#WJPindex

World Justice Project

WJP Rule of Law Index®

Alejandro Ponce
October 31st, 2014

Motivation

"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 Justic

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

WJP Rule of Law Index

1. Constraints on Government Powers — 6 sub-factors / 61 question items

2. Absence of Corruption — 4 sub-factors / 70 question items

3. Open Government — 4 sub-factors / 35 question items

4. Fundamental Rights — 8 sub-factors / 111 question items

5. Order and Security — 3 sub-factors / 19 question items

6. Regulatory Enforcement — 5 sub-factors / 83 question items

7. Civil Justice — 7 sub-factors / 55 question items

8. Criminal Justice — 7 sub-factors / 99 question items

9. Informal Justice — 3 sub-factors / 8 question items

+500

Questions

+100,000

Households Surveyed

2,400

Experts Interviewed

99

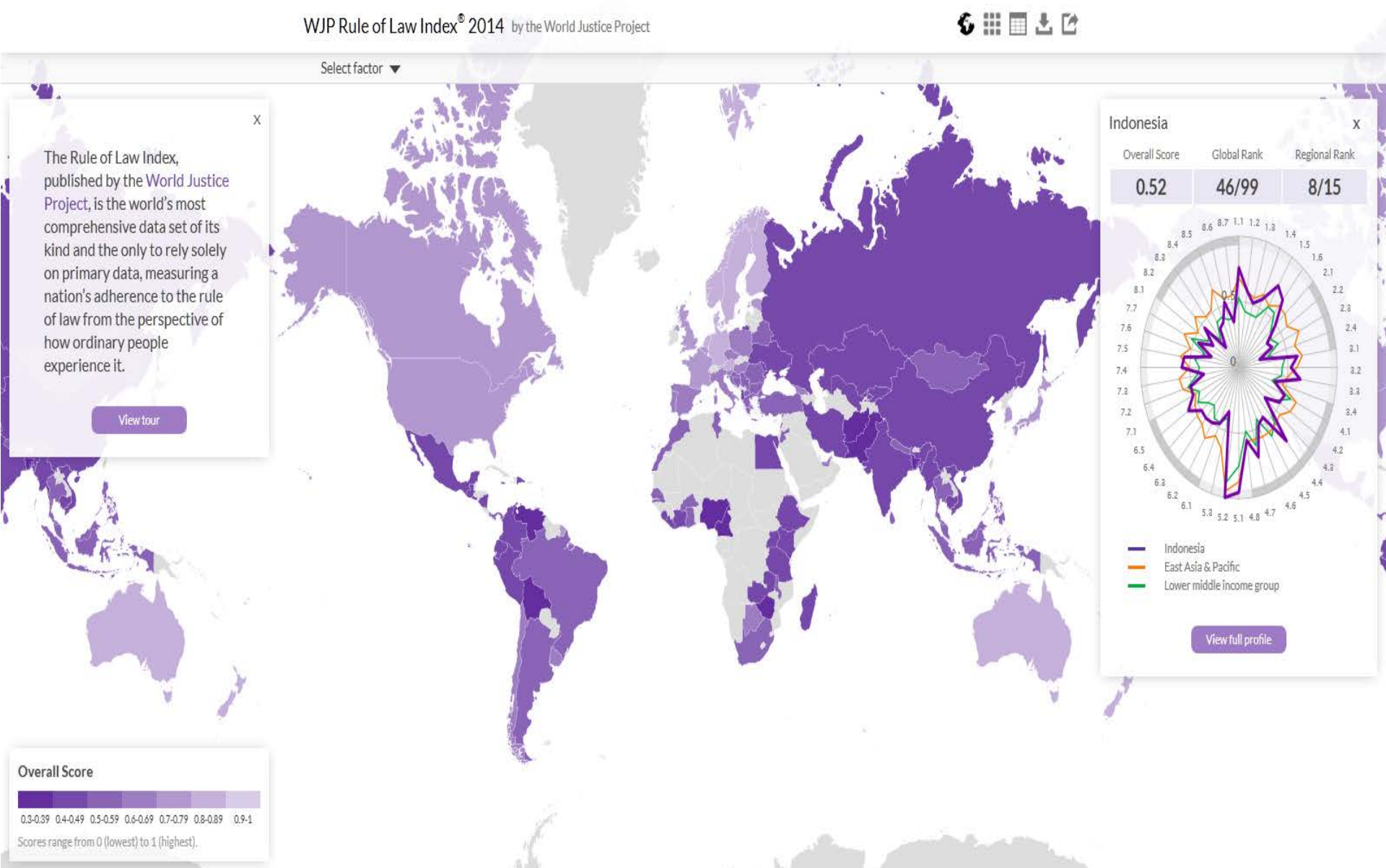
Countries

Scores and rankings

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

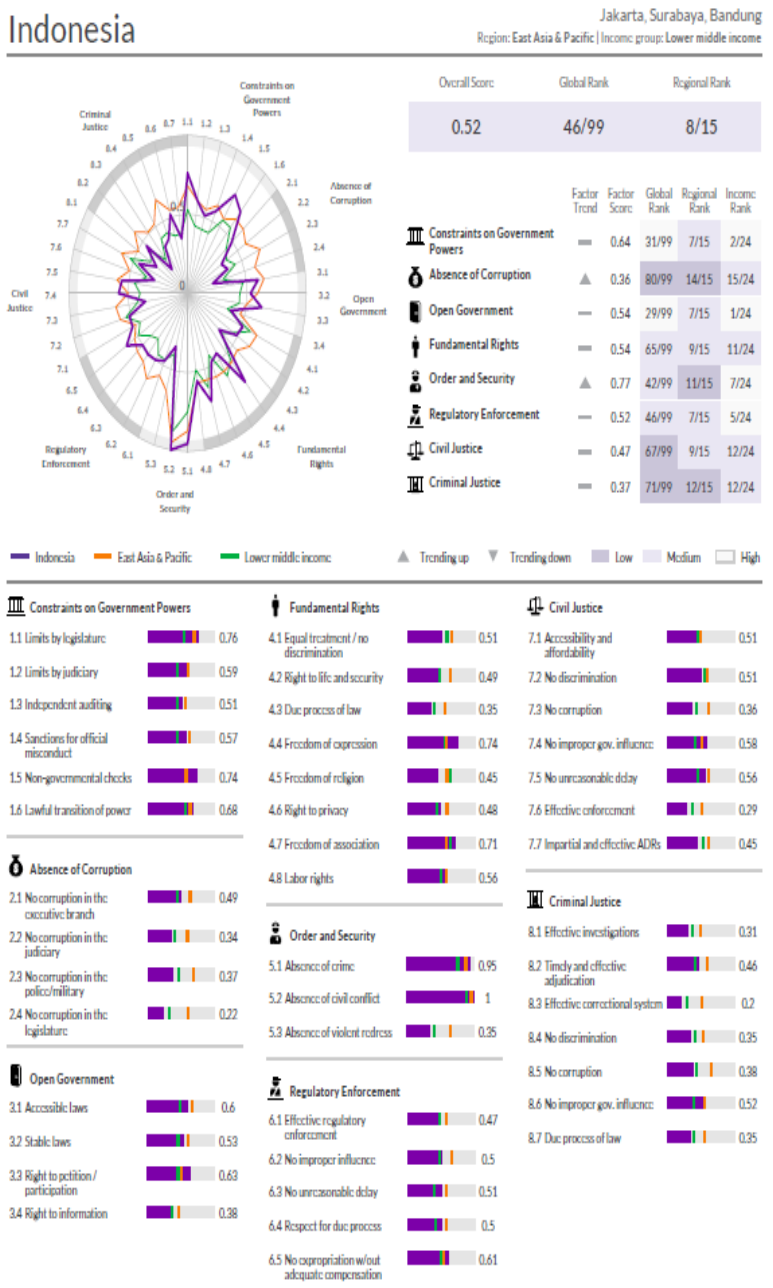
2. Validity checks
   - Triangulation, cross-checking
   - Sensitivity analysis: *"The JRC analysis suggests that the conceptualized multi-level structure of the WJP Rule of Law Index is statistically coherent and no dimension is dominated by any of its underlying components. Country ranks across the 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)."*

