

10. CORE GOVERNMENT RESULTS

Rule of law

The idea that everyone is equal before the law is a cornerstone of democratic systems. The rule of law refers to the idea that the same rules, procedures and principles apply to all individuals and organisations, including government itself. In practice, the concept is enshrined in laws, codes and procedures guaranteeing fair treatment by institutions and equal access to justice. In turn, its application relies on the expected predictability, reliability and accountability of the legal system. In itself, the rule of law is a multidimensional concept encompassing diverse elements such as fundamental rights, order and security, absence of corruption and open government. Most of these elements are also recognised as key components of good governance crucial for maintaining peace and order, achieving economic development and ensuring the effective provision of public goods and services.

The World Justice Project (WJP) presents one of the most systematic approaches to conceptualising and measuring the rule of law worldwide. According to their methodology, the systems upholding the rule of law comprise four universal principles: 1) the government as well as private actors are accountable under the law; 2) the laws are clear, publicized, stable and just; are applied evenly; and protect fundamental rights, including the security of persons, contract and property rights, and certain core human rights; 3) the processes by which the laws are enacted, administered, and enforced are accessible, fair, and efficient; 4) justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of accessible, have adequate resources, and reflect the makeup of the communities they serve” (WJP, 2019). The WJP assesses the rule of law through eight factors that seek to measure different aspects of the concept. The results for two of these factors are presented here: constraints on government powers and fundamental rights. The factor scores range between 0 and 1, where 1 signifies the highest possible score and 0 the lowest.

The factor measuring constraints on government powers captures “the extent to which those who govern are bound by law. It comprises the means, both constitutional and institutional, by which the powers of the government and its officials and agents are limited and held accountable under the law. It also includes non-governmental checks on the government’s power, such as a free and independent press.” (WJP 2019) The OECD average for this factor lies at 0.76. Several Nordic countries like Denmark (0.95), Norway (0.94), Finland (0.92) and Sweden (0.87) perform particularly well on this factor. On the other end of the spectrum Mexico (0.47), and Turkey (0.29) have scores below 0.50. Among OECD accession countries and other major economies, only Costa Rica (0.78) scores above the OECD average, as it has strong independent mechanisms to oversee state action, including the constitutional chamber to the Supreme Court (OECD 2015).

The measure for the protection of fundamental rights includes information on effective law enforcement and due process, as well as the adherence to and respect of a range of basic human and labour rights established under international law. Similar to the previous factor, on average OECD countries score relatively high, reaching an average of 0.76. However, there is variation across countries spanning from 0.90 or over in Denmark and Finland to less than 0.60 in Hungary, Mexico and Turkey. In general terms, there is a strong positive correlation between the two factors (i.e. limited government powers and fundamental rights) pointing to the fact that countries that have established checks and balances on government power also guarantee basic rights.

Methodology and definitions

The World Justice Project collects data via 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 to legal experts who frequently interact with their national state institutions. For the general population, a probability sample of 1 000 respondents in each of the 126 countries is selected while on average 30 experts per country are surveyed. All questionnaires are administered by leading local polling companies. Data are available for 28 OECD countries as well as 2 accession countries Colombia and Costa Rica and 6 strategic partners. All variables used to score each of the factors are codified and normalised to range between 0 (lowest) and 1 (highest). For more information on the variables used for building the composite, see <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2019/methodology>.

Further reading

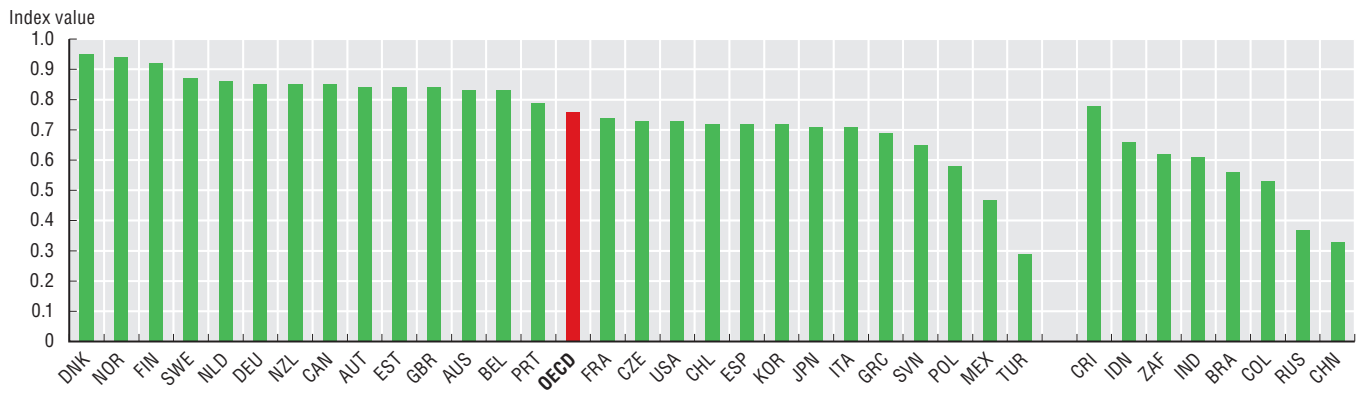
OECD (2015), *Costa Rica: Good Governance, from Process to Results*, OECD Public Governance Reviews, OECD Publishing, Paris, <http://doi.org/10.1787/9789264246997-en>.

