

**The World Justice Project**

# **Rule of Law Index**

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**World Justice Project**

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# Basic Premises and Principles

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- The World Justice Project is based on two premises:
  1. The Rule of Law is the foundation for communities of opportunity and equity.
  2. Multidisciplinary collaboration is the most effective way to advance the Rule of Law.

# WJP definition of Rule of Law



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- ❑ Based on four principles:
  - I. Accountable government
  - II. Good laws
  - III. Good process
  - IV. Access to justice

# The World Justice Project

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- ❑ Governance structure
- ❑ Financial supporters
- ❑ Activities:
  - ❑ Mainstreaming (World Justice Forum; Opportunity Fund)
  - ❑ Scholarship
  - ❑ Rule of Law Index

# Multidisciplinary Sponsors



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World Federation of Public Health Associations  
U.S. Chamber of Commerce  
Union Internationale Des Avocats  
Transparency International – USA  
People to People International  
Norwegian Bar Association  
National Association of Medical Minority Educators  
Karamah: Muslim Women Lawyers for Human Rights  
International Trade Union Confederation  
International Organization of Employers  
International Institute for Applied Systems Analysis  
International Chamber of Commerce  
International Bar Association  
Inter-Pacific Bar Association  
Inter-American Bar Association  
Human Rights Watch  
Human Rights First  
Club of Madrid  
Canadian Bar Association  
Association of International Educators (NAFSA)  
American Society of Civil Engineers  
American Public Health Association  
American Bar Association

## 17 Disciplines

Architecture  
The Arts  
Business  
Education  
Engineering  
Environment  
Faith  
Government  
Human Rights  
Judiciary  
Labor  
Law  
Media  
Military  
Public Health  
Public Safety & Law  
Enforcement  
Science

# The Rule of Law Index

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- ❑ The Rule of Law Index is a work in progress
  - ❑ 3 years of intensive development, worldwide consultation, “beta testing” and review by over 1000 experts and practitioners
  - ❑ Index 1.0 – Pilot in 6 countries (2008)
  - ❑ Index 2.0 – Testing in 35 countries (2009)
  - ❑ Index 3.0 – Report for 35 countries (2010)
  
- ❑ Index international advisory board

# The Rule of Law Index

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- The ROL Index is a quantitative assessment tool designed to offer a comprehensive picture of the extent to which countries adhere to the rule of law.
  
- Contribution:
  - 1) Comprehensive definition of Rule of Law
  - 2) New data:
    - Views and experiences of ordinary people
    - Views and opinions of experts
  - 3) “Translation” of the abstract concept of Rule of Law into outcome indicators based on more than 700 questions
  
- *The scores of the Index can be interpreted as degrees of compliance of a legal system to a definition of Rule of Law.*

# The Rule of Law Index

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- A project of this nature faces 5 challenges:
  1. Definition: What is Rule of Law?
  2. Measurement: How can we measure validly and reliably Rule of Law outcomes?
  3. Summarization: How can we summarize the information into meaningful indicators?
  4. Acknowledgement of limitations
  5. Data presentation and Inferences



# What is rule of law?



- ❑ The Index takes an intermediate position that encompasses elements of political participation, fundamental human rights, and access to justice.

# WJP Rule of Law Index 3.0

## 10 Sub-Indices - DRAFT



1. Limited Government Powers
2. Corruption

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3. Clear, Publicized and Stable Laws
4. Order and Security
5. Fundamental Rights

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6. Open Government
7. Regulatory Enforcement

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8. Access to Civil Justice
9. Effective Criminal Justice
10. Informal Justice

# WJP Rule of Law Index 3.0

## 9. Effective criminal justice

9.1 Criminal investigation system is timely and effective

9.2 Criminal adjudication system is timely and effective

9.3 Criminal system is impartial and free of improper influence

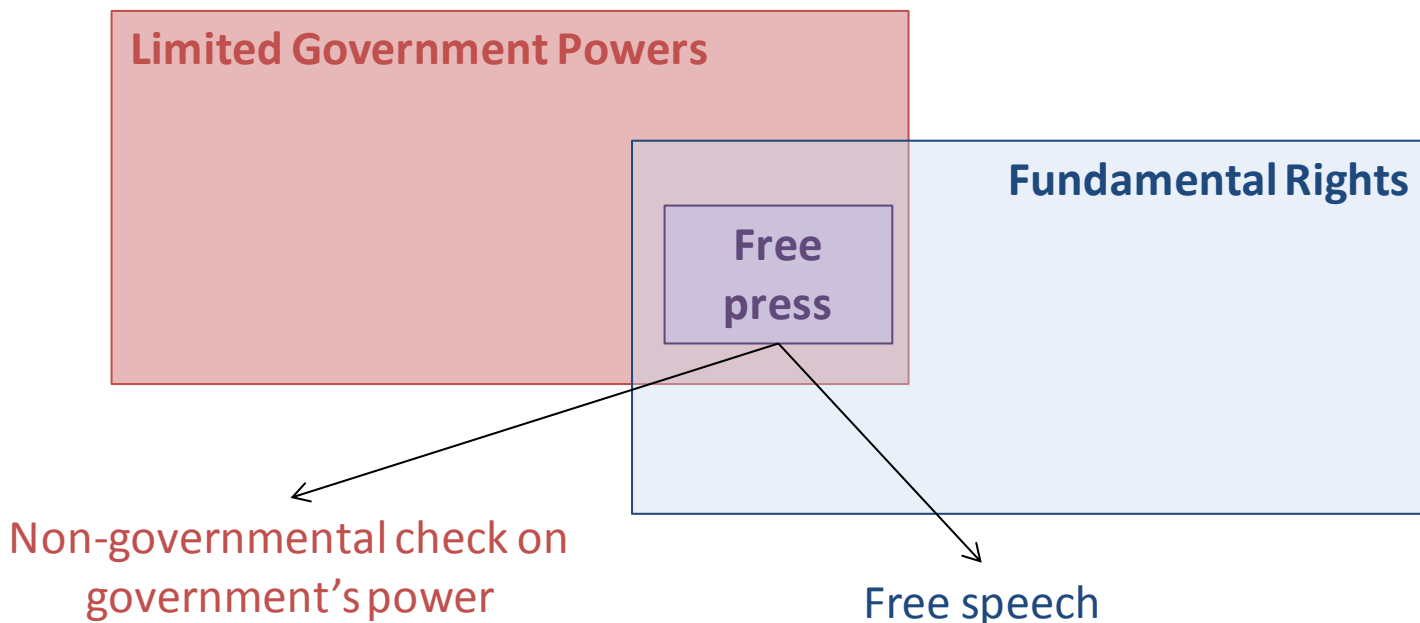
9.4 Due process of law and rights of the accused

- Detention
- Torture and abusive treatment to suspects
- Secret trial
- Legal representation
- Rights of prisoners

# WJP Rule of Law Index 3.0

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- 10 self-contained Indices [Partial overlap]
- Example 1: A free press is both a manifestation of a Fundamental Right in action (free speech), and a non-governmental check on the government's powers (checks and balances/accountability).



- 1) Focus on “Effectiveness of law” rather than “Law on books”.
- 2) The WJP Rule of Law Index 3.0 focuses on “outcomes” rather than “inputs”

## Example 2:

Outcome: Homicide rate (Crime)

Input: Police resources

- Useful, but this may or may not be the driving reason behind homicide rates
- The index cannot measure all relevant inputs => Focus on outcomes, which are the final goal policymakers want to address.