data.worldjusticeproject.org



Presentation of results

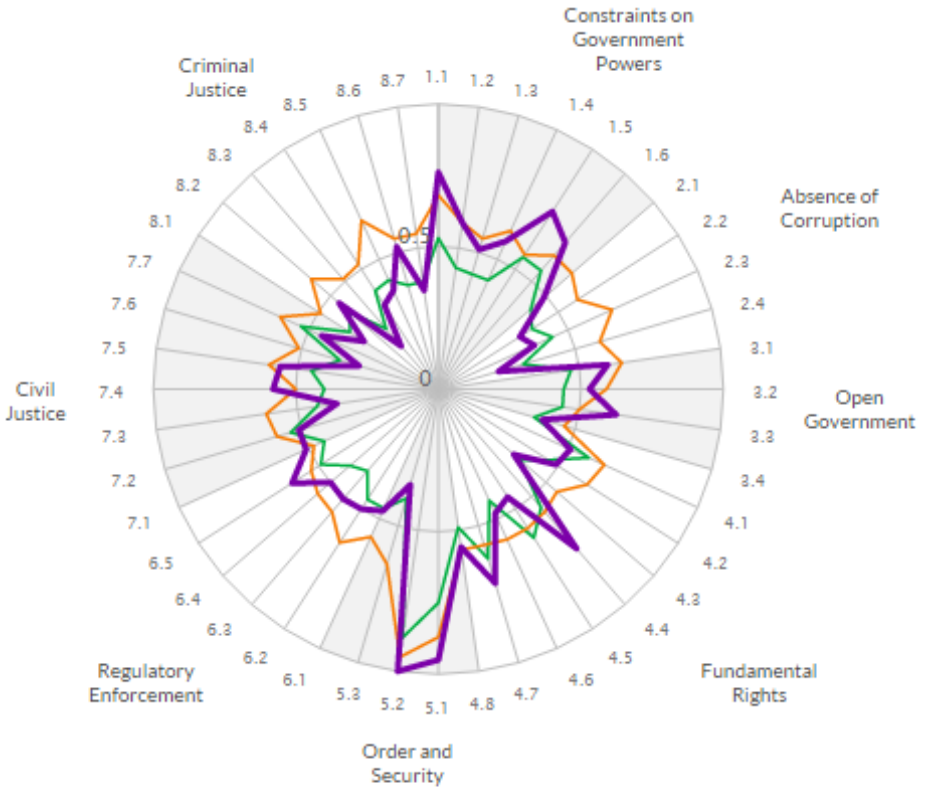
- Comparative exercise
- Multi-dimensional
- Strengths and weaknesses
- Relevant comparisons (peers)



Indonesia

Jakarta, Surabaya, Bandung

Region: **East Asia & Pacific** | Income group: **Lower middle income**



Overall Score	Regional Rank	Income Rank	Global Rank
0.52	8/15	4/24	46/99

	Factor Trend	Factor Score	Regional Rank	Income Rank	Global Rank
Constraints on Government Powers	—	0.64	7/15	2/24	31/99
Absence of Corruption	▲	0.36	14/15	15/24	80/99
Open Government	—	0.54	7/15	1/24	29/99
Fundamental Rights	—	0.54	9/15	11/24	65/99
Order and Security	▲	0.77	11/15	7/24	42/99
Regulatory Enforcement	—	0.52	7/15	5/24	46/99
Civil Justice	—	0.47	9/15	12/24	67/99
Criminal Justice	—	0.37	12/15	12/24	71/99

Indonesia — East Asia & Pacific — Lower middle income group

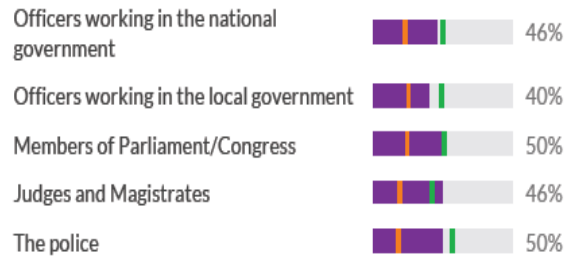
▲ Trending up ▼ Trending down Low Medium High


