

11. CORE GOVERNMENT RESULTS

Rule of law

The principle of the rule of law refers to the authority and influence of law within a society. According to this principle, the law should govern and no one, including the government is above it. The rule of law is implemented through the existence of codified or standardised procedures and a series of mechanisms guaranteeing access, equality, predictability, reliability and accountability. It constitutes a key measure of good governance and it is crucial for maintaining peace and order, as well as fostering investment and development.

There are several interpretations of the rule of law. We use the one developed for the World Justice Project's (WJP) rule of law index as one of the most comprehensive and systematic approaches. Accordingly, the rule of law encompasses four universal principles: "a) the government and its officials and agents are accountable under the law; b) the laws are clear, publicised, stable and just; are applied evenly; and protect fundamental rights, including the security of persons and property; c) the process by which the laws are enacted, administered, and enforced is accessible, fair and efficient d) justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources and reflect the makeup of communities they serve." Based on these four principles the WJP developed nine key factors that form the basis of the rule of law index. From those we have selected two that touch upon foundational components of the rule of law: constraint to government powers and the protection of fundamental rights.

Constrained government powers are guaranteed by an effective system of checks and balances. More specifically, this factor refers to the definition of powers in the constitution; an effective limitation of government powers by the legislature, the judiciary and independent audit institutions; sanctions due to misconduct of justices and prosecutors; non-governmental checks; and a transition of power subjected to law. With an average score of 0.76 OECD countries score higher than other regions of the world in this component. However, there is some variation even within OECD countries. The three top ranking countries are Scandinavian: Denmark, Finland and Norway demonstrate a highly balanced distribution of authority within these societies. On the other end government powers are less controlled in Mexico and Turkey. Among other major economies Russia and China, score below the OECD average.

The second component is the protection of fundamental rights. These rights are established under international law: the right to equal treatment and the absence of discrimination; the right to life and security of the person; due process of law and rights of the accused; freedom of opin-

ion and expression; freedom of belief and religion; the absence of arbitrary interference with privacy; freedom of assembly and association; and the protection of fundamental labour rights. On average OECD countries have a score of 0.78. Similar to the constraint to government powers, Nordic countries perform best on this component while Turkey and Mexico have lower scores. All in all, there is a strong positive association between the constraint to government powers and the protection to fundamental rights, showing a high degree of consistency in the application of these aspects of the rule of law in OECD countries.

Methodology and definitions

Data are collected by the World Justice Project by a set of questionnaires, based on the rule of law index's conceptual framework. The questionnaires are administered to representative samples of the general public and legal experts. For the general public a probability sample of 1000 respondents in the three largest cities of each country was selected. In the case of legal experts on average 24 experts per country were surveyed. The services of local polling companies are engaged to administer the survey to the public. Data are available for 28 OECD countries as well as eight countries that are major economies. All variables used to score each of the composite indicators are coded and normalised to range between 0 and 1, where 1 signifies the highest score and 0 the lowest. More detailed information on the selected factors of limited government powers and fundamental rights is available online at: <http://worldjusticeproject.org/factors/constraints-government-powers> and <http://worldjusticeproject.org/factors/fundamental-rights>.

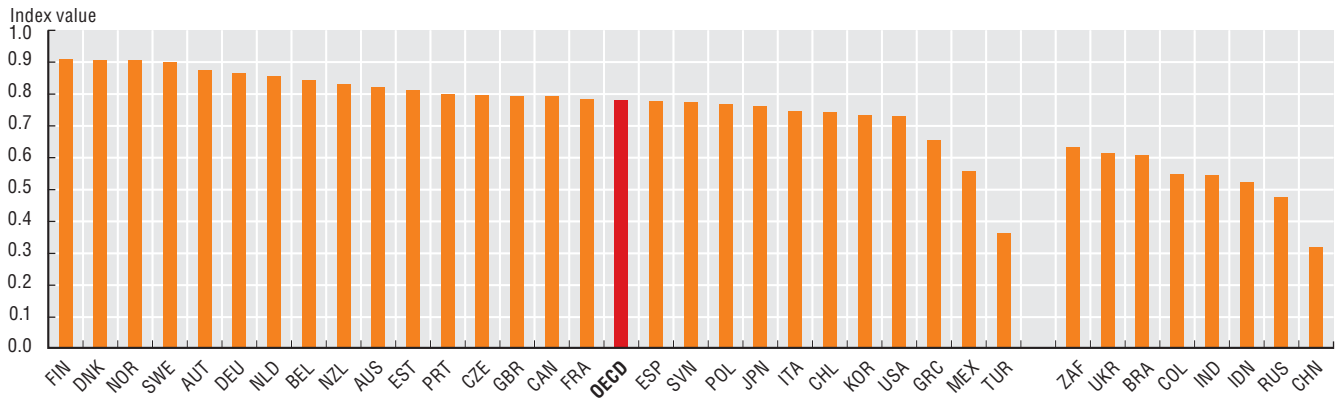
Further reading

World Justice Project (2014), *Rule of Law Index 2014*. WJP, Washington. World Justice Project, Washington, DC, http://worldjusticeproject.org/sites/default/files/wjp_rule_of_law_index_2014_report.pdf.