3. Use multiple questions to proxy for abstract concepts
  - Capture concepts which cannot be captured by a single variable
  - Validate results

### Example 3:

- Concept : Affordability of civil justice
  - How significant are the following barriers for poor people?  
Court fees
  - Expected cost of hypothetical procedure
  - Description of actual costs paid by people who used the system to enforce a debt contract.
  - Perception of people about court fees

# Building indicators and indices

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- Summarize information in indices
  
- Methodological issues:
  - Missing values
  - Normalization
  - Weighting
  - Aggregation
  - Robustness

# WJP Rule of Law Index 3.0

## 9. Effective criminal justice

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9.4 Due process of law and rights of the accused

- Detention

- Torture and abusive treatment to suspects

- Secret trial

- Legal representation ← 5questions

- Rights of prisoners



# Using the Index Data

- The Index has been designed to:
  - ▣ Assess countries' adherence to the rule of law in practice
  - ▣ Identify a nation's strengths and weaknesses in comparison to similarly situated countries
  - ▣ Track changes over time
  
- The Index acknowledges the important role of “informal” systems of justice for resolving disputes

# Acknowledging limitations

## 1) Definition:

- ▣ Different definitions and value structures.
  - Uwa community in Colombia
  
- ▣ Different legal architectures.
  - Parliamentary democracy, presidential democracy, kingdom
  
- ▣ Different goals. E.g.. Criminal system:
  - Retribution and deterrence: USA
  - Rehabilitation and social harmony: Japan

# Acknowledging limitations

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## 2) Measurement

- ▣ Cross-cultural differences
- ▣ Sensitive questions
- ▣ Measurement error

## 3) Sampling

- ▣ Rural vs. urban

# Data presentation and inferences

- Avoid situations where countries use indicators not as a governance tool, but as a goal.
- Be careful with cross-country comparisons and rankings
- Be careful with linking scores with priorities for reform.
- Be transparent: Make measures and assumptions as explicit as possible

# Example

- Assume you are not feeling well...
- Go to your physician for a general assessment
  - ▣ Check temperature - ✘
  - ▣ Check heart rate - ✔
  - ▣ Check fatigue - ✘
- Specialist: Further assessment
- Take medicine to get well




Index

# Current status

## Countries indexed for 2010

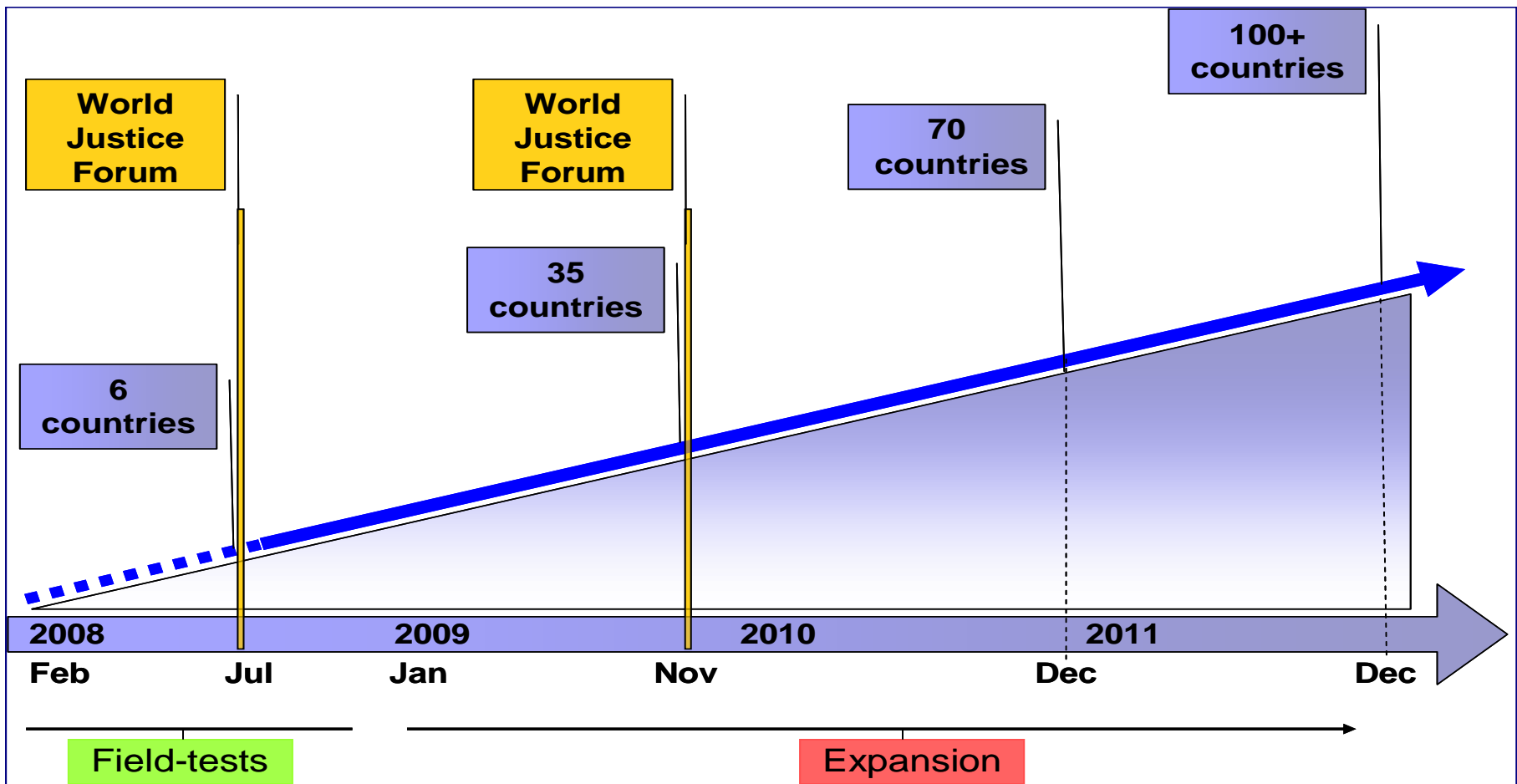
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	Country	Population	% World Populat.		Country	Population	% World Populat.
	Albania	3,170,000	0.05%		Liberia	3,476,608	0.05%
	Argentina	40,134,425	0.59%		Mexico	107,550,697	1.59%
	Australia[9]	21,876,000	0.32%		Morocco	31,538,660	0.47%
	Austria	8,355,260	0.12%		Netherlands	16,528,197	0.24%
	Bolivia	9,863,000	0.15%		Nigeria	154,729,000	2.28%
	Bulgaria	7,606,551	0.11%		Pakistan	167,157,500	2.47%
	Canada	33,744,000	0.50%		Peru	29,132,013	0.43%
	Colombia	45,032,679	0.66%		Philippines	92,222,660	1.36%
	Croatia	4,435,056	0.07%		Poland	38,100,700	0.56%
	Dominican Republic	10,090,000	0.15%		Singapore	4,839,400	0.07%
	El Salvador	6,163,000	0.09%		South Africa	48,697,000	0.72%
	France	65,073,482	0.96%		South Korea	48,333,000	0.71%
	Ghana	23,837,000	0.35%		Spain	46,714,648	0.68%
	India	1,167,570,000	17.23%		Sweden	9,283,722	0.14%
	Indonesia	229,965,000	3.39%		Thailand	63,389,730	0.94%
	Japan	127,580,000	1.88%		Turkey	71,517,100	1.06%
	Jordan	6,316,000	0.09%		United States	307,136,000	4.53%
	Kenya	39,802,000	0.59%		<b>TOTAL</b>	<b>3,090,960,088</b>	<b>45.60%</b>

