

World Justice Project Survey Items Included in Rule of Law Index

(Items are abbreviated and reformatted from original WJP text for clarity, but meanings are not changed. Items that appear to be repeated are drawn from both expert and general population surveys, are worded slightly differently between those surveys, and are treated, for present purposes, as separate items.)

In practice, the chief executive rules without regard to legislative checks.

The government always obeys the decisions of the high courts, even when they disagree with these decisions.

Please choose the statement that is closest to your views on how the judiciary operates in your country:

(a) When legal questions or possible violations are raised, the judiciary reviews executive actions and uses its powers to declare government actions illegal or unconstitutional;

(b) The judiciary reviews executive actions, but is unwilling to take on politically sensitive issues and/or is limited in its effectiveness;

(c) The judiciary does not effectively review executive policy.

In practice, the national courts are free of political influence in their application of power.

["Significant problem" on scale of 1-10] Lack of independence of the judiciary from the government's power.

In practice, the local courts are free of political influence in their application of power.

In practice, the electoral appeals court is free of political influence in its application of power.

Assume that a government officer makes a decision that is clearly illegal and unfair, and people complain against this decision before the judges. In practice, how likely is that the judges are able to stop the illegal decision?

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?

In practice, members of the legislature abusing their power are sanctioned for misconduct.

In practice, members of the legislature who commit crimes are prosecuted and punished.

In practice, members of the judiciary abusing their power are sanctioned for misconduct.

In practice, police officers abusing their power are sanctioned for misconduct.

In practice, police officers who commit crimes are prosecuted and punished.

How likely is a citizen to be beaten by the police, without justification, for participating in a non-violent public demonstration?

People can freely express opinions against the government.

In practice, civil society organizations can freely express opinions against government policies and actions without fear of retaliation.

Civil society organizations can freely express opinions against government policies and actions without fear of retaliation.

How likely is a judge or magistrate to request a bribe (or other monetary inducement) to perform their duties or to expedite the process?

How likely are court personnel to request a bribe (or other monetary inducement) to perform their duties or to expedite the process?

How important is corruption of judges and judicial officers in influencing people's decisions on whether or not to go to court to resolve a dispute in the city where you live?

Please tell us how serious a problem corruption of judges and judicial officers (they don't move the cases unless the parties bribe them) is in civil and commercial courts in the city where you live?

How frequently do people (or private companies) have to pay bribes, informal payments, or other inducements to expedite a court process?

How likely are police or law enforcement officers to request a bribe (or other monetary inducement) to perform their duties or to expedite the process?

How likely are local police officers to collect bribes from traders and small merchants, so that they can carry on their activity?

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 actually investigate a crime?

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 actually prosecute a criminal?

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 destroy or tamper with evidence?

Please tell us how significant are the following problems for the criminal investigative services in the city where you live: corruption of investigators or judicial police.

Please tell us how significant are the following problems for the criminal investigative services in the city where you live: corruption of prosecutors.

In your opinion, how likely are the following criteria to put a person at a disadvantage before a civil or commercial trial court? The person is a poor person.

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 a poor person?

Imagine that the local police detain two persons equally suspected of committing a crime. In your opinion, which of the following characteristics would place one of them at a disadvantage? The suspect is a poor person.

In your opinion, how likely are the following criteria to put a person at a disadvantage before a civil or commercial trial court? The person is a female.

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 a female?

Imagine that the local police detain two persons equally suspected of committing a crime. In your opinion, which of the following characteristics would place one of them at a disadvantage? The suspect is a female.

In your opinion, how likely are the following criteria to put a person at a disadvantage before a civil or commercial trial court? The person is a member of an ethnic minority.

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 a member of an ethnic minority?

Imagine that the local police detain two persons equally suspected of committing a crime. In your opinion, which of the following characteristics would place one of them at a disadvantage? The suspect is a person from an ethnic group or tribe other than that of the police officer involved.

In your opinion, how likely are the following criteria to put a person at a disadvantage before a civil or commercial trial court? The person is a member of a religious minority.

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 a member of a religious minority?

Imagine that the local police detain two persons equally suspected of committing a crime. In your opinion, which of the following characteristics would place one of them at a disadvantage? The suspect is a person from a religion other than that of the police officer involved.

