political influence in their application of power					
(d) The government always obeys the decisions of the high courts, even when they disagree with these decisions					
(e) In practice, the reports issued by the government auditor (supreme audit institution, comptroller, etc.) are taken seriously by the authorities, with negative findings drawing prompt corrective action					
(f) In practice, members of the legislature abusing their power are sanctioned for misconduct					
(g) In practice, members of the legislature who commit crimes are prosecuted and punished					
(h) In practice, members of the judiciary abusing their power are sanctioned for misconduct					

34. To what extent do you agree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know/ Not applicable
(a) The chief executive (President, Prime Minister, etc.) in your country was elected through a clean process					
(b) The chief executive (President, Prime Minister, etc.) in your country was elected in accordance with the rules and procedures set forth in the constitution					
(c) In your country, detailed election results are readily available for public scrutiny					
(d) In practice, the electoral appeals court is free of political influence in its application of power					
(e) In practice, proper checks and balances exist to maintain public confidence in the electoral process					
(f) In practice, in your country, local government officials are elected through a clean process					
(g) In practice, in your country, people can vote freely without feeling harassed or pressured					
(h) In practice, the chief executive (President or Prime Minister, etc.) in your country rules without regard to legislative checks					

35. Please answer:

	Very likely	Likely	Unlikely	Very unlikely	Don't know/ Not applicable
(a) How likely is a citizen to be beaten by the police, without justification, for participating in a non-violent public demonstration in your country?					
(b) How likely is a journalist to be attacked by the police, without justification, for covering a non-violent public demonstration in your country?					
(c) How likely is it that a political dissident is taken from his home to a detention center without any warrant of arrest?					
(d) How likely is it that the police search without warrant the house of a political dissident?					
(e) How likely is it that a powerful or politically connected person avoids or escapes legal consequences for a non-violent criminal breach of the law?					
(f) What is the likelihood that a newspaper in your country declines to run a credible exposé of corruption because of threats of violence or legal action?					
(g) How likely is it that a high-ranking government official illegally diverts public funds to finance personal lifestyle or political campaigning costs?					
(h) How likely is it that a member of the Legislature/Parliament solicits or receives illegal payments or bribes in exchange for political favors or a favorable vote on a bill?					

**ALMOST FINISHED!**

If you have any feedback or comments regarding the questionnaire, we would be grateful if you would let us know in the space below.

**1.) Are there any relevant topics, issues, or questions that you think were left out?**



**2.) Additional Information:** We are grateful for your contribution as an expert respondent to the WJP Rule of Law Index. Many of the World Justice Project's community of rule of law experts contribute their time and expertise year after year to create one of the world's most comprehensive data sets measuring countries' adherence to the rule of law. To ensure that we have the most up to date records in our database, we would greatly appreciate if you would take the time to fill out your contact information below. This information will remain strictly anonymous, and will not be shared with any third parties. Your contact information will be securely stored in our database for further engagement and for future editions of the WJP Rule of Law Index.

<i>Please fill out the information below:</i>	
Title (Mr., Ms., Dr., etc.):	
First Name:	
Last Name/Surname:	
Organization:	
Position:	
Telephone:	
Fax:	
E-mail:	
Web site:	
Gender:	

Do you teach at the university level? Yes [  ] No [  ] Which courses? \_\_\_\_\_

Are you an attorney? Yes [  ] No [  ]

If yes, how many years have you practiced law? \_\_\_\_\_

<b>If you are an attorney, what are your areas of practice?</b>					
Antitrust	[ <input type="checkbox"/> ]	Contracts	[ <input type="checkbox"/> ]	International law	[ <input type="checkbox"/> ]
Bankruptcy	[ <input type="checkbox"/> ]	Corporate law	[ <input type="checkbox"/> ]	Labor law	[ <input type="checkbox"/> ]
Business law	[ <input type="checkbox"/> ]	Criminal law	[ <input type="checkbox"/> ]	Litigation/Arbitration	[ <input type="checkbox"/> ]
Civil law	[ <input type="checkbox"/> ]	Employment law	[ <input type="checkbox"/> ]	Medical malpractice	[ <input type="checkbox"/> ]
Civil rights	[ <input type="checkbox"/> ]	Environmental law	[ <input type="checkbox"/> ]	Property law	[ <input type="checkbox"/> ]
Commercial law	[ <input type="checkbox"/> ]	Family law	[ <input type="checkbox"/> ]	Taxation	[ <input type="checkbox"/> ]
Constitutional law	[ <input type="checkbox"/> ]	General practice	[ <input type="checkbox"/> ]		[ <input type="checkbox"/> ]
Consumer law	[ <input type="checkbox"/> ]	Intellectual property	[ <input type="checkbox"/> ]		[ <input type="checkbox"/> ]

3.) As a token of our appreciation to your invaluable contribution, we would like to mail you a complimentary copy of the WJP Rule of Law Index 2016 report when it is published later this year. If you would like to receive a complimentary hard copy of the report, please enter your preferred mailing address below.

<b>Please fill out the information below if you would like us to mail you a copy of the Index 2016 report later this year:</b>	
Mailing address:	
City:	
State:	
Zip code/postal code:	
Country:	

4.) Finally, as an expert in your field, we would welcome referrals or suggestions of colleagues who may be willing to contribute by completing one of the four questionnaires best aligned with their expertise:

- Civil and Commercial Law
- Constitutional Law, Civil Liberties, and Criminal Law
- Labor Law
- Public Health

	Name	Email	Area of Expertise
Referral #1			
Referral #2			
Referral #3			

## **Thank you very much for your collaboration**

Thank you for completing the questionnaire. We are honored to include your expertise in the 2016 administration of the WJP Rule of Law Index®. For more information on the Rule of Law Index and the other program areas of the World Justice Project, please visit:

[www.worldjusticeproject.org](http://www.worldjusticeproject.org)