Constraints on Government Powers
1.1 Limits by legislature 0.76
1.2 Limits by judiciary 0.59
1.3 Independent auditing 0.51
1.4 Sanctions for official misconduct 0.57
1.5 Non-governmental checks 0.74
1.6 Lawful transition of power 0.68
Absence of Corruption
2.1 No corruption in the executive branch 0.49
2.2 No corruption in the judiciary 0.34
2.3 No corruption in the police/military 0.37
2.4 No corruption in the legislature 0.22
Open Government
3.1 Accessible laws 0.6
3.2 Stable laws 0.53
3.3 Right to petition / participation 0.63
3.4 Right to information 0.38
Fundamental Rights
4.1 Equal treatment / no discrimination 0.51
4.2 Right to life and security 0.49
4.3 Due process of law 0.35
4.4 Freedom of expression 0.74
4.5 Freedom of religion 0.45
4.6 Right to privacy 0.48
4.7 Freedom of association 0.71
4.8 Labor rights 0.56
Order and Security
5.1 Absence of crime 0.95
5.2 Absence of civil conflict 1
5.3 Absence of violent redress 0.35
Regulatory Enforcement
6.1 Effective regulatory enforcement 0.47
6.2 No improper influence 0.5
6.3 No unreasonable delay 0.51
6.4 Respect for due process 0.5
6.5 No expropriation w/out adequate compensation 0.61
Civil Justice
7.1 Accessibility and affordability 0.51
7.2 No discrimination 0.51
7.3 No corruption 0.36
7.4 No improper gov. influence 0.58
7.5 No unreasonable delay 0.56
7.6 Effective enforcement 0.29
7.7 Impartial and effective ADRs 0.45
Criminal Justice
8.1 Effective investigations 0.31
8.2 Timely and effective adjudication 0.46
8.3 Effective correctional system 0.2
8.4 No discrimination 0.35
8.5 No corruption 0.38
8.6 No improper gov. influence 0.52
8.7 Due process of law 0.35

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?



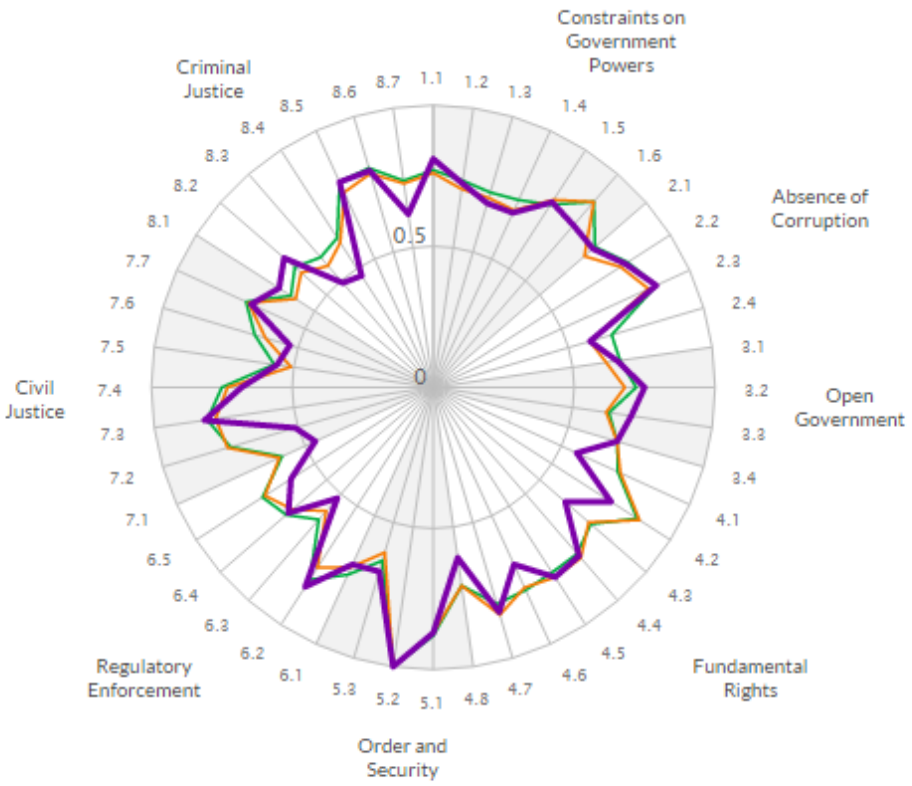
During the past three years, have you or anyone living in your household been stopped or detained by the police? Thinking about the most recent incident, did you (or the person living in your household) have to pay a bribe to the police officer who approached you (or the person living in your household)?

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)?

