“Establishing respect for the rule of law is fundamental to achieving a durable peace in the aftermath of conflict, to the effective protection of human rights, and to sustained economic progress and development.” (United Nations)
Motivation (2)

• But what constitutes the rule of law? What is its current status?

• The term is used by everyone → Danger of becoming meaningless

• Tradeoffs and complementarities
Building the Index

1. Definition and conceptual framework
2. Measurement
3. Communication of the results
4. Reception
Challenges in defining the rule of law

1. Thin vs. thick

2. Ends vs. means

3. Applicable to many types of social and political systems
The WJP Rule of Law Index

Focus on the relationship between the state and society

Factor 1: Constraints on Government Powers
Factor 2: Absence of Corruption
Factor 3: Open Government
Factor 4: Fundamental Rights
Factor 5: Order and Security
Factor 6: Regulatory Enforcement
Factor 7: Civil Justice
Factor 8: Criminal Justice
Factor 9: Informal Justice
Factor 1: Constraints on Government Powers

1.1 Government powers are effectively limited by the legislature
1.2 Government powers are effectively limited by the judiciary
1.3 Government powers are effectively limited by independent auditing and review
1.4 Government officials are sanctioned for misconduct
1.5 Government powers are subject to non-governmental checks
1.6 Transition of power is subject to the law

Factor 2: Absence of Corruption

2.1 Government officials in the executive branch do not use public office for private gain
2.2 Government officials in the judicial branch do not use public office for private gain
2.3 Government officials in the police and the military do not use public office for private gain
2.4 Government officials in the legislative branch do not use public office for private gain

Factor 3: Open Government

3.1 The laws are publicized and accessible
3.2 The laws are stable
3.3 Right to petition the government and public participation
3.4 Official information is available on request

Factor 4: Fundamental Rights

4.1 Equal treatment and absence of discrimination
4.2 The right to life and security of the person is effectively guaranteed
4.3 Due process of law and rights of the accused
4.4 Freedom of opinion and expression is effectively guaranteed
4.5 Freedom of belief and religion is effectively guaranteed
4.6 Freedom from arbitrary interference with privacy is effectively guaranteed
4.7 Freedom of assembly and association is effectively guaranteed
4.8 Fundamental labor rights are effectively guaranteed

Factor 5: Order and Security

5.1 Crime is effectively controlled
5.2 Civil conflict is effectively limited
5.3 People do not resort to violence to redress personal grievances

Factor 6: Regulatory Enforcement

6.1 Government regulations are effectively enforced
6.2 Government regulations are applied and enforced without improper influence
6.3 Administrative proceedings are conducted without unreasonable delay
6.4 Due process is respected in administrative proceedings
6.5 The government does not expropriate without adequate compensation

Factor 7: Civil Justice

7.1 People can access and afford civil justice
7.2 Civil justice is free of discrimination
7.3 Civil justice is free of corruption
7.4 Civil justice is free of improper government influence
7.5 Civil justice is not subject to unreasonable delay
7.6 Civil justice is effectively enforced
7.7 ADR is accessible, impartial, and effective

Factor 8: Criminal Justice

8.1 Criminal investigation system is effective
8.2 Criminal adjudication system is timely and effective
8.3 Correctional system is effective in reducing criminal behavior
8.4 Criminal system is impartial
8.5 Criminal system is free of corruption
8.6 Criminal system is free of improper government influence
8.7 Due process of law and rights of the accused

Factor 9: Informal Justice

9.1 Informal justice is timely and effective
9.2 Informal justice is impartial and free of improper influence
9.3 Informal justice respects and protects fundamental rights
Measurement Approach