World Justice Project (2019), *Rule of Law Index 2019*, World Justice Project, Washington, DC, https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2019-Single%20Page%20View-Reduced_0.pdf.

Figure notes

Data for Iceland, Ireland, Israel, Latvia, Lithuania, Luxembourg, the Slovak Republic and Switzerland are not available. Data for Hungary are not displayed.

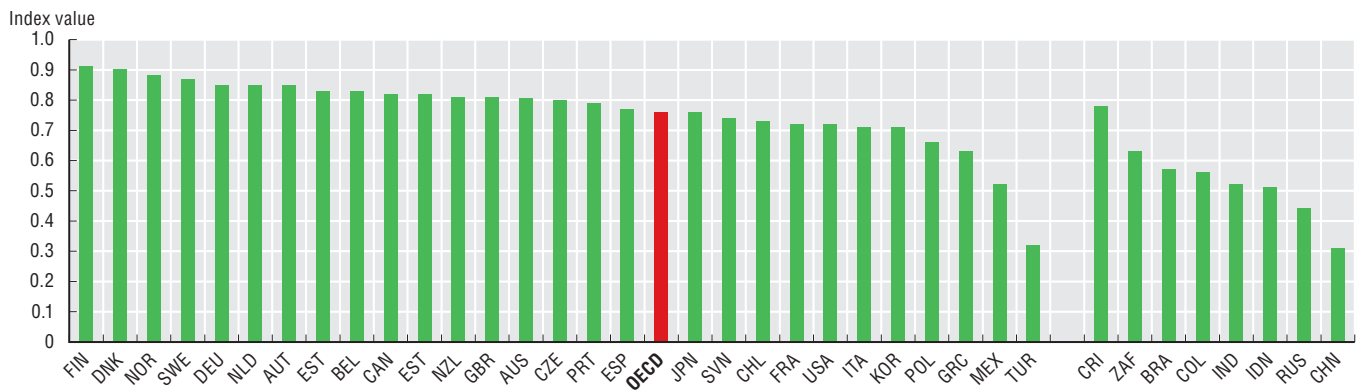
10.10. Limited government powers, 2019



Source: World Justice Project (2019), Rule of Law Index 2019.

StatLink <https://doi.org/10.1787/888934033308>

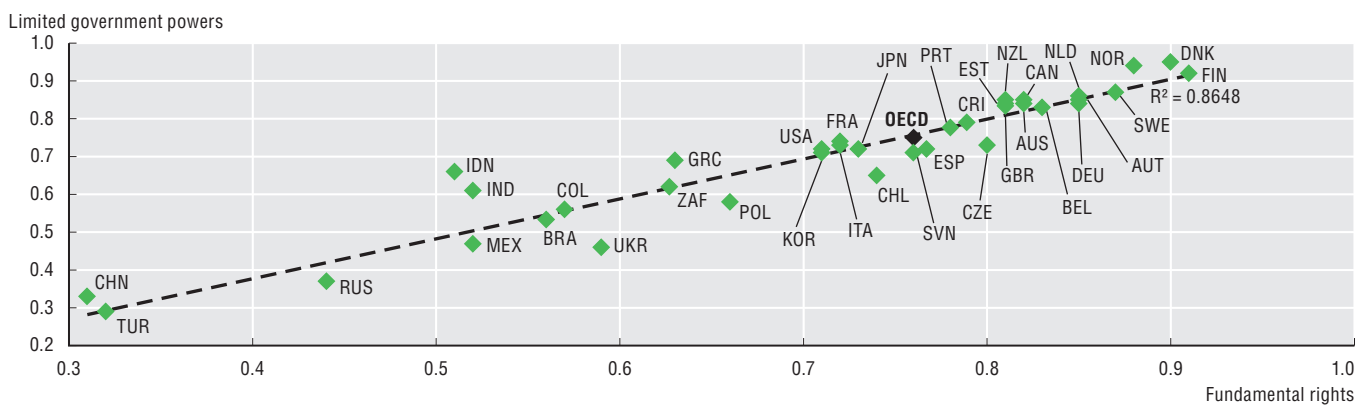
10.11. Fundamental rights, 2019



Source: World Justice Project (2019), Rule of Law Index 2019.

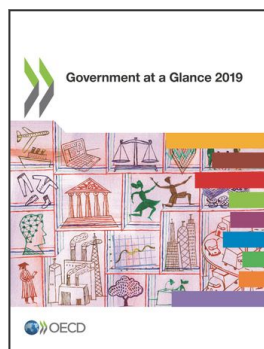
StatLink <https://doi.org/10.1787/888934033327>

10.12. Limited government powers versus fundamental rights, 2019



Source: World Justice Project (2019), Rule of Law Index 2019.

StatLink <https://doi.org/10.1787/888934033346>



From:
Government at a Glance 2019

Access the complete publication at:

<https://doi.org/10.1787/8ccf5c38-en>

Please cite this chapter as:

OECD (2019), “Rule of law”, in *Government at a Glance 2019*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/bb550829-en>

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