



USAID
FROM THE AMERICAN PEOPLE

GOVERNANCE AND RULE OF LAW (GROL) INDICATOR GUIDE

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LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
APR	Annual Performance Review
CDCS	Country Development Cooperation Strategies
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEPEJ	European Commission for the Efficiency of Justice
CRC	Convention on Rights of the Child
CSO	Civil Society Organization
DCHA/DRG	USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance, Democracy, Human Rights, and Governance
DDR	Disarmament, Demobilization and Reintegration
DRG	Democracy, Rights, and Governance
GROL	Governance and Rule of Law
ICCE	International Consortium for Court Excellence
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ISM	Interim Stabilization Measures
NGO	Non-Governmental Organization
NHRI	National Human Rights Institution
PAD	Project Appraisal Document
ROL	Rule of Law
SAI	Supreme Audit Institution
SDG	Sustainable Development Goal
UN	United Nations
UPR	Universal Periodic Review
USG	United States Government
USAID	United States Agency for International Development
VNR	Voluntary National Review

INTRODUCTION

The US Agency for International Development’s (USAID’s) Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework (the ROL Framework) “presents a strategic framework for conceptualizing the rule of law, analyzing a country’s strengths and weaknesses, and designing strategic programs to address rule of law challenges.”¹ In furtherance of its commitment to developing programs that are tailored to a country’s most pressing needs, USAID’s Bureau for Democracy, Conflict and Humanitarian Assistance, Democracy, Human Rights and Governance (DCHA/DRG) has developed this Rule of Law Indicator Guide (the Guide) as a complement to the Framework. This Guide is designed to help USAID field officers “incorporate Rule of Law indicators and targets into Project Appraisal Documents (PADs), Country Development Cooperation Strategies (CDCS) and to develop Rule of Law and governance programs.”²

While it is unrealistic to assume a single set of indicators can be applicable across the variety of complex country contexts in which USAID works, there is considerable value in having a wide-ranging set of indicators from which field officers can select the most appropriate for their country context. USAID’s Handbook of Democracy and Governance Program Indicators, with more 100 suggested indicators, has provided continuity and structure to sector analyses since 1998. However, frameworks have changed, the scope of rule of law programming has expanded, and new approaches to data collection have been developed. This Guide, with more than 250 indicators, directly benefits from the many indicator guides, indices, and analytical systems that have since been created, among them the six regional barometers developed by the Global Barometer Surveys, as well as other regional surveys such as the Justice Center of the Americas and the European Commission for the Efficiency of Justice (CEPEJ). Other indices, including the Cingranelli-Richards Human Rights Data Project, Fragile States Index, and Transparency International’s Global Corruption Barometer, are specific to certain elements of rule of law, while the Vera Institute of Justice ROL Indicators, the World Justice Project, the Bertelsmann Transformation Index, the World Bank’s Doing Business Index and World Governance Indicators, and the United Nations (UN) Rule of Law Indicators, among others, address the sector more broadly.

Many of the indices mentioned above seek to score the level of adherence to the rule of law, or certain features of democratic development based upon an assessment of sometimes hundreds of different aspects. While this Guide does not quantify the sector with a single composite indicator, it does adopt the “basket approach” reasoning advocated by the UN and others, to assess the sector from different angles, and provide a check on implicit bias in any one indicator. (See text box.) The indicators suggested are intended to be viewed collectively, without too much weight being given to any particular indicator.

At times, similar indicators from different sources are listed in order to neutralize latent biases or expose an outlying conclusion. The four indicators suggested for the Checks and Balances Element, for example, are substantially similar, with each probing the level of independence within the judiciary. However, as each indicator draws upon a different source with different methodologies, looking at them collectively captures a more nuanced picture.

The “Basket Approach” to Indicators

By aggregating the results of conceptually related indicators, it becomes possible to measure complex and multifaceted areas of institutional performance, such as transparency and accountability. Even just considering a group of related indicators together reduces ambiguities and biases that can arise when indicators are used in isolation. Measuring concepts using baskets of indicators drawn from a variety of data sources has the added advantage of compensating for potential limitations in any one source of data.

— The United Nations Rule of Law Indicators, Implementation Guide and Project Tools

¹ ROL Framework, USAID, p. 1, https://pdf.usaid.gov/pdf_docs/Pnadm700.pdf

² Millennium DPI Task Order.

This Guide builds upon the research previously conducted for USAID's Handbook of Democracy and Governance Program Indicators, adapted to USAID's ROL Strategic Framework. It also draws upon various other sources, including the UN's Rule of Law indicators and USAID's newly-released Security Sector Reform Indicators. Indicators from these publications are reproduced, or adapted as appropriate, to ensure consistency over time, especially relating to cross-cutting issues. In addition to building upon the existing research into the complex task of assessing rule of law programming, the Guide also capitalizes upon relevant data being collected from other sources. While composite indices, such as the World Bank's Doing Business or the World Justice Project Rule of Law Index, are significantly broader than the programming options in USAID's Framework, the underlying data often aligns well. Therefore, whenever possible, Missions are encouraged to utilize existing data, as noted in this Guide.³ For those Missions able to support data collection activities such as surveys, document and expert reviews, additional indicators are suggested. Finally, the Guide incorporates Standard Foreign Assistance Framework indicators (F-indicators), as appropriate, for reporting purposes. Despite the inclusion of these standard indicators, as this Guide is designed to help field officers develop sector programming, its focus is on Element and Program level indicators. It is not intended to measure the impact of particular interventions, as that is done at the activity level by the partners responsible for those interventions.

INDICATOR DEVELOPMENT

Indicators are an integral part of monitoring and evaluation, providing a means of objectively quantifying subjective characteristics. Assessing the status of various development sectors and quantifying the impact of particular interventions over time is a perpetual challenge, especially in sectors such as Democracy, Rights, and Governance (DRG), for which clear quantitative indicators are often not evident, causal connections can be vague, and impact notable only after the passage of time. Challenges in determining the quality of court judgments, or assessing the change in quality attributable to a particular intervention like training, are well known. Similarly, quantifying the absence of corruption necessarily depends upon the subjective, and potentially self-serving input of the very persons involved. Therefore, while the indicators in this Guide adhere to the SMART axiom (see text box above), one must also consider the quality of the underlying data to put the indicator in context.

S: Specific: unambiguously related to objective?
M: Measurable: objectively verifiable/quantifiable?
A: Achievable: realistically obtainable?
R: Relevant: rationally related to objective?
T: Timely: can be tracked periodically?

Typically, it is best to use a variety of indicators, stemming from different sources, for each Element and Program Option to obtain a more realistic picture. Indicators derive from one of four sources:

- **Documents:** This Guide relies upon documents for objective confirmation of the extent to which constitutional, legislative, or regulatory frameworks conform with international standards. While such documentation is important, as with any indicator, documentary sources must be viewed in context. For example, while the absence of a satisfactory constitutional/legislative/regulatory framework suggests the need for technical assistance in that area, the existence of a comprehensive legal framework consistent with international norms does not necessarily mean that rule of law standards are followed in practice. Conversely, a commitment to the rule of law may exist even absent the underlying legislative framework. Accordingly, while useful, such indicators must be interpreted in conjunction with complementary data.