# Growth Plan and next steps

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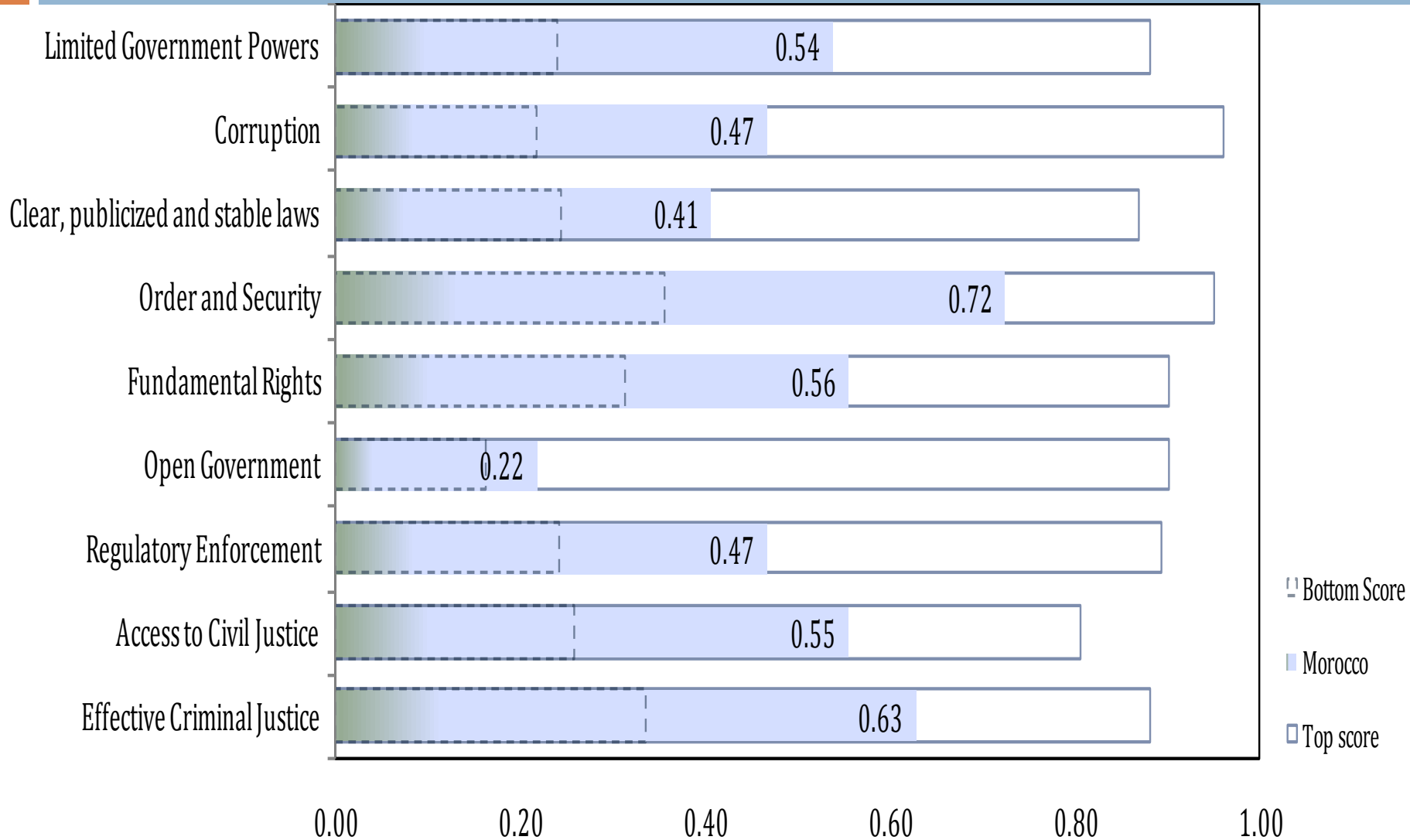
- WJP Rule of Law Index Report 2010 (In September)



# Example 1: Morocco

(Casablanca, Rabat, Fes)

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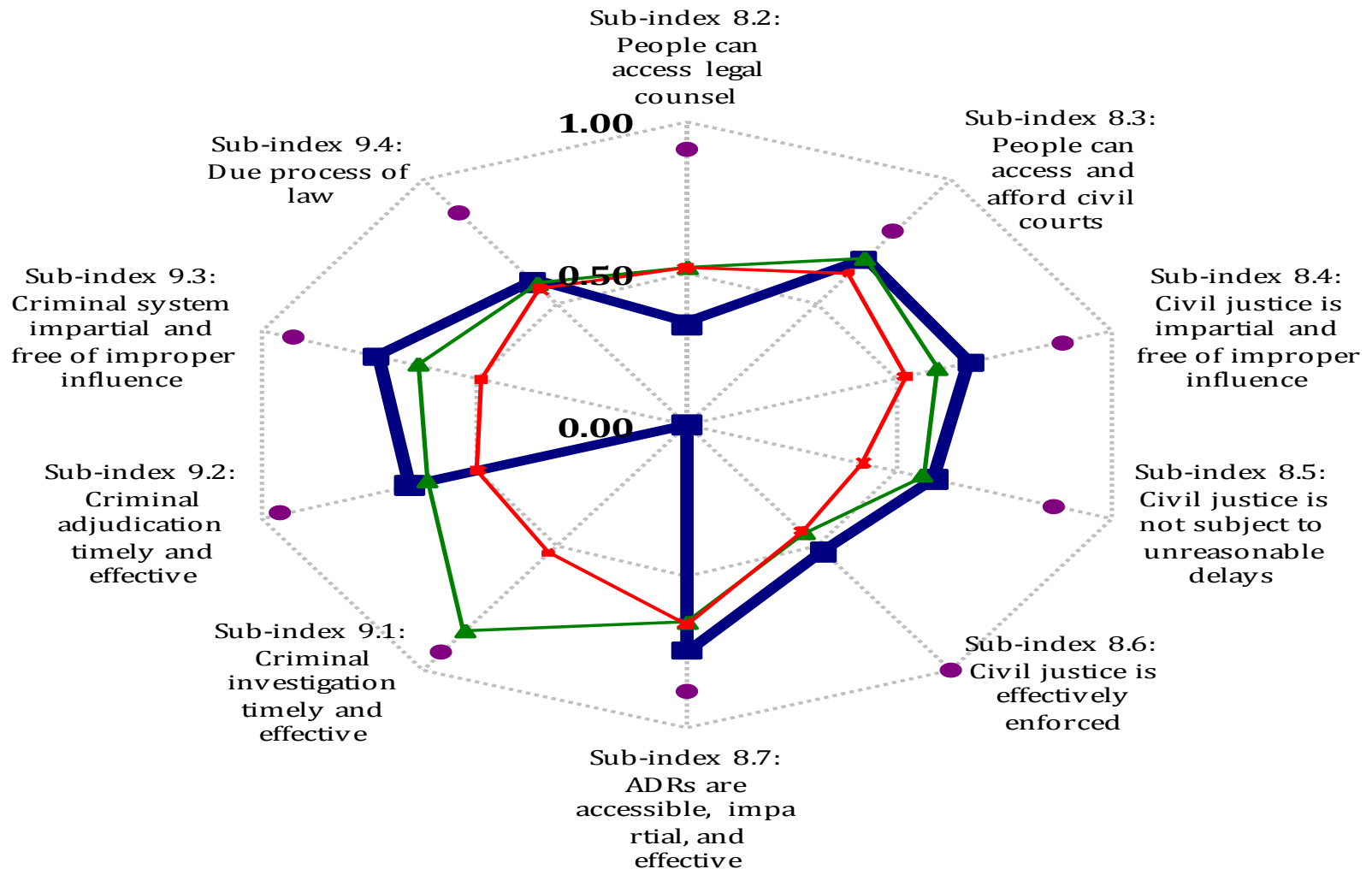