1. Perspective of the ordinary person:
2. New data:
   - A general population poll (GPP): Probability sample - 1,000 respondents per country (three largest cities).
   - Qualified respondent’s questionnaires (QRQ): Completed by in-country experts in civil and commercial law; criminal justice; labor law; and public health.
3. Comparable questions (cross-country)
4. Rely on a large number of questions
<table>
<thead>
<tr>
<th>Section</th>
<th>Sub-factors</th>
<th>Question Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constraints on Government Powers</td>
<td>6</td>
<td>61</td>
</tr>
<tr>
<td>Absence of Corruption</td>
<td>4</td>
<td>70</td>
</tr>
<tr>
<td>Open Government</td>
<td>4</td>
<td>35</td>
</tr>
<tr>
<td>Fundamental Rights</td>
<td>8</td>
<td>111</td>
</tr>
<tr>
<td>Order and Security</td>
<td>3</td>
<td>19</td>
</tr>
<tr>
<td>Regulatory Enforcement</td>
<td>5</td>
<td>83</td>
</tr>
<tr>
<td>Civil Justice</td>
<td>7</td>
<td>55</td>
</tr>
<tr>
<td>Criminal Justice</td>
<td>7</td>
<td>99</td>
</tr>
<tr>
<td>Informal Justice</td>
<td>3</td>
<td>8</td>
</tr>
</tbody>
</table>
99 Countries

+100,000 Households Surveyed

+500 Questions

2,400 Experts Interviewed

99 Countries
Scores and rankings

1. Estimate country scores and rankings
   – Codification, normalization, mapping, and aggregation

2. Validity checks
   – Triangulation, cross-checking
   – Sensitivity analysis: “The JRC analysis suggests that the conceptualized multi-level structure of the WJP Rule of Law Index is statistically coherent and no dimension is dominated by any of its underlying components. Country ranks across the eight dimensions are also fairly robust to methodological changes related to the estimation of missing data, weight, or aggregation rule (less than ± 1 position shift in 90% of all cases).”
The Rule of Law Index, published by the World Justice Project, is the world’s most comprehensive data set of its kind and the only to rely solely on primary data, measuring a nation’s adherence to the rule of law from the perspective of how ordinary people experience it.
Presentation of results

- Comparative exercise
- Multi-dimensional
- Strengths and weaknesses
- Relevant comparisons (peers)
<table>
<thead>
<tr>
<th>Constraints on Government Powers</th>
<th>Fundamental Rights</th>
<th>Civil Justice</th>
<th>Regulatory Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Limits by legislature</td>
<td>4.1 Equal treatment / no discrimination</td>
<td>7.1 Accessibility and affordability</td>
<td>6.1 Effective regulatory enforcement</td>
</tr>
<tr>
<td>1.2 Limits by judiciary</td>
<td>4.2 Right to life and security</td>
<td>7.2 No discrimination</td>
<td>6.2 No improper influence</td>
</tr>
<tr>
<td>1.3 Independent auditing</td>
<td>4.3 Due process of law</td>
<td>7.3 No corruption</td>
<td>6.3 No unreasonable delay</td>
</tr>
<tr>
<td>1.4 Sanctions for official misconduct</td>
<td>4.4 Freedom of expression</td>
<td>7.4 No improper gov. influence</td>
<td>6.4 Respect for due process</td>
</tr>
<tr>
<td>1.5 Non-governmental checks</td>
<td>4.5 Freedom of religion</td>
<td>7.5 No unreasonable delay</td>
<td>6.5 No expropriation w/out adequate compensation</td>
</tr>
<tr>
<td>1.6 Lawful transition of power</td>
<td>4.6 Right to privacy</td>
<td>7.6 Effective enforcement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.7 Freedom of association</td>
<td>7.7 Impartial and effective ADRs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.8 Labor rights</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Absence of Corruption           | Order and Security                  | Criminal Justice |
| 2.1 No corruption in the executive branch | 5.1 Absence of crime | 8.1 Effective investigations |
| 2.2 No corruption in the judiciary | 5.2 Absence of civil conflict  | 8.2 Timely and effective adjudication |
| 2.3 No corruption in the police/military | 5.3 Absence of violent redress | 8.3 Effective correctional system |
| 2.4 No corruption in the legislature |                          | 8.4 No discrimination |

| Open Government                 |                           |                           |
| 3.1 Accessible laws             |                           |                           |
| 3.2 Stable laws                 |                           |                           |
| 3.3 Right to petition / participation |                     |                           |
| 3.4 Right to information        |                           |                           |
Corruption in Indonesia

Absence of Corruption

Corruption exists in all countries and societies in some form or the other. How many of the following people in Indonesia do you think are involved in corrupt practices?