Documentary sources are also useful in evaluating institutional capacity. Similar to the legislative example, this Guide considers the absence of a strategic plan, budget projections, and human resource

³ It is also worth noting that with the launching of the Sustainable Development Goals (SDGs) on January 1, 2016, data on progress towards on each of the 17 Goals is being collected in Voluntary National Reviews (VNRs) and reviewed by the high-level political forum periodically, starting in 2019 and continuing through 2030. The analysis in the VNRs, as well as potentially data, particularly relating to SDG 16, Peace, Justice, and Strong Institutions, will undoubtedly be instructive for USAID officers planning interventions.

standards suggestive of a starting point for technical assistance, but it does not presume that their existence demonstrates institutional capacity. Strategic plans may be little more than theoretical exercises, and budget projections may be wholly inaccurate. Accordingly, this Guide stresses the need to view these together with complementary indicators to better understand the capacity of such institutions.

Finally, many judiciaries track data that can be useful in evaluating efficiency, efficacy, and fairness, including average workload of individual judges, volume of backlog, and average pendency time of cases. While this Guide incorporates such records as potential data sources, it also emphasizes the need to verify their veracity. Data collection may be uneven, lacking in rigor, or biased. Accordingly, as with other documentary sources, indicators based upon domestic records are to be viewed together with indicators that capture external views of the judiciary, such as court user surveys and expert analysis.

- **Surveys:** Various indicators recommended in this Guide rely upon survey data to gauge the opinion, awareness, and satisfaction of various target audiences. Assuming an appropriate sample size, population distribution, and objective survey techniques, they may capture a reasonable snapshot of attitudes at a given point in time. However, as with documentary sources, survey data should not be viewed in isolation as opinions will be influenced by the context at the time of the survey. If the context changed since the survey was executed, the results may no longer be reflective of current attitudes. Survey results may also be skewed if attitudes tend to vary substantially among different segments of the population—i.e., women, minorities, youth, urban/rural or other geographic distinctions—and therefore care must be taken to ensure that the surveyed population is reflective of the target group. A couple of additional factors can influence survey outcomes and should be considered in the development of survey questions. First, public perception of government institutions like courts is typically shaped by secondary sources—i.e., media reports, rumors, and other hearsay—rather than on personal experiences. As such, it may be useful to ask about the respondent’s source of knowledge or extent of personal experience with the institution to test whether a gap exists between perception and reality. Relatedly, perceptions tend to be entrenched and will typically endure well after reforms have been made; conversely, trust tends to linger during early stages of backsliding. This delay-factor should also be taken into account when evaluating the outcome of public opinion surveys.
- **Expert analysis:** Several indicators in this Guide call for an assessment of the adequacy of resources, the quality of decisions, or institutional adherence to laws/regulations, which require some degree of expertise. Whenever possible, the Guide recommends a survey of experts, or at least a panel of experts in order to avoid relying upon a single person’s opinion. However, having multiple individuals opining on the same topic introduces the potential for variances based upon individual bias and inconsistent understanding of the terms, but avoids inadvertently relying solely upon a biased source. Providing detailed scoring guidance, narrowly defining terms, and clearly setting the scope will help guard against inadvertent discrepancies and promote objectivity in the expert review. Ideally, the guidance should be sufficiently circumscribed so that different experts will score an indicator similarly under comparable situations. Two further potential limitations on the use of expert analysis should be noted. In addition to experts being expensive, for topics specific to a particular country, such as informal justice systems, there simply may not be many qualified experts to draw upon.
- **Statistics:** Statistics can be very useful in summarizing large amounts of data. This Guide looks to statistics for key indicators such as percentage of judgments enforced, percentage of cases overturned on appeal, and percentage of court opinions published. However, statistics are necessarily dependent upon the quality of the underlying data. Countries with USAID ROL programs often do not have reliable data, though statistics may still be published. Accordingly, when statistics are cited as the data source in this Guide, the caveat of “verified domestic records” and/or “expert review” is included to ensure that the underlying data is complete, accurate, and unbiased. Caution is also warranted when averaging statistical data across distinct institutions. For example, the average case pendency time for a small claims court should be much lower than for courts hearing complex commercial suits;

averaging the two will produce a number that is too long for small claims and incredibly short for commercial cases. In such instances, Missions are encouraged to disaggregate based upon type of court (if specialized courts exist) or type of case to obtain more accurate results.

While indicators are key elements of sector assessments and monitoring and evaluation, they are not mutually exclusive with subjective analysis. All indicators have limitations, as noted above, and can be misleading if not viewed in the broader context of the particular country. Especially in the DRG sector, causal links can be attenuated, results may lag well after the intervention, and impact in any one area may be dependent upon growth in others. Accordingly, the information provided by indicators should be interpreted through a broader contextual lens.

Finally, a more nuanced understanding of some topics requires comparing the indicator results from different populations. For example, women and minorities may have a substantially different perception on the equity of customary legal systems than men. Similarly, access to legal resources may be quite different in rural areas than in the capital city. Using the average score, without disaggregating the results by distinct population would therefore be misleading and could lead to overlooking a serious, more targeted need. The same is often true when evaluating the capacity of institutions—higher level courts are more likely to be well resourced than rural and lower level courts, for example. The value of having more granular data by disaggregating the data must be balanced by the relative cost of doing so. Where it seems likely that different stakeholder groups would have significantly different experiences or opinions, disaggregation is recommended.

RULE OF LAW STRATEGIC FRAMEWORK

Since the publication of the updated version in 2010, USAID’s ROL Framework has provided guidance to field officers conducting rule of law assessments and designing rule of law programs with a “conceptual framework for analyzing the rule of law, conducting a rule of law assessment and designing rule of law strategies.”⁴ The ROL Framework has also helped field officers examine the broad range of rule of law issues, identify shortcomings, and develop programming responses. The Framework identifies five Essential Elements (listed in the text box), each with an array of illustrative Programming Options. With only a few exceptions, this Indicator Guide follows the outline developed in that Framework; where deviations exist, they are footnoted. By providing sets of indicators for each of the Elements and Programming Options, this Guide will help USAID officers assess the current strengths, weaknesses, and deficiencies related to rule of law programming in a particular country, as well as to track high level results over time. The Framework is summarized below, while the corresponding indicators are elaborated in the annexes.

Essential Elements of the Rule of Law:

- Order and Security
- Legitimacy
- Checks and Balances
- Fairness
- Effective Application
- Efficiency and Integrity

ELEMENT I: ORDER AND SECURITY

Security from disorder, crime, and violence contributes to safe communities in which the rule of law is respected and sustainable development can flourish.⁵ The complementary relationship between security and justice recognizes both as a public good that all citizens have a right to enjoy, and that the state must guarantee. Programming Options under the Order and Security element emphasize citizen protection in the delivery of security. *Establishing, rebuilding or expanding justice institutions* relates to building legitimate institutions that serve the citizenry. *Crime prevention, community security, and civilian policing* orients the police to protecting the average citizen, rather than the regime. *Disarmament, demobilization, and reintegration* makes peaceful communities its long-term goal, and *witness and court personnel protection*

⁴USAID ROL Framework, p. 5.