# Example 2: Jordan

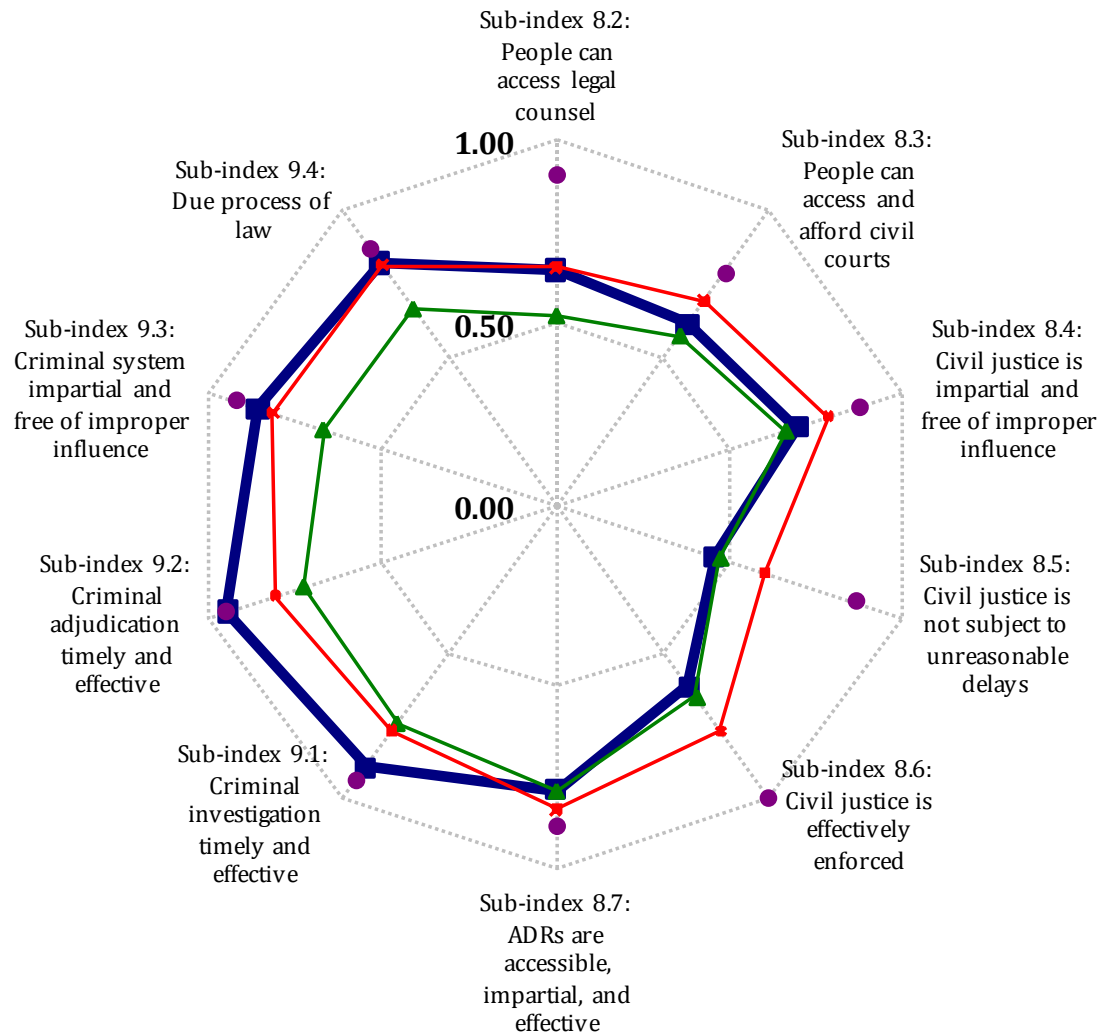
(Amman, Az Zarqa, Irbid)