United States

New York, Los Angeles, Chicago

Region: **Western Europe & North America** | Income group: **High income**



Overall Score	Regional Rank	Income Rank	Global Rank
0.71	13/24	19/30	19/99

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

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

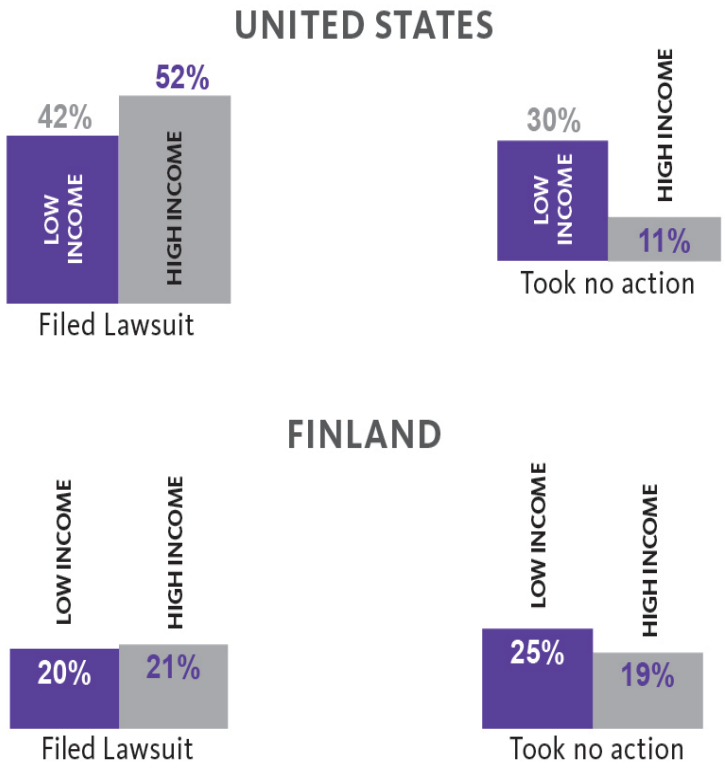
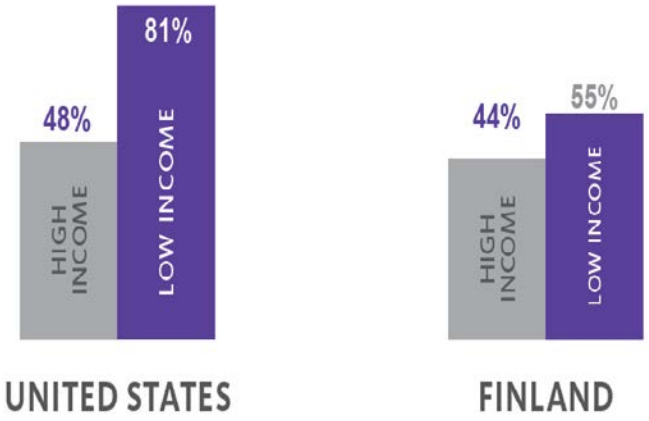


Figure 1: Use of legal assistance in Finland and in the United States

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



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

EL ESPECTADOR

Gobierno le pide a la Corte más proactividad para reformar la justicia

Por: Elespectador.com

El mandatario no se refirió a la no elección de Fiscal General por parte del alto tribunal.

Juan Manuel Santos

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

TORONTO STAR

THE VANCOUVER SUN

Millions of middle-class Canadians unable to afford

Back to Wake-up call from top judge

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"There is no evidence that despite all of our initiatives, access to justice is improving," admitted Melina Buckley, who chairs the committee. The legal profession needs to ask why. Are its services overpriced? Are its members unwilling to sacrifice any of their billable hours?

THE GLOBE AND MAIL

Top judge sounds alarm over Canada's poor access-to-courts ranking

KIRK MAKIN

HALIFAX— Globe and Mail Update

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.

THE STRAITS TIMES

Jun 13, 2011

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 powers, 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.

BANDA–The Rule of Law Index offers a ready reference point

On regulatory enforcement the country is 65th globally, 8thregionally, 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.