- Officers working in the national government: 46%
- Officers working in the local government: 40%
- Members of Parliament/Congress: 50%
- Judges and Magistrates: 46%
- The police: 50%

During the past three years, have you or anyone living in your household been stopped or detained by the police? Thinking about the most recent incident, did you (or the person living in your household) have to pay a bribe to the police officer who approached you (or the person living in your household)?

- Yes: 61%

During the past three years, did you or anyone living in your household request a government permit, or process any kind of document (like a license, building permit, etc.) in a local government office? Thinking about the most recent incident, did you (or the person living in your household) have to pay a bribe (or money above that required by law)?

- Yes: 23%
**United States**

New York, Los Angeles, Chicago
Region: Western Europe & North America | Income group: High income

<table>
<thead>
<tr>
<th>Overall Score</th>
<th>Regional Rank</th>
<th>Income Rank</th>
<th>Global Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.71</td>
<td>13/24</td>
<td>19/30</td>
<td>19/99</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Factor</th>
<th>Trend</th>
<th>Score</th>
<th>Regional Rank</th>
<th>Income Rank</th>
<th>Global Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constraints on Government Powers</td>
<td>▼</td>
<td>0.74</td>
<td>14/24</td>
<td>19/30</td>
<td>20/99</td>
</tr>
<tr>
<td>Absence of Corruption</td>
<td></td>
<td>0.75</td>
<td>13/24</td>
<td>21/30</td>
<td>21/99</td>
</tr>
<tr>
<td>Open Government</td>
<td></td>
<td>0.7</td>
<td>12/24</td>
<td>17/30</td>
<td>17/99</td>
</tr>
<tr>
<td>Fundamental Rights</td>
<td></td>
<td>0.71</td>
<td>20/24</td>
<td>25/30</td>
<td>27/99</td>
</tr>
<tr>
<td>Order and Security</td>
<td>▲</td>
<td>0.85</td>
<td>8/24</td>
<td>15/30</td>
<td>18/99</td>
</tr>
<tr>
<td>Regulatory Enforcement</td>
<td>▲</td>
<td>0.67</td>
<td>13/24</td>
<td>20/30</td>
<td>22/99</td>
</tr>
<tr>
<td>Civil Justice</td>
<td></td>
<td>0.61</td>
<td>18/24</td>
<td>25/30</td>
<td>27/99</td>
</tr>
<tr>
<td>Criminal Justice</td>
<td>▲</td>
<td>0.65</td>
<td>15/24</td>
<td>22/30</td>
<td>22/99</td>
</tr>
</tbody>
</table>

- United States
- Western Europe & North America
- High income group

△ Trending up   ▽ Trending down   ▬ Low   ■ Medium   □ High
Civil Justice in the U.S.

Figure 1: Use of formal dispute mechanisms in Finland and the United States

% of respondents who filed a lawsuit in court (including small claims court) to resolve a civil dispute vs. % who took no action to resolve the dispute, grouped by household income level

**UNITED STATES**

- Filed Lawsuit:
  - Low Income: 42%
  - High Income: 52%

- Took no action:
  - Low Income: 30%
  - High Income: 11%

**FINLAND**

- Filed Lawsuit:
  - Low Income: 20%
  - High Income: 21%

- Took no action:
  - Low Income: 25%
  - High Income: 19%

Figure 1: Use of legal assistance in Finland and in the United States

% of respondents who did not use legal assistance because they considered they could not afford a lawyer’s fees

**UNITED STATES**

- Low Income: 48%
- High Income: 81%

**FINLAND**

- Low Income: 44%
- High Income: 55%
Reception

Cited in more than 1,700 media outlets (major and local) in over 80 countries

Governments and non-governmental organizations

Academic papers and policy reports
Colombia, November 15, 2010:

“(…) Another important organization that promotes justice around the world, the World Justice Project, just released its report entitled Rule of Law Index, and it includes Colombia… If we review the area of access to justice, we find that we get a score very close to zero on the effectiveness of the criminal investigation system… these reports, that are known on a global scale, must make us turn on our alarms. You—the judiciary—and us—the government—together with Congress, must put all our effort to achieving a more efficient and effective criminal justice system.”

Juan Manuel Santos, President of Colombia
An international finding that Canada ranks poorly when it comes to access to the courts should serve as a wake up call to the entire justice system, says Chief Justice Beverley McLachlin.