## Access to Justice (Indices 8 and 9)



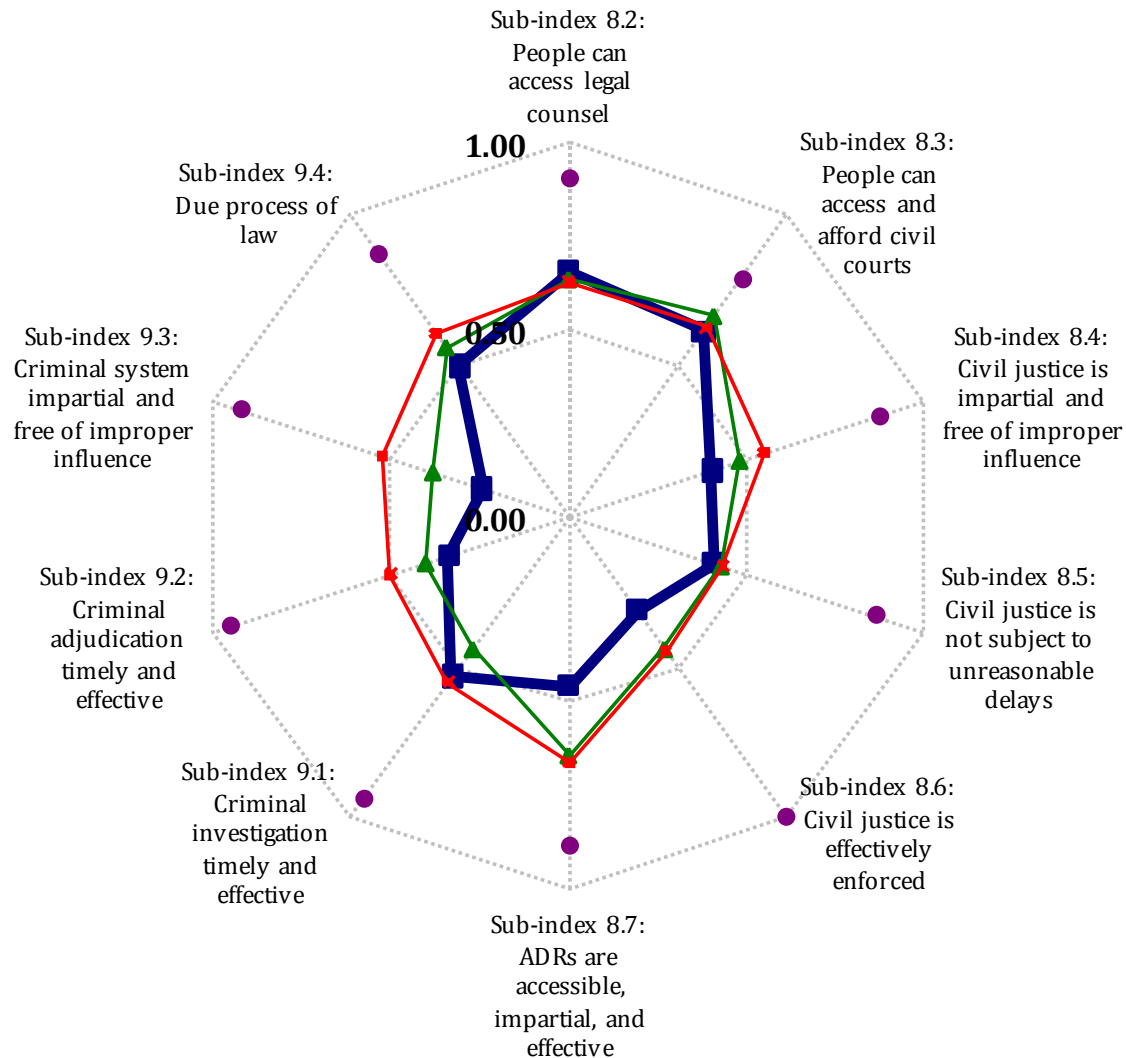
# Access to Justice - Japan

## Access to Justice (Indices 8 and 9)



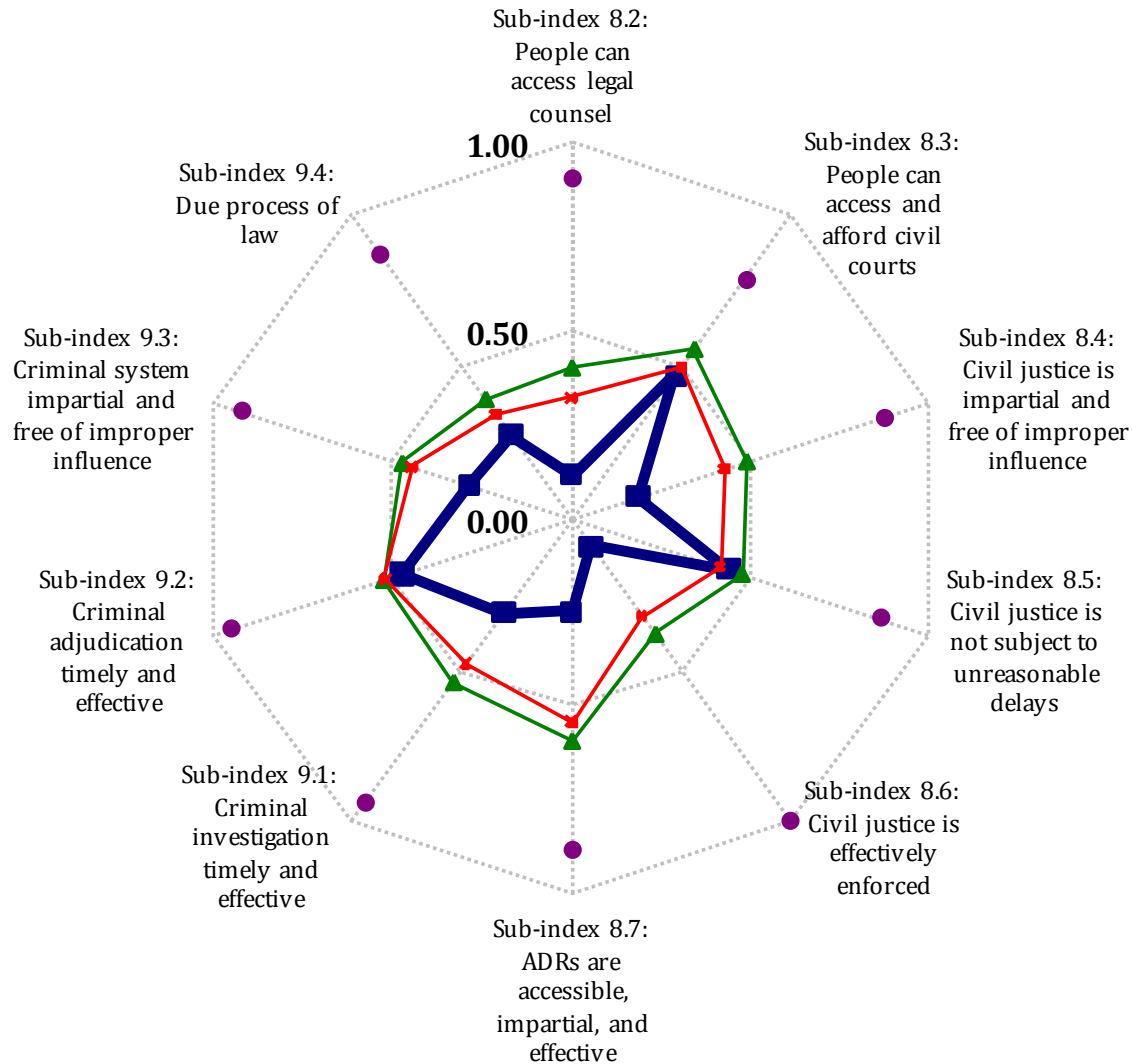
# Access to Justice – Mexico

## Access to Justice (Indices 8 and 9)



# Access to Justice – Liberia

## Access to Justice (Indices 8 and 9)



# Summary

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- Defining and measuring the Rule of Law is complex; however measuring has its benefits.
- The *WJP Rule of Law Index* provides a first step by relying on a carefully specified definition of the Rule of Law which is operationalized into more than 500 questions applied to experts and random samples of the general population.
- For more information, please visit:  
[www.worldjusticeproject.org](http://www.worldjusticeproject.org)

# Thank you



# The culture of the Rule of Law

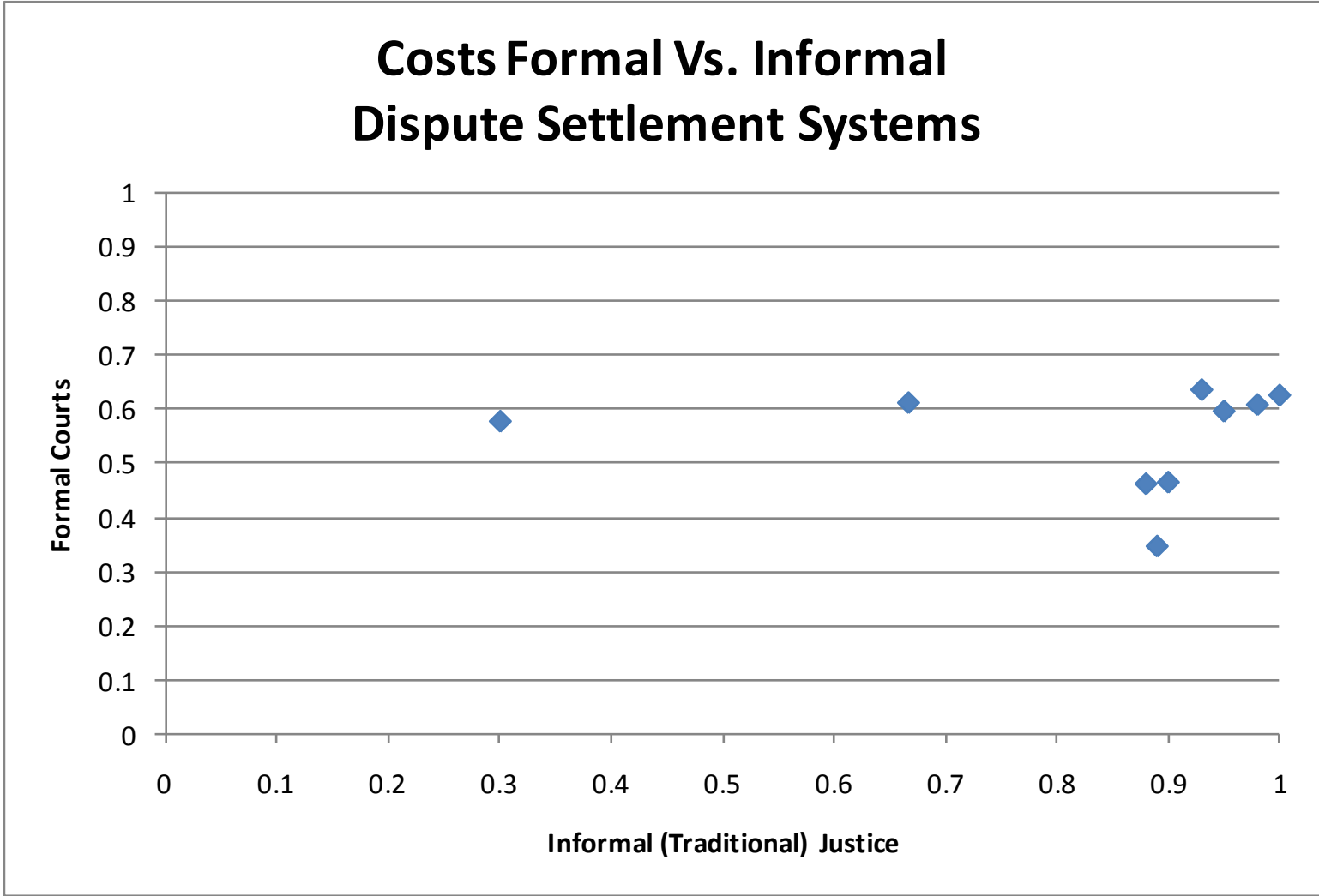
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*“To be truly effective the rule of law needs to form part of the legal and political culture of the country. I cannot stress enough the importance of such a culture, which, if respected, is the greatest protection against injustice. Hence the importance of mainstreaming emphasized by the World Justice Forum... Ultimately, the struggle for a better society is a political struggle. One of the virtues of the rule of law is that it provides space for such contestation to take place.”*

Arthur Chaskalson, former Chief Justice of the South African Supreme Court.