⁵ *The OECD DAC Handbook on Security System Reform*, 2007, p. 15. https://read.oecd-ilibrary.org/development/the-oecd-dac-handbook-on-security-system-reform_9789264027862-en#page17

extends security to those individuals assisting in the prosecution of crime as well as to those working in and visiting courts. Security institutions such as prosecutors, police, and courts are duty-bound to respect international human rights law as they serve and protect their citizens.

Suggested element level indicators seek to assess the degree of order and security by drawing upon three sources using different means of measurement.

Element Level Indicators	Reference
Effectiveness of crime control	World Justice Project Rule of Law Index
Absence of civil conflict	World Justice Project Rule of Law Index
Absence of violent redress	World Justice Project Rule of Law Index
Capacity of local security apparatus to counter serious crime and other threats to state	Fund for Peace Fragile States Index
Extent to which citizens enjoy basic security	Economist Intelligence Unit Democracy Index

The ROL Framework identifies four programming options that collectively are necessary to address Order and Security. These include:

- (a) Establishing, re-building, or expanding justice institutions
- (b) Crime prevention, community security, and civilian policing
- (c) Disarmament, demobilization, and reintegration (DDR)
- (d) Witness and court personnel protection programs

Each of the programming options and suggested indicators are summarized below. Indicators, including applicable Standard Foreign Assistance Framework indicators, are further elaborated in the expanded indicator tables in Annex I.

Programming Option I(a): Establishing, rebuilding, or expanding justice institutions

Justice institutions, like police, prosecutors, and courts, must align to host country development priorities, particularly regarding medium- and long-term budget impacts and constraints. While these institutions require delegated authority, adequate resources, leadership, policy, process, and skilled personnel to function effectively, they must also be responsive and accountable to the public. Consultation with a wide variety of multi-sectoral counterparts—including those advocating for vulnerable populations and victims of crime—is therefore critical to developing legitimate justice institutions trusted by citizens. The need for broad consultation is even more acute in fragile and transitioning country contexts, where government legitimacy may be disputed and where non-state actors may play valued roles in protecting and resolving disputes in communities. USAID’s efforts in this sphere have helped fragile and transitioning countries resolve disputes and maintain order both within and outside the justice sector.

Programming Option Level Indicators
i. Adequacy of the legislative framework to proscribe authorities and limitations on law enforcement
ii. Law enforcement is funded adequately
iii. Management capacity of law enforcement entities
iv. Extent to which law enforcement have performance guidelines and a system for monitoring performance that holds personnel accountable
v. Extent to which law enforcement possess skills to gather and protect physical evidence
vi. Extent to which the public has confidence in security institutions
vii. Police investigator work load
viii. Level of victim advocate confidence in police response

Programming Option I(b): Crime prevention, community security, and civilian policing

Addressing crime is a multi-faceted endeavor involving not only the functional disciplines of prevention, intervention, and enforcement, but the tackling of broader socio-economic phenomena like unemployment and poverty. As USAID’s *Field Guide: Assistance to Civilian Law Enforcement in Developing Countries* points out, while civilian police cannot do much about poverty, they can make it safer for people to conduct business in poor neighborhoods. Community-oriented policing holds that a variety of community organizations such as civil society, social services, schools, and faith-based institutions must work together with law enforcement to keep the peace, ensure that crime prevention respects human rights, and make neighborhoods safe. Such partnerships help advance police understanding of public education needs and crime prevention priorities, sensitize them to victim needs, and track evolving crime trends. USAID support for community policing has supported locally-driven strategies to deliver essential services as part of crime reduction, engage at-risk youth in positive behaviors, and improve police technical and investigative skills.

Programming Option Level Indicators
i. Extent to which crimes are reported to police or other competent authority
ii. Extent to which community assets are involved with law enforcement in crime control
iii. Extent of media collaboration with law enforcement
iv. Adequacy of preventive police personnel
v. Threat of serious assault
vi. Level of neighborhood security
vii. Extent to which civil society is engaged in crime prevention activities
viii. Extent to which police use their law enforcement powers appropriately

Programming Option I(c): Disarmament, demobilization, and reintegration

Persuading combatants to lay down their arms and getting communities to welcome ex-combatants into their folds are core objectives of DDR. While USAID DDR programs began as part of stabilization activities in post-conflict environments, reintegration is ultimately a long-term process of opening up economic and social space for ex-combatants to join peaceful communities. Development practitioners increasingly view DDR—and particularly reintegration—as an ongoing political process that, like any other development effort, must involve host country stakeholders from the beginning. The intensity of negotiation required to establish basic political preconditions for DDR may, in some contexts, prompt focus on DDR even before hostilities end. Running DDR programs in parallel with counterterrorism and counter-narcotics efforts in places like Afghanistan and Colombia has linked DDR to wider recovery and reconstruction strategies, encompassing political, legal, economic, and social development.

Programming Option Level Indicators
i. Extent to which military funding impacts overall budget
ii. Extent to which the peace process is/was inclusive
iii. A meaningful plan for implementing the peace process exists
iv. Extent to which individuals have disengaged from armed groups
v. Use of interim stabilization measures (ISMs)
vi. Adequacy of training, education and job placement programs targeting ex-combatants
vii. Degree of disarmament post conflict

Programming Option 1(d): Witness and court personnel protection programs

All criminal justice systems have a duty to enact procedures to protect persons whose cooperation with the criminal justice system in an investigation or prosecution puts them, or persons closely associated with them, at risk of serious physical or emotional harm. Witness protection measures range from the simple (police escorts) to the extraordinary (the resettlement of the witness under a new identity). Threats from transnational organized crime and terrorism heighten specialized needs for international legal cooperation that instruments like the United Nations Convention against Transnational Organized Crime address. USAID programming has sought to improve security in courthouses, as discussed in Programming Option 3(c), *infra*. However, USAID has also helped develop protection programs to combat witness intimidation, particularly in countries fighting the scourge of trafficking in persons, narco-trafficking, and high-level corruption.

Programming Option Level Indicators
i. Extent to which evidentiary rules include witness protection measures
ii. Extent to which courts cooperate with law enforcement and welfare support networks to offer special witness assistance, witness support schemes, or physical protection measures
iii. Efficacy of a formal witness protection program
iv. Mutual legal cooperation protocols for witness protection are in place
v. Courts have the means and resources to protect judges from threats, harassment, assault, assassination, or intimidation
vi. Extent to which fundamental court security practices are in place
vii. Extent to which critical court security practices are in place
viii. Extent to which essential court security practices are in place

ELEMENT 2: LEGITIMACY

States derive legitimacy from populations who support what they are doing.⁶ Legitimacy reflects whether citizens feel the government has the right to govern, and whether they trust the government. A subjective concept, legitimacy is rooted in perceptions that are likely to differ among elites and groups of citizens, especially ethnic minorities, women, or traditionally excluded groups. Restoring legitimacy in fragile environments is an exercise in restoring confidence in the short term and transforming institutions in the long term.

