

Global Decline in Rule-of-Law Performance



Thomas Wahl

News

“More countries declined than improved in overall rule of law performance for the second year in a row, continuing a negative slide toward weaker rule of law around the world.” This is one of the [main findings of the annual worldwide rule of law index](#) made public by the World Justice Project (WJP) on 28 February 2019.

The WJP is an independent, multidisciplinary organization, where leading scholars from various fields work to advance the rule of law worldwide. The WJP Rule of Law Index produces primary data on the rule of law. It is based on more than 120,000 households and 3800 expert surveys that measure how the rule of law is experienced and perceived by the general public in practical, everyday situations worldwide. The 2019 report includes data from 126 countries and ranks these countries according to eight areas:

- Constraints on government powers;
- Absence of corruption;
- Open government;
- Fundamental rights;
- Order and security;
- Regulatory enforcement;
- Civil justice;
- Criminal justice.

Regarding overall rule-of-law performance, Denmark (1), Norway (2), and Finland (3) are at the top of the 2019 index. The Democratic Republic of Congo (124), Cambodia (125), and Venezuela (126) are ranked as the weakest performers.

The report further stated that “constraints on government powers,” which measures the extent to which government powers are limited, e.g., by a legislative oversight or by an independent judiciary, had declined in more countries than any other factor worldwide (decline in 61 countries, 23 stayed the same, improvement in 29). Over the past four years, Poland, Bosnia and Herzegovina, and Serbia lost the most ground in this aspect of the rule of law.

According to *Elizabeth Andersen*, executive director of the WJP, “There is a crucial difference between ‘rule by law’ and ‘rule of law.’ In too many countries, laws and legal institutions are being manipulated to undermine rather than uphold the rule of law, even as governments wrap their actions in ‘rule of law’ rhetoric.”

“Criminal justice” is the area that experienced the second largest decline over the past year. Data in this area include, for instance, the effectiveness of the criminal investigation and adjudication system, the impartiality

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ISSN: 1862-6947

<https://euclid.eu>



and (non)influence of governments towards/on the criminal justice system, due process of law, and the rights of the accused.

The area “absence of corruption” was positively assessed. For the second year in a row, many countries seem to have improved as regards declining corruption.

The WJP rule-of-law index is addressed to a broad audience, including policymakers, civil society organisations, academics, and legal professionals. It intends to set benchmarks, stimulate reforms/programmes, and promote an in-depth understanding of why the rule of law is important in everyday community life.

The full 2019 report – including country profiles, data visualizations, methodology, and download options – is available on the [WJP website](#).

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The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



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