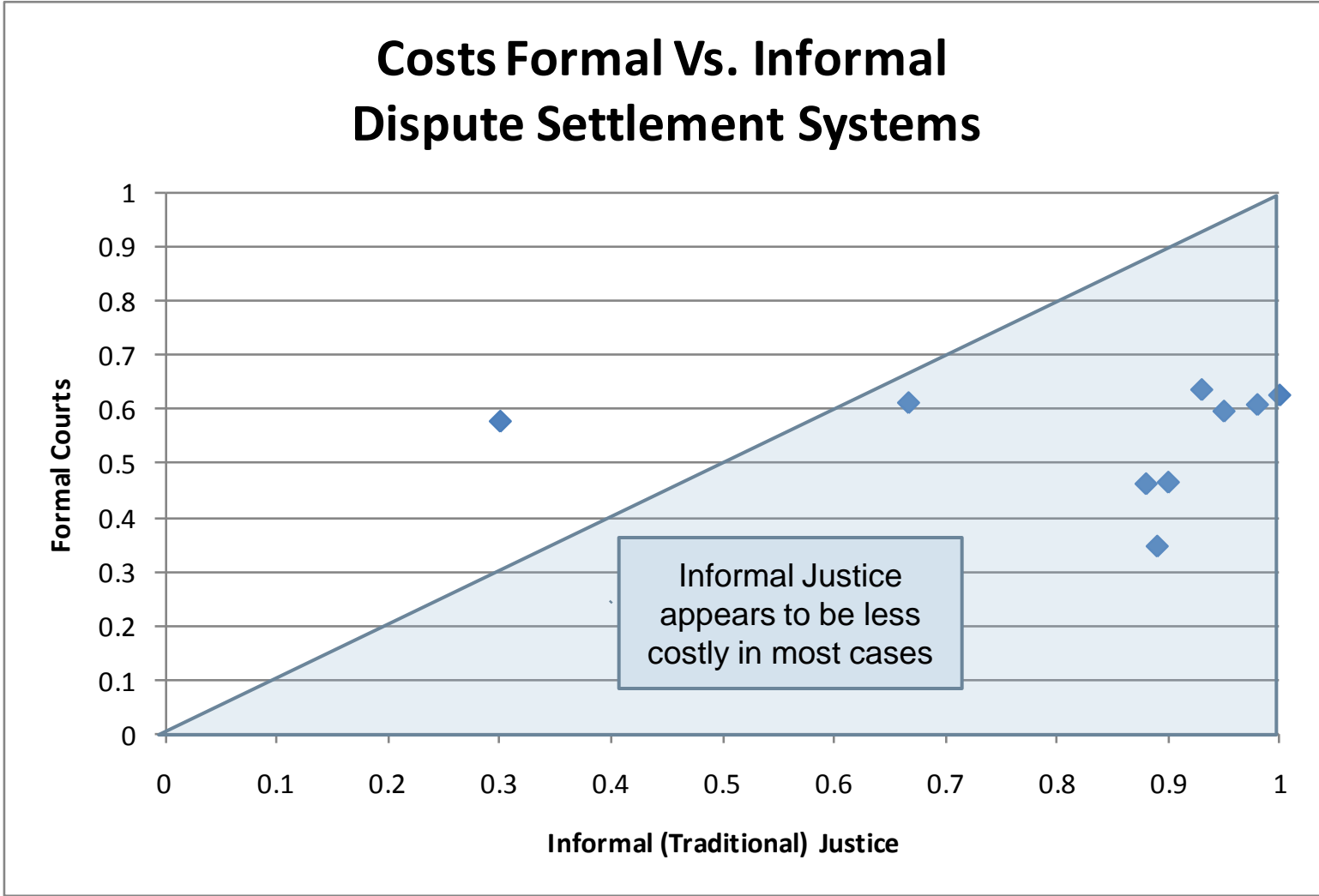
Remarks at the World Justice Forum I. Vienna, July, 2008.