Programming options under this element are concerned with various aspects of achieving reconciliation and consensus in state-building. Inclusivity is a key ingredient in constitutional drafting, which ideally produces durable consensus that allows democratic processes, principles, and values to take root. Legitimate lawmaking is also participatory, wherein legal reform commissions and citizen mobilization help facilitate a pluralistic understanding of public interest problems, and ensure that resulting policies are responsive to societal needs, even as those needs evolve. Harmonizing non-state customary or religious law with state-based bodies of law aims to fully guarantee human rights for all and reduce exclusivity in the enjoyment of individual freedoms as a measure of a state's legitimacy. Transitional justice seeks to establish consensus in the aftermath of armed conflict and on the road to sustainable peace, accounting for past abuses while creating the basic conditions for economic growth and the provision of basic services—key domains where legitimate states must perform.

⁶ Teskey, Graham, et al., May 2012 (draft), *Beyond Capacity—Addressing Authority and Legitimacy in Fragile States*: <http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1343934891414/8787489-1347032641376/GettingBeyondCapacity.pdf>, p.9.

Suggested element level indicators seek to assess the degree of legitimacy by drawing upon five sources using different means of measurement.

Element Level Indicators	Reference
Extent to which all relevant groups in society agree about citizenship and accept the nation-state as legitimate	Bertelsmann Transformation Index
Extent to which democratic institutions are accepted as legitimate by relevant actors	Bertelsmann Transformation Index
Extent to which citizens support the state through quasi-voluntary tax payments	International Monetary Fund Government Finance Statistics
Extent to which factionalized elites along ethnic, class, clan, racial, or religious lines fragment state institutions	Fund for Peace Fragile States Index
Level of confidence in the civil service	World Values Survey
Frequency displacements due to conflict and violence	International Displacement Monitoring Centre

The four programming options listed under Legitimacy in USAID’s ROL Framework are:

- (a) Constitutional drafting processes
- (b) Legal reform commissions and citizen mobilization
- (c) Harmonization of non-state customary or religious law with state-based body of law
- (d) Transitional justice mechanisms to address past abuses

Each programming option, together with suggested indicators, are summarized below and are further elaborated in the expanded indicator tables in Annex 2.

Programming Option 2(a): Constitutional drafting processes

To be legitimate, constitutional drafting should be an inclusive, participatory, and deliberative process in which those holding political power, political opposition groups, and the public come to a common vision for a shared state. Constitution making has come to incorporate broad discussion among both negotiating elites and the public over issues such as the identity, organization, and nature of the nation; the relationship between citizens and the state; and the peaceful coexistence of citizens and groups. As a best practice, extensive deliberation over constitutional content is more likely to produce genuine agreement surrounding, for example, proposed limits on majority political power and the protection of individual and minority group rights. Deliberation helps normalize negotiation and power-sharing among elites as avenues for political change; when done in a participatory fashion it also promotes public ownership and buy-in for the state’s proposed approaches to long-term democratic institution building and stability. While drafting constitutions involves a wide range of technical expertise, development and peace practitioners increasingly recognize that how a constitution is made is as important as its resulting content. USAID assistance in constitutional drafting has supported national dialogue, public awareness, and consensus-building on constitutional issues; technical skills training in legislative drafting and analysis; and other capacity building for constitution-making bodies.

Programming Option Level Indicators
i. Extent of pluralism among negotiating elites in the constitution-making process
ii. Level of public awareness on the contents of constitutional drafts and the rules of the constitution-making process
iii. Level of transparency demonstrated by constitution makers
iv. Extent of public participation in constitution making

v. Public perception on the extent to which the constitution reflects citizens' consensus on the future of the state
vi. Extent to which constitution complies with international norms and standards
vii. Extent of clarity and coherence in constitutional drafting

Programming Option 2(b): Legal reform commissions and citizen mobilization

Legitimate laws are representative of and responsive to citizen needs. In the absence of rule of law, it is especially important that the emerging legislative framework enjoy broad citizen support. Legal reform commissions are the mechanism used to mobilize citizens to define their priorities and develop a new legal system that adequately reflects them. Complementing legal reform commissions, civil society organizations (CSOs), like professional organizations, groups representing underserved constituencies, and media, have important roles in identifying public concerns and advancing responsive policies, either as independent researchers, part of government-appointed legal reform commissions, or in their own advocacy coalitions. Contributions may include public awareness campaigns to raise understanding about key public interest problems, expert analysis and public opinion polling surrounding solutions, and furnishing other, actionable data to generate support for change and inform the content of amendments or new laws. USAID has supported both legal reform commissions and CSOs, often in broad-based coalitions, to develop legitimate legal frameworks following a period of unrest, authoritarian rule, or other suspension of the rule of law.

This programming area accommodates a narrow set of activities applied to specific country contexts; the singularity of each country argues for careful qualitative assessment and cautions against an overreliance on indicators to measure outcomes. Some indicators, however, will be helpful to assess where countries are in this process.

Programming Option Level Indicators
i. Extent to which there is a network of cooperative associations or interest groups to mediate between society and the political system
ii. Level of transparency demonstrated by lawmakers
iii. Level of constituent engagement in policymaking by legal reform commissions and CSOs
iv. Extent to which CSOs effectively influence public policy
v. Extent to which the public image of CSOs is positive

Programming Option 2(c): Harmonization of non-state customary or religious law with state-based body of law

Unlike the formal justice sector, informal justice customary or religious systems derive legitimacy from cultural, religious, and traditional values. Often operating in parallel with the formal justice sector, customary/religious systems typically serve a committed set of adherents, connected through community, clan, or religious association. Norms applied in customary or religious justice systems stem from those governing the religion or customary actions in the community or clan; as such, religious and/or local leaders are the arbiters of these norms. Although customary and religious systems are a common means of resolving disputes in many nations and thus an important element of justice in those countries, they are sometimes at odds with internationally accepted norms and principles relating to human rights, due process, and accountability. USAID assistance in this area seeks to harmonize non-state systems with these tenets by incorporating them into the formal system, introducing human rights standards into the non-state systems, or creating links between non-state and state justice systems, such as through referral and appeals processes.

Programming Option Level Indicators	
i.	Existence of a legislative agenda to harmonize customary practices with state law and international human rights treaties
ii.	Extent to which customary law respects due process principles
iii.	Extent to which customary practice in family law matters is in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
iv.	Extent to which customary practices surrounding inheritance follow CEDAW General Recommendation No. 21
v.	Extent to which customary practice in adjudicating offenses committed by minors is in accordance with the Convention on the Rights of the Child (CRC)
vi.	Existence of right to appeal decisions in informal justice sector
vii.	Public perception of the fairness of non-state or informal justice mechanisms.