Speaking to the annual Canadian Bar Association conference today, Chief Justice McLachlin said that Canada placed ninth in a recent ranking of 12 European and North America countries.
Singapore ranks 2nd in providing citizen security

Singapore is ranked second in providing security to its citizens, according to an annual survey of the rule of law around the world released on Monday. -- ST PHOTO: NEO XIAO BIN

WASHINGTON - SINGAPORE is ranked second in providing security to its citizens, according to an annual survey of the rule of law around the world released on Monday.

The public administration of the country is also effective and corruption is minimal (ranked third), and the criminal justice system is among the most effective in the world (ranked fifth).

Notwithstanding the country's outstanding performance in most categories, there are substantial limitations on freedom of speech and freedom of assembly, with Singapore in 50th and 61st place, respectively, out of all 66 countries.

Sweden and Norway scored highest on the World Justice Project Rule of Law Index, which ranks countries on such key areas as whether the government is held accountable, there is access to justice, rights are protected and crime and corruption is prevented.
Report exposes gaps in rule of law

BY MACDONALD THOM

A recent global report on the rule of law for 2012 to 2013 has exposed big gaps in the rule of law in the country.

The report, which was released by The World Justice Project (WJP) was launched in Lilongwe yesterday at a function, attended by President Joyce Banda.

The report considered nine factors in WPJ's 97 countries of jurisdiction.

The factors are limited government power, absence of corruption, order and security, fundamental rights, sixth on open government, regulatory enforcement, civil justice, criminal justice and informal justice.

On limited government powers, Malawi ranked 65th globally, 7th out of 18 countries in the Sub-Saharan Africa, and 5th out of 15 low income countries. On absence of corruption Malawi has been ranked 57th globally, 7th regionally and 3rd in low income countries.

On order and security Malawi is 57th globally, 4th regionally, 5th in low income countries. On open government, it is ranked 68th globally, 6th regionally, 5th in low income countries.

On regulatory enforcement the country is 65th globally, 8th regionally, and 4th in the low income group. On civil justice it is 35th globally, 3rd regionally 2nd regionally, while on Criminal justice, it is 58th globally, 7th regionally and 5th in low income countries.

"When compared to other African countries, Malawi possesses an effective system of check and balances, including an independent judiciary, ranking fourth in the Sub-Saharan Africa.

"When viewed globally, however, Malawi has plenty of room for improvement, ranking 65th out of 97 countries indexed," reads part of the report.

Speaking during the launch of the report, President Joyce Banda said although strides have been made in the rule of law such as the holding of internationally recognised elections, smooth transition from one president to another, among others, of late there have been developments slowed down rule of law promotion.

She therefore said the report will help in the improvement of the rule of law in the country.

"The report provides useful data and challenges met in our quest to entrench the rule of law within Malawi. It brings together a comprehensive analysis of various aspects of the rule of law, in various regions across the globe.

"The Rule of Law Index offers a ready reference point to appreciate how well we are doing in relation to other societies," Banda said.
AL tiene instituciones públicas frágiles: estudio

Expertos analizan el estado de derecho en 66 naciones

México, atrasado en justicia criminal

Washington, D.C. — México se colocó de nuevo en los últimos lugares de países con menor acceso a un sistema judicial justo y efectivo, según el Índice del Estado de derecho 2011, un informe anual publicado por el World Justice Project (WJP) para medir el estado de las libertades, la impartición de justicia, problemas de corrupción y responsabilidad gubernamental, realizado en 56 países.

El WJP abarca para su análisis sobre el país tres entidades: la ciudad de México, Guadalajara y Monterrey.

Según el estudio, la percepción de México es peor en el ámbito de la justicia, donde se encuentran los problemas de corrupción y el mayor índice de impunidad.

México lento en justicia criminal: Informe Mundial

Para el WJP el imperio de la ley es la piedra angular para erradicar la pobreza
Acknowledge limitations

1. **Concept** (different value structures, legal architectures, goals, and trade offs)

2. **Measurement** (cross-cultural issues, sensitive questions, measurement error, urban sampling)

3. **Scope** (10,000 feet picture, limited use for analysis, limited context)