# Costs: Formal and Informal Justice

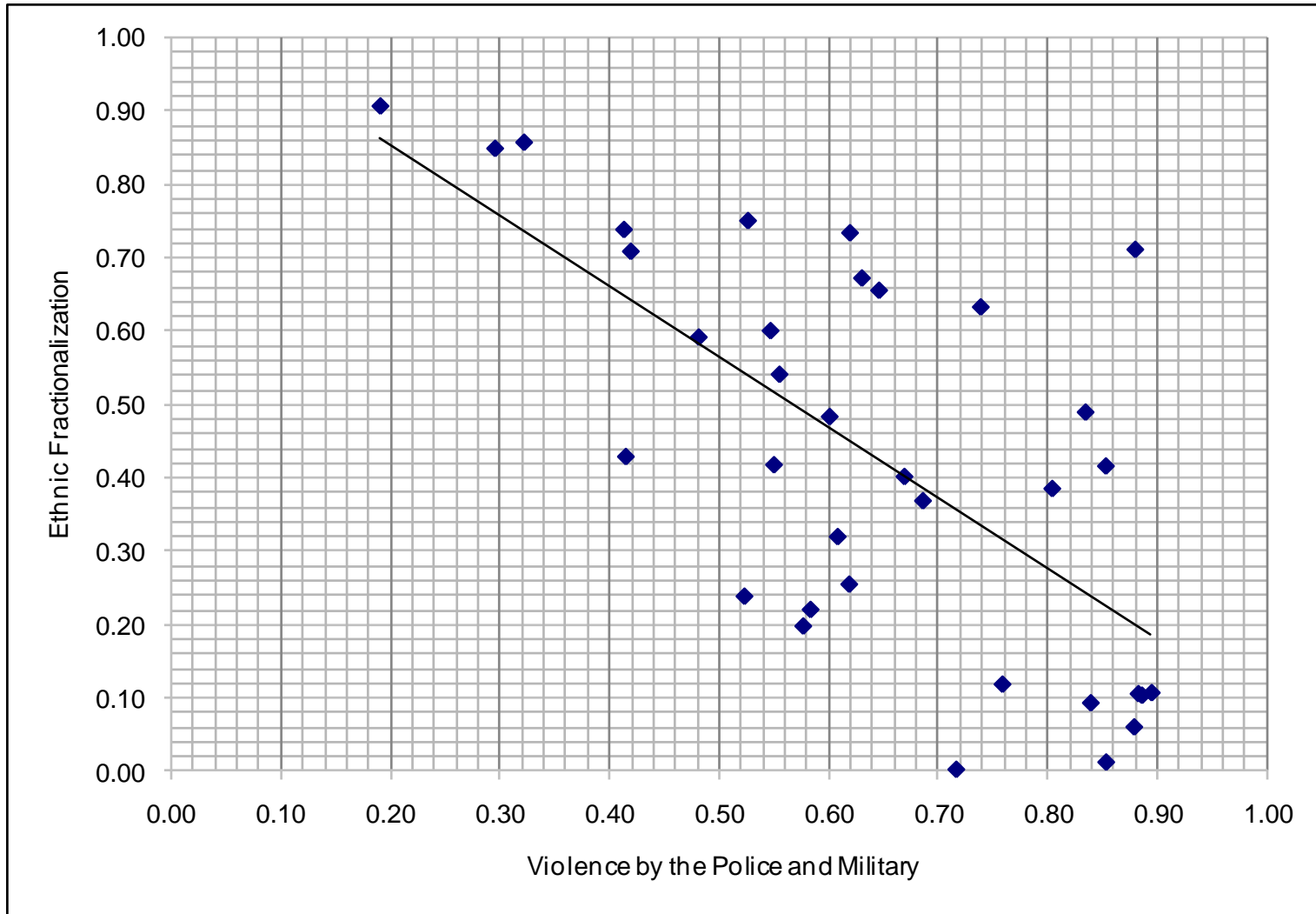




# Costs: Formal and Informal Justice

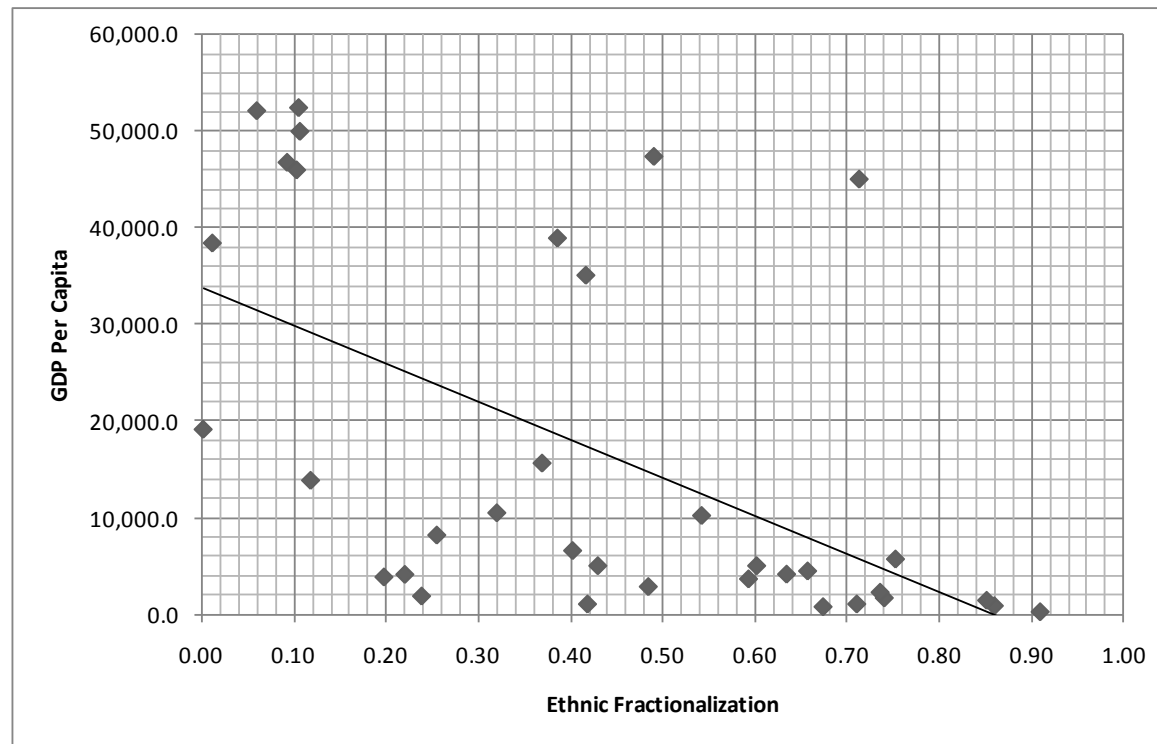


# Food for thought...



# Fractionalization

	Ethnic Fractionalization	
Liberia	0.91	High
Kenya	0.86	
Nigeria	0.85	
South Africa	0.75	
Bolivia	0.74	
Indonesia	0.74	
Canada	0.71	
Pakistan	0.71	
Ghana	0.67	
Peru	0.66	
Thailand	0.63	Medium
Colombia	0.60	
Jordan	0.59	
Mexico	0.54	
USA	0.49	
Morocco	0.48	
Dom. Republic	0.43	
India	0.42	
Spain	0.42	
Bulgaria	0.40	
Singapore	0.39	
Croatia	0.37	
Turkey	0.32	
Argentina	0.26	
Philippines	0.24	
Albania	0.22	
El Salvador	0.20	
Poland	0.12	
Austria	0.11	
Netherlands	0.11	
France	0.10	
Australia	0.09	
Sweden	0.06	
Japan	0.01	
South Korea	0.00	



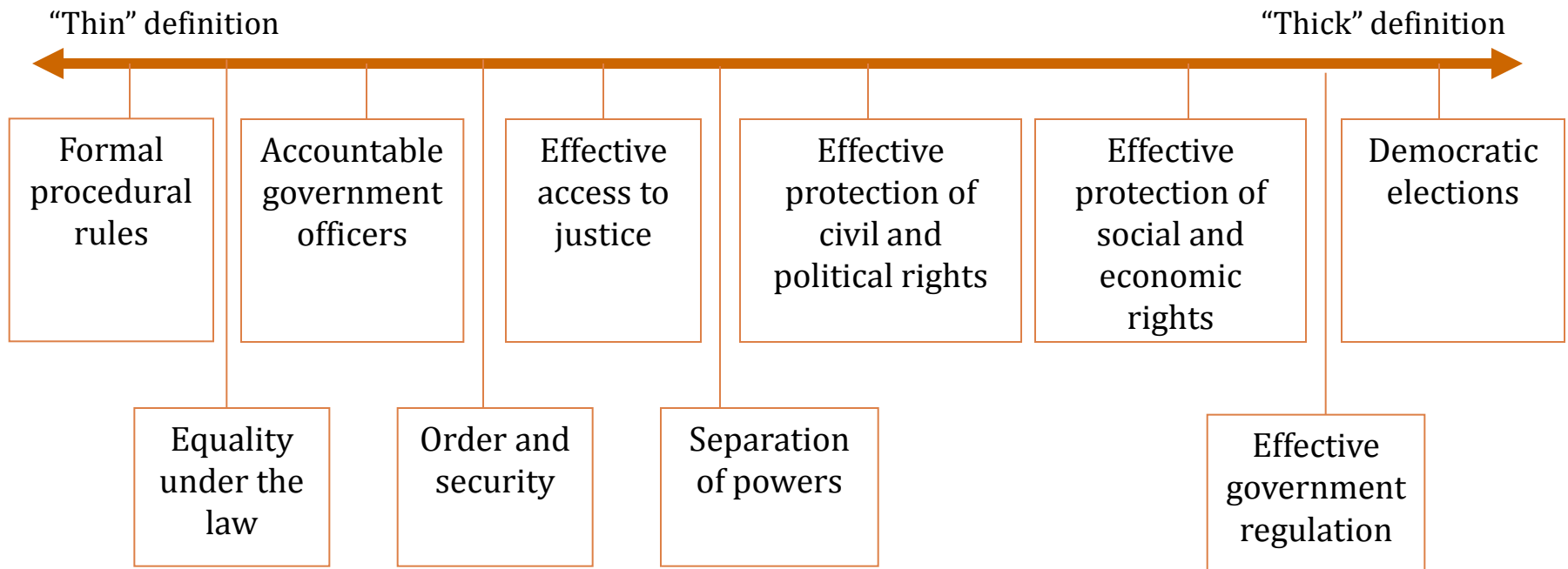
***Fractionalization.*** Alesina et al - *Journal of Economic Growth*, vol. 8, no. 2, June 2003, pp. 155-194.

# “Thick” v. “Thin”

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- ❑ Pros and cons:
  - ❑ “Thin” definitions may be more readily applicable to diverse social and political systems.
  - ❑ But a system of positive law that fails to respect internationally recognized norms is at best “rule *by* law,” not “rule *of* law.”
  
- ❑ The Index takes an intermediate position that encompasses elements of political participation, fundamental human rights, and access to justice.