Programming Option 2(d): Transitional justice mechanisms to address past abuses

Widespread human rights violations in post-conflict or post-authoritarian regimes can pose an obstacle to peaceful transition if not addressed thoughtfully. Transitional justice mechanisms are intended to redress wrongs, holding those most culpable accountable and affording victims their opportunity to be heard, to advance toward sustainable peace and social cohesion. However, transitional justice must often balance accountability for past abuses with incentives and concessions for armed groups to demobilize or otherwise peacefully reintegrate into societies whose lingering trauma, service interruptions, and likely dearth of human capital create enormous challenges for restoring order. The fact that each society chooses its own path for coming to terms with the past compounds the difficulty in measuring comparable progress. In the international community—and particularly among parties to the International Criminal Court treaty—ensuring accountability for mass atrocities requires punishing gross violators of human rights as part of the process to restore fairness, reconciliation, and peace. Traditional justice practices, meanwhile, may favor restorative justice solutions that emphasize community learning and healing to break the cycle of violence. Traditional justice may also recognize that, in some cases, perpetrators of lower-level crime who were forcibly recruited by armed groups are themselves victims. Whereas respect for international human rights law (especially related to victims/survivors of sexual and gender-based violence) is inviolable, consideration for restorative approaches (public confessions, reparations to victims) versus punitive approaches (prison) must align to local priorities and readiness to recover from wounds. USAID assistance in transitional justice has included support for truth commissions, international and hybrid tribunals, special courts, and community mediators.

Programming Option Level Indicators	
i.	Extent to which sentencing in transitional justice contexts conforms to standards established by the International Criminal Court
ii.	Utilization of international and hybrid tribunals in criminal cases emanating from a period of armed conflict
iii.	Extent to which perpetrators engage in community-based reconciliation mechanisms
iv.	Diversity in composition of community-based reconciliation councils
v.	The reparations program has implemented cash payments and/or pensions specifically for widows/spouses
vi.	Availability of medical services specifically for victims of sexual and gender-based violence in reparations program
vii.	Extent to which population supports alternative justice outcomes for perpetrators of abuse in armed conflict
viii.	Prevalence of gender-specific war crimes tried resulting in conviction

ix. Impact of truth commission recommendations in larger justice reform processes

ELEMENT 3: CHECKS AND BALANCES

The concept of Checks and Balances refers to the degree to which the potential for excessive concentration of power by any particular governmental branch, institution, or level of government is constrained. Commonly, in countries where USAID works, the executive branch exerts disproportionate power over both the legislative and judicial branches, and the national government dominates regional and/or local governments. Countries that enjoy the rule of law incorporate checks, including judicial review, veto, and veto-override, into their systems to ensure that no branch becomes too powerful. Checks may also exist on a vertical basis, such as providing local and regional governmental units with specific powers to execute authority autonomously.

Checks and balances require an adequate legislative and regulatory framework providing for institutional autonomy by allocating specific powers and responsibilities to each branch of government. Each branch should have the authority and capacity to manage its affairs without improper influence from other sectors. In general, USAID supports checks and balances by supporting the development of an appropriate legal framework and building capacity within governmental institutions to implement that framework. Additionally, USAID recognizes the important role citizens play in demanding transparency, efficiency, and accountability from the government. Accordingly, USAID programming works with civil society on public information and citizen engagement as well as strengthening advocacy skills.

Suggested element level indicators seek to assess the degree of judicial independence by drawing upon three different sources that purport to measure independence through different means.

Element Level Indicators	Reference
Extent to which there is a working separation of powers (checks and balances)	Bertelsmann Transformation Index
Extent to which an independent judiciary exists	Bertelsmann Transformation Index
Extent to which judiciary is independent	Freedom House Freedom in the World
Effectiveness of limits by the judiciary	World Justice Project Rule of Law Index

The USAID ROL Framework identifies eight programming options⁷ that collectively are necessary to ensure the judicial branch is capable structurally, administratively, and institutionally to perform its role as a check on abuse of power in the executive and legislative branches. These include:

- (a) Establishing or strengthening independent judicial bodies
- (b) Upgrading or reforming judicial career processes
- (c) Improving working conditions for judicial personnel
- (d) Strengthening judicial administration, management, and self-governance
- (e) Strengthening independent judicial and legal professional associations
- (f) Enhancing judicial professional development and access to the laws
- (g) Stimulating citizen support for judicial independence
- (h) Promoting accountability and integrity

Each of these illustrative programming options and suggested indicators are summarized below. Indicators, including applicable Standard Foreign Assistance Framework indicators, are further elaborated in the expanded indicator tables in Annex 3.

⁷ The original framework includes a programming option for legislative strengthening although USAID has elected not to address that in this guide.

Programming Option 3(a): Establishing or strengthening independent judicial bodies

Judicial branches within a system of checks and balances are managed autonomously, perform their essential functions without interference from the executive and legislative branches, and are empowered with limited authorities to curb abuses of power by other branches. It is therefore imperative that judicial bodies responsible for these functions exist, are imbued with a clear and unambiguous mandate, and exercise that mandate independently and capably. Typically these include constitutional and/or supreme courts that serve as final arbiter of a constitution, as well as a judicial council, administrative office, or other entity with management and oversight responsibility for the judicial branch. Assessment of this programming option would start with a review of the constitution and laws, identifying the extent to which the judicial bodies have autonomy, *de jure*, and, if so, consider the extent to which they are capably exercising those authorities.

Programming Option Level Indicators	
i.	Judges have legal authority to question constitutionality of laws and defer their application pending some authoritative decision by a judicial body
ii.	Government powers are effectively limited by the judiciary
iii.	Judges serving on judicial bodies are appointed for fixed terms that provide a guaranteed tenure, which is protected until the expiration of that term of retirement, absent specific impeachable offenses
iv.	Judicial bodies have authority to make budget allocations, to manage judicial careers (including selection and promotion processes), and to develop policy for the judicial sector
v.	Diversity of judges serving on judicial bodies
vi.	Extent to which judicial bodies render timely decisions
vii.	The judiciary has a current strategic plan, budget projections, promotion and discipline standards, and an ethics code
viii.	Adequacy of material resources available to the judicial bodies

Programming Option 3(b): Upgrading or reforming judicial career processes

Judges who are not beholden to political actors and are insulated from arbitrary selection, promotion, transfer, discipline, and salary actions are better able to perform their adjudicative functions independently. Improper influences on judges can take many forms, including undesirable assignments, stymied careers, inadequate salaries or raises, unwarranted disciplinary action, and patronage. Equitably administered selection criteria guards against cronyism and promotes a qualified, independent judiciary. Fair and transparent performance management and career advancement policies ensure that once selected, judges have adequate job security and career stability to fulfill their role as neutral arbiters even in the face of pressure from within the judiciary or from external actors. While compensation of judges is addressed below under *Improving working conditions for judicial personnel*, transparent policies and procedures for determining judicial salaries and increases in pay, as well as limits on the capacity of legislative and executive branches to arbitrarily reduce judicial pay grades, are essential elements of maintaining cultures of excellence and integrity in the courts. USAID programming has helped establish merit-based selection and promotion criteria, equitable procedures for court assignments and transfers, clear codes of conduct with transparent disciplinary procedures, and reasonable pay scales to help attract and retain talented and competent individuals to the judiciary. Effective ethics training and availability of resources to assist judges in carrying out their responsibilities free of conflicts of interest provides judges with the tools necessary to act with integrity and defend their independence.