Figure notes

Data for Iceland, Ireland, Israel, Luxembourg, the Slovak Republic and Switzerland are not available. Data for Hungary are not displayed. Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>.

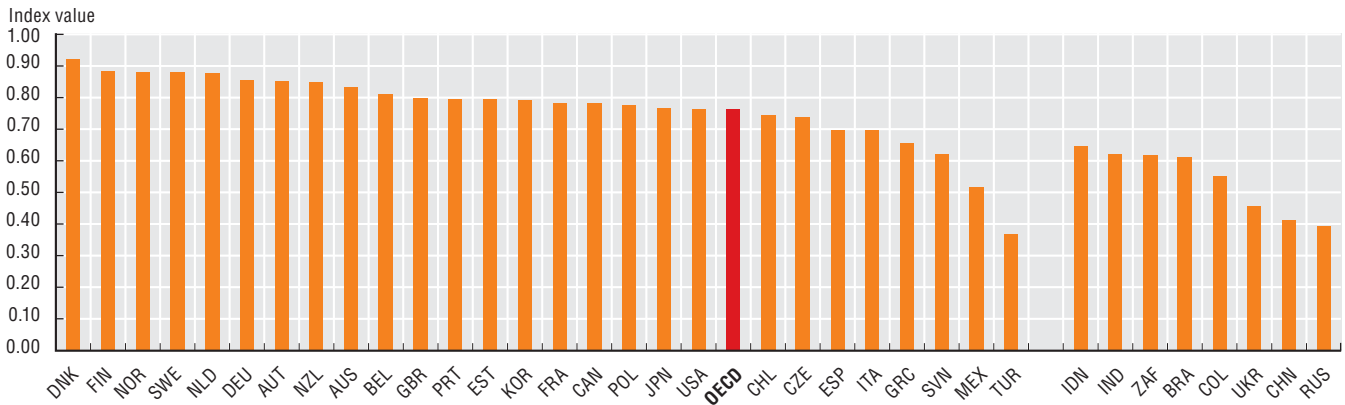
11.6. Limited government powers, 2015



Source: World Justice Project.

StatLink <http://dx.doi.org/10.1787/888933249272>

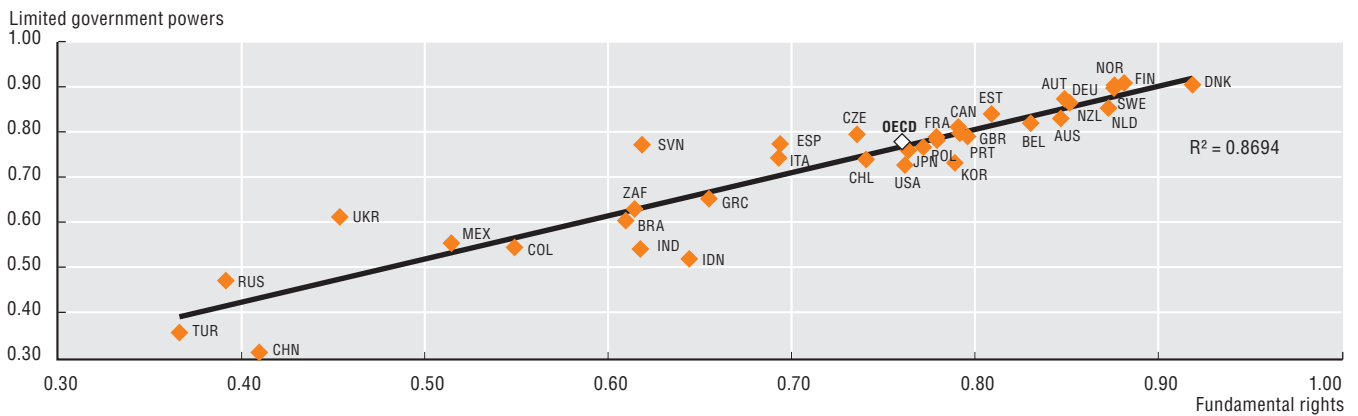
11.7. Fundamental rights, 2015



Source: World Justice Project.

StatLink <http://dx.doi.org/10.1787/888933249287>

11.8. Limited government powers versus fundamental rights, 2015



Source: World Justice Project.

StatLink <http://dx.doi.org/10.1787/888933249294>



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