In your opinion, how likely are the following criteria to put a person at a disadvantage before a civil or commercial trial court? The person is a homosexual.

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 a gay, lesbian, or transgender?

Imagine that the local police detain two persons equally suspected of committing a crime. In your opinion, which of the following characteristics would place one of them at a disadvantage? The suspect is a homosexual.

Assume that the police arrest a suspected member of a dangerous criminal organization (e.g. a drug cartel). How likely is it that the police (or the military police) inflict severe physical harm on the suspect during the interrogation?

Assume that the police arrest a suspected member of a dangerous criminal organization (e.g. a drug cartel). How likely is it that the suspect is killed by the police (or the military police) without trial?

How likely are political dissidents to be secretly imprisoned or killed by agents of the state?

How likely is it that a political dissident is taken from his home to a detention center without any warrant of arrest?

How likely is it that the police search without warrant the house of a political dissident?

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?

Based on your experience with common criminal cases (such as armed robbery) during the last year, approximately what percentage of the suspects were in fact provided full access to the evidence used against them in court?

Based on your experience with common criminal cases (such as armed robbery) during the last year, approximately what percentage of the suspects were in fact allowed to challenge the evidence used against them in court?

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 for more than one year?

How likely is it that the police arbitrarily arrest a citizen without probable cause (false arrest)?

How likely is it that the police use excessive force during arrests?

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

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

If the detained suspect requests access to legal counsel, how likely is it that he/she receives adequate legal counsel from a public defender during the initial police custody?

If the detained suspect requests access to legal counsel, how likely is it that he/she receives adequate legal counsel from a public defender during pre-trial detention?

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

Insufficient number of state-provided or pro-bono (free-of-charge) attorneys for poor criminal defendants.

Incompetence of state-provided or pro-bono (free-of-charge) attorneys for poor criminal defendants.

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?

In practice, people can freely join together with others to draw attention to an issue or sign a petition.

People can freely join together with others to draw attention to an issue or sign a petition.

The basic laws are publicly available in all official languages.

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.

In practice, national regulations are published on a timely basis (i.e. within the timelines mandated by the applicable law or regulation).

In practice, administrative regulations can be obtained at little cost, such as by mail, or on-line.

In practice, judicial decisions of the highest court are published on a timely basis.

In practice, the local government provides easy-to-understand information on people's legal rights (criminal suspects' rights; workers' basic rights; public health issues).

In practice, the basic laws are explained in plain language, so that people can understand them.

In practice, the "Due Process of Law" is respected in administrative proceedings conducted by local authorities.

In practice, when the government expropriates communal land and resources of peasants or small farmers, the farmers receive adequate compensation.

Please assume the construction of this public works project requires the demolition of private homes in your community. How likely are these homeowners to be fairly compensated by the government?

If the homeowners sue the government, how likely is it that they obtain fair compensation in court?

In practice, when the government expropriates private investors and companies, the investors receive adequate compensation.

In practice, when the government expropriates property, it is for legitimate public purposes and in accordance with applicable laws and procedures ("due process").

In practice, when the government takes measures that have effects similar to expropriation (such as unjustified interference in the uses or benefits of investments), investors receive adequate compensation.

In your opinion, how aware is the general population about the formal justice mechanisms through which grievances could be addressed?

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

Lack of public information about court procedures [importance in influencing decisions of people to use courts].

Procedures are too cumbersome and complex [importance in influencing decisions of people to use courts].

Language barriers (unavailability of translators) [importance in influencing decisions of people to use courts].

Physical location of courthouses (courts are too far away) [importance in influencing decisions of people to use courts].

Corruption of investigators or judicial police [importance in influencing decisions of people to use courts].

Corruption of prosecutors [importance in influencing decisions of people to use courts].

Please tell us how significant are the following problems faced by the criminal courts in the city where you live: bias against marginalized people (discrimination based on social or economic status).

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?

- (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).

Based on your experience, out of all the cases in which the government had an interest (as a litigant or third party), in what percentage of them did the government exercise undue influence to affect the outcome of the case?

In practice, people can freely hold public nonviolent demonstrations without fear of reprisal?