Programming Option Level Indicators	
i.	Existence of system of objective merit-based selection and promotion of judges
ii.	Extent to which new appointments are in accord with objective merit-based criteria

iii. Diversity within judicial bench
iv. Equity in promotion rates for male versus female and minority judges
v. Extent to which judges are appointed for fixed terms that provide a guaranteed tenure, which is protected until retirement age or the expiration of a defined term of substantial duration
vi. Extent to which judges feel protected from arbitrary removal or punishment
vii. Extent to which judicial performance reviews are given on a regular and predictable basis

Programming Option 3(c): Improving working conditions for judicial personnel

Part and parcel of checks and balances is ensuring some level of equality among the branches of government. Judicial facilities often lag behind those afforded the executive and legislature. Unequal facilities can perpetuate an impression of inequality in the public eye, as well as with existing staff and prospective candidates, impacting the judiciary’s ability to attract and retain qualified candidates, as compared to other government branches. Moreover, the adequacy of infrastructure and material resources in the justice sector impacts the extent to which the judiciary is able to discharge its legitimate function independently and transparently. Lack of courtrooms sometimes leads judges to hold hearings in chambers, hindering the transparency of the process and further diminishing the public impression of and trust in the courts. Finally, in some countries, courts lack basic security. Given the sensitive nature of their work, especially in matters involving government officials or the constitutionality of their actions, vulnerability in their workplace can easily compromise the independence of judicial personnel.

Programming Option Level Indicators
i. Extent to which courts have adequate material resources
ii. Extent to which courts have the means and resources to protect judges from threats, harassment, assault, assassination, or intimidation
iii. Inventory and maintenance systems exist for equipment and infrastructure
iv. Judicial salary as a percentage of what a comparable professional makes in private practice
v. Extent to which salary payments to judicial personnel are made according to established timelines
vi. Sufficiency of court facilities

Programming Option 3(d): Strengthening judicial administration, management, and self-governance

A governmental branch lacking the authority, or capacity, to manage its own affairs is not truly independent. In many countries where USAID works, particularly those with a civil law tradition, the judiciary continues to be managed by the Ministry of Justice within the Executive branch.⁸ As separation of powers becomes more defined, these responsibilities are shifting to the judiciary itself. Accordingly, USAID is helping judicial bodies develop their capacity to effectively manage their budget and promulgate norms, policies, and standard operating procedures.

Programming Option Level Indicators
i. Whether the judiciary has performance guidelines and a system for monitoring performance that holds judges accountable for unnecessary delays in proceedings, case backlog, improper conduct, or absenteeism
ii. Whether courts periodically produce a publicly available account of spending which is reasonably complete and itemized

⁸ While the overall budget development and approval process typically resides within the purview of the legislative and executive branches, once allocated, to maintain meaningful separation of powers, the judiciary should manage its own budget.

iii. Extent to which line items of real budget expenditures fall within 5% of budget submission line items for judiciary budget
iv. Extent to which system for merit-based appointment and promotion of administrative staff utilized
v. Extent to which administrative staff receives annual performance reviews (APRs)
vi. Absence of improper government influence in civil matters
vii. Absence of improper government influence in criminal matters

Programming Option 3(e): Strengthening independent judicial and legal professional associations

The mechanism through which judges and lawyers advance the interests of the profession, maintain minimum standards of professional conduct and integrity, and advocate on policy issues is often judicial and/or bar associations. Many bar associations, as well as some judicial associations, conduct continuing legal education, giving their membership opportunities to expand their knowledge and skills. Some bar associations are responsible for managing the profession itself: setting admissions standards, administering bar exams, and executing disciplinary procedures. Professional associations can also serve as powerful advocates for their respective constituents or on key policy matters. USAID has helped establish such associations, in addition to enhancing their capacity to carry out various functions and building their organizational sustainability.

Programming Option Level Indicators
i. Extent to which association leadership positions are held by marginalized groups
ii. Adequacy of financial accounting practices by association
iii. Extent to which operating funds come from existing income-generating activities or member dues
iv. Level of organizational sustainability practices by association
v. Level of member satisfaction
vi. Level of membership participation
vii. Number of bar association sub-committees that have provided substantive inputs/feedback at least once a year
viii. Percentage of bar association recommendations on legislative/regulatory or other executive matters adopted within 12 months of the recommendations
ix. Ability of bar association to self-regulate the profession

Programming Option 3(f): Enhancing judicial professional development and access to the laws

Well-informed judges with access to current laws and secondary legal resources are better able to enforce the rule of law and resist improper influences. As USAID has noted, “[j]udges cannot uphold the law in the face of political pressure to rule in favor of the government if they do not know what is in the law or if their understanding of the law is poor.”⁹ Therefore, activities that ensure judges have access to primary and secondary legal resources and periodic continuing education are themselves a means of promoting checks and balances. USAID programming ranges from supporting publication and codification of laws in hard copy to providing technical assistance to create searchable databases of case law and current legislation, depending upon a country’s technical infrastructure and capacity. Moreover, USAID often engages faculty and staff at judicial training centers, upgrading their skills in adult education, curriculum development, and institutional management to ensure ongoing quality education.

⁹ USAID Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework, 2010, p. 34.

Programming Option Level Indicators
i. Extent to which laws and government data are publicized
ii. Extent to which judges have adequate access to current primary and secondary legal sources
iii. Extent to which newly-appointed judges complete inception training
iv. Extent to which sitting judges participate in annual continuing judicial education courses
v. A continuing judicial education requirement is incorporated into merit criteria or considerations on promotions/transfers or is an element in the performance evaluation
vi. Extent to which judges possess the professional skills, legal training, and knowledge to properly adjudicate cases for which they are responsible
vii. Quality of lower court decisions
viii. If a judicial training center exists, level of institutional capacity

Programming Option 3(g): Stimulating citizen support for judicial independence

As arbiters of the law and those responsible for peaceable dispute resolution, the judicial branch is uniquely dependent upon public trust. Public support for institutional independence of the judiciary can promote legislative reform, support judges under political pressure, and strengthen their resolve to exercise judicial review. Civil society plays an important role in garnering public support for the judiciary, demystifying the judicial process, facilitating public engagement, and serving as a conduit of citizen concerns. Equally important is civil society’s role to hold the judiciary accountable, just as with other branches of government. USAID works with both justice sector institutions and civil society to build a partnership based on mutual understanding and trust.