# What is rule of law?



4. Triangulation [Cross-checking data using multiple sources]
  - ▣ Observers:
    - Two main sources of new data:
      - A general population poll: Probabilistic sample: 1,000 respondents per country (three largest cities).
      - Qualified respondent's questionnaires: Completed by in-country experts in civil and commercial law; criminal justice; labor law; and public health.
  - ▣ Measurement tools:
    - Three types of questions
      - General perception questions
      - Hypothetical cases with standardized assumptions
      - Experienced based questions

## Example 4:

- Sub-index 4.3: People do not resort to violence to redress personal grievances

- Mob justice

Triangulation of observers



- People's perception / Experts' perception

Please assume that a criminal is apprehended by the neighbors after committing a serious crime. How likely are the following outcomes?:

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

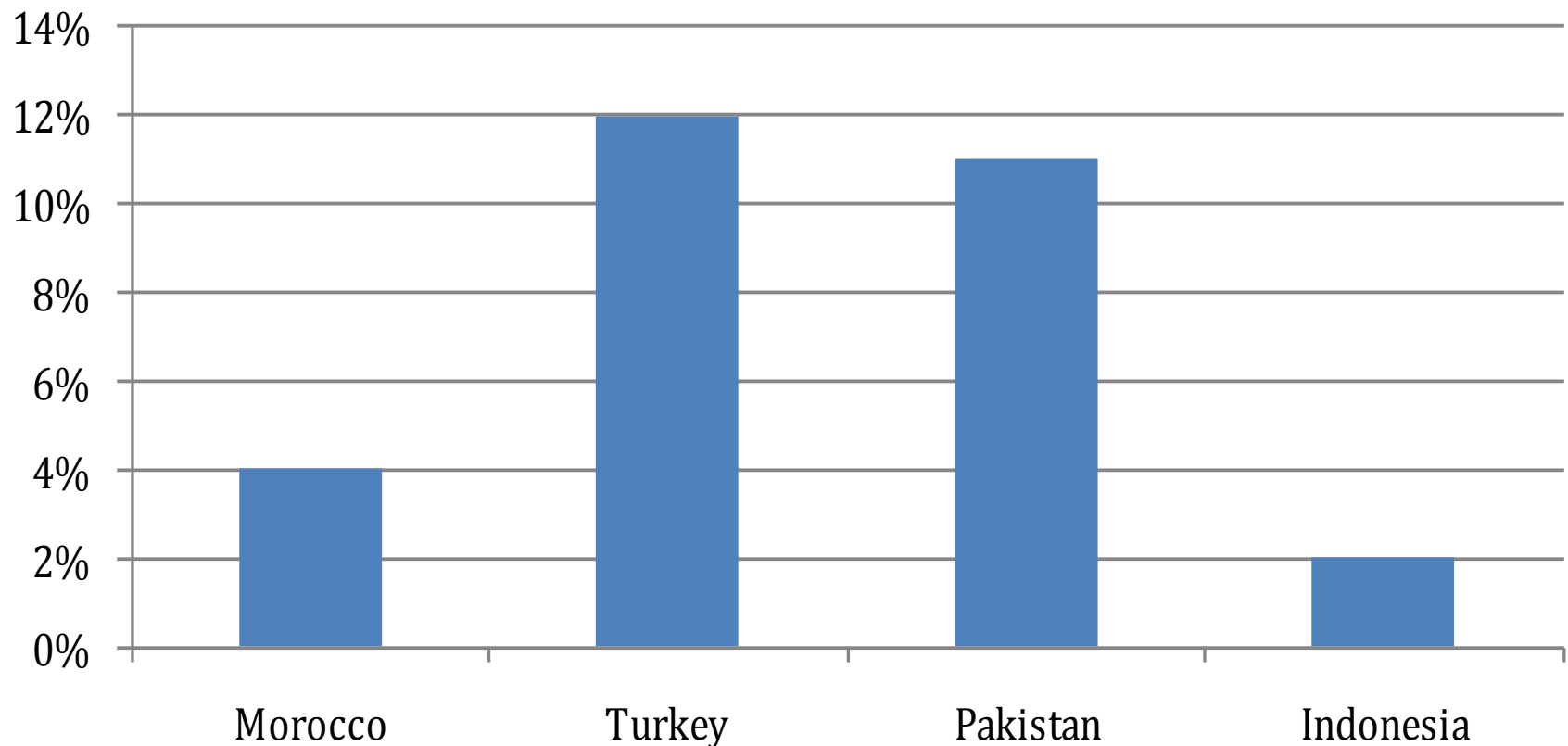
- People's experience

During the last year, have you seen a criminal being beaten by the people in this neighborhood?

Triangulation of measures

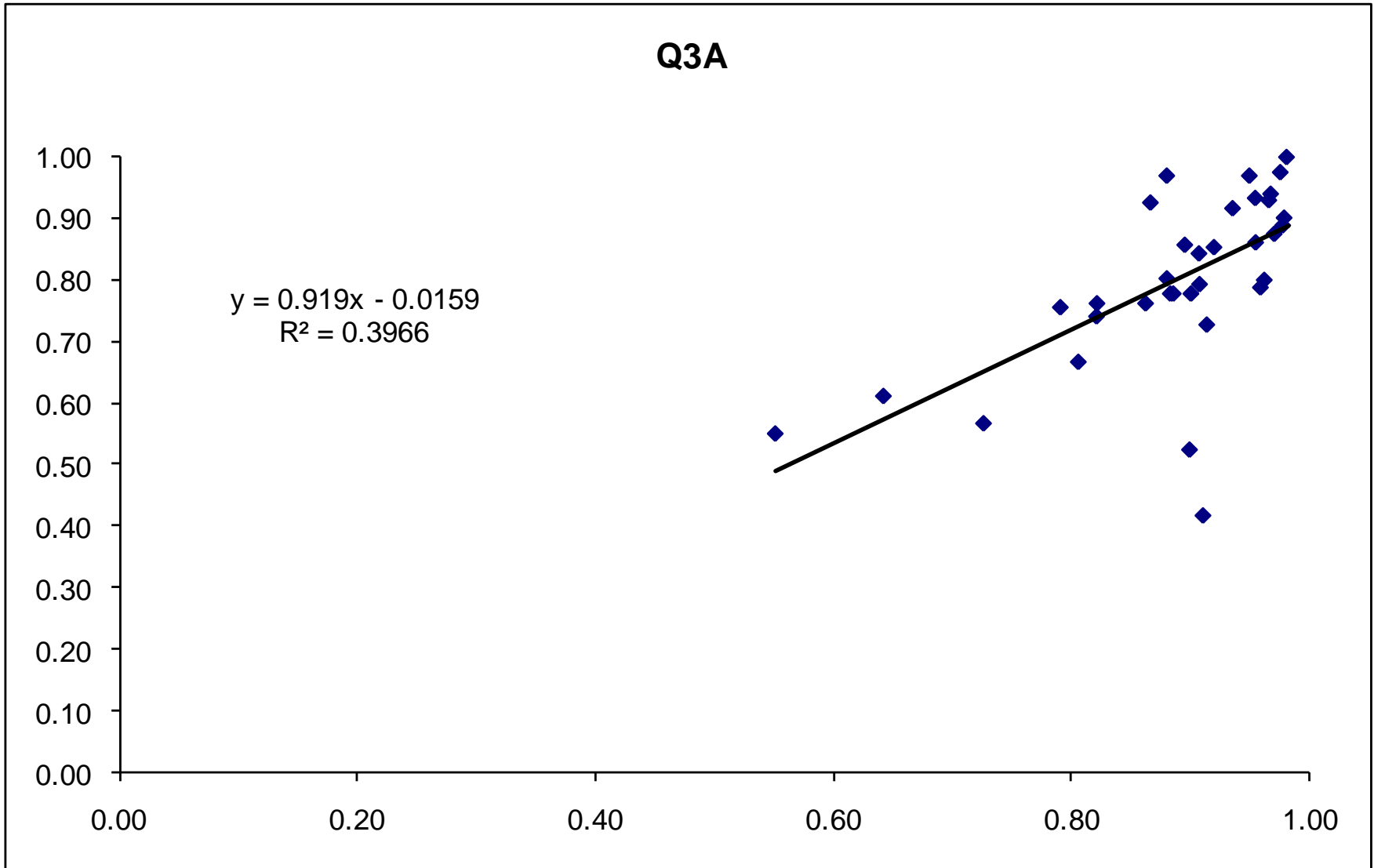


**During the last three years, have you or someone in your household been unfairly subjected to physical abuse by the police or the military? (Percentage of people answering yes)**





### Q3A



### Q4E