EL ECONOMISTA .mx

El Sol de México

EL UNIVERSAL

EL GRAN DIARIO DE MÉXICO

AL tiene instituciones públicas frágiles: estudio

Expertos analizan el estado de derecho en 66 naciones

Martes 14 de junio de 2011
J. Jaime HernándezCorresponsal | El Universal

Comenta la Nota

WASHINGTON.— América Latina ha realizado avances en materia de apertura y libertades políticas, pero sus instituciones públicas siguen siendo "frágiles", con significativos problemas de corrupción y en matera de responsabilidad gubernamental, afirma el

México, atrasado en justicia criminal

Martes 14 de junio de 2011
J. Jaime HernándezCorresponsal | El Universal

Comenta la Nota

WASHINGTON.— México se colocó de nueva cuenta en los últimos lugares de países con menos acceso a un sistema judicial justo y efectivo, según el Índice del Estado de derecho 2011, un informe anual publicado por el Worl Project (WJP) para medir el estado de las libertades, la impartición de justicia, problemas de corrupción y responsabilidad gubernamental, realizada en 66 países.

El WJP abarcó para su análisis sobre el país tres entidades: la ciudad de México, Guadalaja Monterrey.

Según el estudio, la peor calificación de México se produce en el ámbito de la justicia, donde un sistema

VANGUARDIA

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México lento en justicia criminal: Informe Mundial

Recomendar · Sé el primero de tus amigos en

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

El Proyecto Justicia Mundial (World Justice Project, WJP), ha publicado su segundo índice sobre el Estado de Derecho en el Mundo, con detallada información sobre un amplio abanico de cuestiones en torno al imperio de la ley. Este informe, que se publicó este 13 de junio en Washington, será presentado en el III Fórum del WJP que se

EL MAÑANA

Estados Unidos en nivel más b derecho'

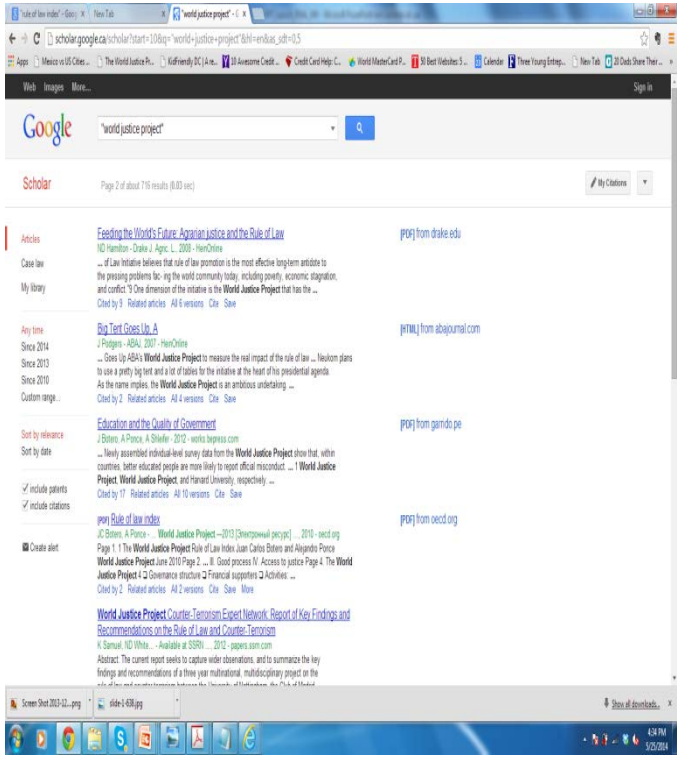
Viernes, 15 de Octubre de 2010

Esta primera edición del Indice calificó los gobiernos segú de corrupción, estabilidad del sistema judicial

WASHINGTON, DC.- Suecia y Holanda están en la cumbre de l estado de derecho", una lista publicada ayer que coloca a Estad más ricos.


GOVERNMENT AT A GLANCE 2013
OECD Public Governance and Territorial Development
OECD
BETTER POLICIES FOR BETTER LIVES


CORRUPTION PERCEPTIONS INDEX 2013.
TRANSPARENCY INTERNATIONAL
the global coalition against corruption


Google
"world justice project"
Scholar
Feeding the World's Future: Agrarian justice and the Rule of Law
Big Tent Goes Up, A
Education and the Quality of Government
Rule of law index
World Justice Project Counter-Terrorism Expert Network: Report of Key Findings and Recommendations on the Rule of Law and Counter-Terrorism

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)

#WJPindex

World Justice Project

WJP Rule of Law Index®

worldjusticeproject.org