Programming Option Level Indicators
i. Private sector perception of the independence of the judiciary
ii. Civil society provides effective check on governmental powers
iii. Extent to which trials/hearings are open to the public
iv. Extent to which courts make docketing information readily available to the public
v. Extent to which court decisions are made public in their entirety
vi. Extent to which population is supportive of judicial autonomy within a system of checks and balances
vii. Extent to which citizens find the judiciary to be trustworthy, independent, and transparent
viii. Extent to which information on complaints against judges describing the nature of the complaints and how they were resolved is publicly available
ix. Extent to which citizens have adequate opportunities to provide substantive input regarding court processes

Programming Option 3(h): Promoting accountability and integrity¹⁰

In addition to the checks and balances roles in each branch of government, good governance includes other internal and external accountability mechanisms, including institutional audits and civil society engagement. USAID’s ROL Framework recognizes the importance of integrity to the various framework elements: “increasing integrity and overcoming corruption are extremely important to nearly all rule of law programs, but integrity is also a dimension of institutional performance.” USAID programming in this

¹⁰ Although not a programming option under the Checks and Balances element of the existing Rule of Law Framework, USAID asked that cross-cutting integrity and accountability indicators be reflected here.

regard typically relates to the creation and empowerment of supreme audit institutions (SAIs), internal audit capacity, and civil society’s role in holding government institutions accountable.

Programming Option Level Indicators	
i.	Extent to which the Constitutional and legislative framework guarantees the independence and autonomy of a Supreme Audit Institution (SAI)
ii.	Extent to which the Supreme Audit Institution enjoys financial autonomy and independence
iii.	Efficacy of independent government auditing
iv.	Absence of corruption in the judiciary
v.	Budgets, procurement, and management of resources are monitored and audited
vi.	Extent to which audit results are publicly available in a timely fashion
vii.	Extent to which complaints by justice sector actors may trigger an investigation of judicial misconduct
viii.	Extent to which judges and staff found culpable of serious instances of misconduct are subject to discipline, including removal from office in the most serious cases
ix.	Existence and efficacy of an internal judicial auditing unit
x.	Civil society’s ability to obtain public information from key public agencies
xi.	Extent to which CSO complaints resolved consistent with CSO advocacy

ELEMENT 4: FAIRNESS

The principle of fairness shields individuals from discrimination and bias levied by state as well as non-state actors. The ROL Framework divides fairness into four sub-elements. *Equal application of the law* is concerned with the uniform treatment of all defendants and litigants, regardless of sex, ethnicity, class, or other factors. It requires that legal systems protect against impunity and protect the poor and the disadvantaged to the same extent as social, economic, or political elites. *Procedural fairness* extends from an impartial, transparent, and universally-enforced set of rules that the government follows in all legal actions. It encompasses such concepts as due process and right to counsel, equal opportunities for all parties to be heard, and the right to a speedy trial or to a trial in a reasonable time.¹¹ *Protection of human rights and civil liberties* mandates that both the substance of laws and their enforcement uphold the inalienable and inherent dignity of all persons; freedom of speech, thought, conscience, and religion; and other basic freedoms, including freedom of the press, freedom of association, and freedom of movement.¹² *Access to justice* refers to the ability of people to seek and obtain a remedy for grievances through formal or informal institutions of justice. Geographic isolation, prohibitive costs, scant legal information, distrust of formal justice actors like the police, and poorly prepared providers in both formal and informal institutions all hinder access to justice, particularly for society’s poor and vulnerable.

Element Level Indicators	Reference
To what extent are civil rights guaranteed and protected, and to what extent can citizens seek redress for violations of these rights?	Bertelsmann Transformation Index
Extent to which due process prevails in civil and criminal matters	Freedom House Freedom in the World Index
Extent to which due process is respected in administrative proceedings	World Justice Project Rule of Law Index

¹¹ See Article 9, International Covenant on Civil and Political Rights (ICCPR).

¹² These rights are enshrined in the U.S. Constitution and such instruments as the Universal Declaration of Human Rights and the ICCPR.

Degree to which citizens are treated equally under the law	Economist Intelligence Unit Democracy Index
Level of fundamental rights protections	World Justice Project Rule of Law Index

Fundamental fairness is a critical theme in all rule of law activities. Aligning with the sub-elements described above, the USAID ROL Framework enumerates 11 programming options:

- (a) Reforming and implementing procedural codes
- (b) Reforming administrative law
- (c) Improving transparent and efficient administration of justice system components
- (d) Expanding access to legal services
- (e) Improving the quality of private defense
- (f) Improving the accessibility of the state justice system
- (g) Supporting or expanding alternative dispute resolution
- (h) Increasing citizen awareness of human rights standards and issues
- (i) Strengthening human rights institutions
- (j) Working with non-state justice institutions to improve access to justice
- (k) Gender issues

Suggested indicators for each of these programming options are summarized below as well as elaborated in the indicator tables in Annex 4.

Programming Option 4(a): Reforming and implementing procedural codes

Fair procedural codes reflect international best practices and human rights standards. Criminal procedure codes in particular must regulate the accountable power of the state *vis-à-vis* individuals and operationalize such tenets as the presumption of innocence, the right to counsel, the right of the accused to be informed of the charges against them, and the right to present a defense. On the civil side, adequate procedure codes are necessary to guard against improper influences and ensure predictability, as well as efficiency. USAID support for procedural reform has ranged from comprehensive reforms needed to transition from a written, inquisitorial system to an oral, adversarial practice to promoting enactment of specific protections, such as limits on pre-trial detention or guaranteeing the right to appeal. Other activities address due process protections and efficiency.

Programming Option Level Indicators
i. Extent to which litigants have a guaranteed right to appeal under both civil and criminal law
ii. Extent to which civil proceedings are unreasonably delayed
iii. Extent to which criminal adjudication system is timely and effective
iv. Extent to which due process of law and rights of the accused are enforced
v. Extent to which procedural laws (civil, criminal, administrative) are regularly reviewed and modified to increase effectiveness and efficiency of court proceedings
vi. Extent to which the procedural codes adequately provide for differentiation of specialized cases
vii. Extent to which procedure codes provide for special procedures or processes regarding vulnerable persons
viii. Quality of sentencing guidelines

Programming Option 4(b): Reforming administrative law

Administrative law captures the legal relationships between the public and the government bureaucracy. Covering broad functions from state administration to multi-sectoral service delivery (business registration, licensing, inspections, standards, and certifications), administrative law governs both the standards for bureaucratic decision making and the procedures by which the public can assert their rights in the regulatory process. In short, administrative law limits government exercise of authority to lawfully

delegated powers. A transparent and equally applied administrative system publicizes and standardizes such features as eligibility rules, procedures for filing applications, criteria for assessment, decision-making procedures, and opportunities for appeal. Administrative law links broad public constituencies who use state services to fair, transparent, and accountable public administration. USAID administrative law assistance has helped improve access to information, streamline administrative procedures, rationalize inspection requirements, and improve judicial review in administrative disputes.

Programming Option Level Indicators
i. Extent to which mechanisms for citizens to make complaints against public officials exist
ii. Extent to which information on complaints against government officials are publicly available
iii. Extent to which government regulations are effectively enforced
iv. Extent to which laws and government data is made publicly available
v. Does judicial review apply to the acts and decisions of independent agencies and private actors performing public tasks?
vi. Extent to which government regulations are applied and enforced without improper influence
vii. Extent to which administrative proceedings are conducted without unreasonable delay
viii. Extent to which the government does not expropriate without lawful process and adequate compensation

Programming Option 4(c): Improving transparent and efficient administration of justice system components

Court administration includes standard management activities appurtenant to complex institutions, including budget allocations, accountability, and human resources. Additionally, court administration includes assurances that the right to trial in a reasonable time is honored, that case assignments are made objectively and transparently, and that case management and automation contribute to the equitable dispensation of justice. Such activities reinforce the autonomy of the judicial branch and its capacity to manage its own affairs. Modern and well-implemented case management systems enhance processing efficiency, ensure transparency and reduce opportunities for corruption in procedures like case assignment, and promote early court control of cases, for example, to encourage settlement and discourage adjournments. USAID efforts to improve transparency and efficiency in justice systems have helped decrease case backlogs, manage workloads, incorporate random assignment, and improve public accessibility to courts and case information.

Programming Option Level Indicators
i. Extent to which civil proceedings are unreasonably delayed
ii. Time required to litigate and enforce judgment in a standard contract case
iii. Adequacy of case management system
iv. Functionality of court automation system
v. Frequency of reversals on appeal
vi. Court clearance rate
vii. Ratio between non-judge staff and professional judges
viii. Average case load per judge
ix. Extent to which court decisions are made available to public on a timely basis
x. Extent to which hearings are open to the public
xi. Degree of access to cases as reported by journalists

Programming Option 4(d): Expanding access to legal services

Internationally accepted norms of procedural fairness and basic human rights require rule of law systems to benefit all citizens, whether rich or poor, men or women, rural or urban, and whether they belong to ethnic minorities, indigenous groups, or other minorities. Empowering disadvantaged populations to prevent abuses and obtain remedies for abuses of their rights is not only a check against discrimination, but a catalyst for ensuring ongoing citizen voice, advocacy, and state responsiveness in a rule of law system.¹³ USAID support for legal services includes support to public defenders' offices, legal aid, and legal services organizations and justice or legal resource NGOs.

Programming Option Level Indicators
i. Accessibility and affordability of civil justice
ii. Affordability of attorney fees in civil cases
iii. Affordability of court fees in civil cases
iv. Extent to which accused persons are represented at one or more court appearances in their cases
v. Extent to which people experiencing a legal problem in the last two years knew where to get advice
vi. Availability of civil legal aid
vii. Extent to which public defenders or assigned counsel represent criminal defendants
viii. Average annual caseload for public defenders
ix. User/filing fees absent, nominal, or linked to ability to pay
x. Reasonable proximity to court facilities

Programming Option 4(e): Improving the quality of private defense

The legal profession plays a pivotal role in ensuring access to justice and effective remedies and accountability for violations of human rights. Minimum quality standards, ethical norms, and disciplinary actions are typically implemented by independent bar associations, who ensure that their members represent clients with integrity and professionalism. The *UN Basic Principles on the Role of Lawyers* further charge bar associations with protecting their members from persecution and improper restrictions and infringements, and cooperating with governmental and other institutions in furthering the ends of justice and public interest. USAID programs have worked with bar associations to conduct continuing legal education and training in trial skills, to improve licensing and self-governance functions, and to foster a culture of proactive, public advocacy.

Programming Option Level Indicators
i. Extent to which an independent, professional bar exists
ii. Quality of legal representation
iii. Level of competence (skills and knowledge) of defense counsel
iv. Volume of disciplinary proceedings initiated against lawyers
v. Extent to which lawyer disciplinary actions result in sanctions

¹³ Palacio, Anna. 2006. *Legal Empowerment of the Poor: An Action Agenda for the World Bank*. Washington, D.C: World Bank, at p. 4. The March 2007 *USAID Legal Empowerment of the Poor: From Concepts to Assessment* publication also makes the argument that legal empowerment is a bridge to economic, social, and political inclusion.

Programming Option 4(f): Improving the accessibility of the state justice system

Understanding effective access to justice requires a focus on outcomes—i.e., the ability of people to address their justice problems in a fair, cost efficient, timely, and effective manner. In addition, new public management principles promoted by CEPEJ and the International Consortium for Court Excellence (ICCE) encourage justice systems to assess user-friendliness as part of efforts to measure quality and effectiveness. Accessibility may accordingly call on courts to furnish interpreters, extended hours of operation, or accommodations for persons with disabilities. USAID assistance to improve quality in justice services has involved reducing language barriers; addressing building design to improve public access; increasing court staff capacity and public service orientation; streamlining procedures; and enhancing information resources and signage in public areas of the courts.

Programming Option Level Indicators
i. Affordability of court fees in civil cases
ii. User/filing fees absent, nominal, or linked to ability to pay
iii. Reasonableness of proximity to court facilities
iv. Degree to which unofficial fees are paid to have cases heard
v. Degree to which cost and/or a lack of trust or knowledge impeded access to the state justice system
vi. Availability of interpreters
vii. Level of satisfaction of court users
viii. Extent to which hearings are open to the public

Programming Option 4(g): Supporting or expanding alternative dispute resolution

Alternative dispute resolution (ADR) presents disputants with options other than litigation. Direct and voluntary negotiation between parties, facilitated negotiation via a third party within mediation or conciliation processes, and third-party intervention under whose terms parties may be obligated to comply (binding arbitration) have evolved as a response to increased delay and expense in litigation. Arbitration is particularly prolific in commercial disputes to help parties save time and cost. ADR systems can be associated with the courts as a way of managing existing caseloads or separate from the courts to provide dispute resolution for conflicts or constituencies not well served by the courts. Disputants' participation in the settlement decision, their opportunity for reconciliation, and the flexibility in settlement design are some factors that may lead to the higher reported rates of user compliance and satisfaction with ADR processes. USAID has supported ADR programs that increase access to justice for the poor and help unlog overburdened courts.

Programming Option Level Indicators
i. Extent to which ADR is accessible, impartial, and effective
ii. Is domestic commercial arbitration governed by a consolidated law, consolidated chapter, or section of the applicable code of civil procedure encompassing substantially all its aspects?
iii. Are arbitration clauses or agreements enforced by local courts in more than 50% of cases?
iv. Are there any financial incentives for parties to attempt mediation or conciliation?
v. Do judges/prosecutors have the competence/authority to hand over certain disputes to mediators?
vi. Existence of quality standards for mediators
vii. Extent to which mediators are accessible

Programming Option 4(h): Increasing citizen awareness of human rights standards and issues

In a rule of law system, majority rule must be combined with guarantees of individual human rights and the rights of minorities. Human rights seek to protect individuals from arbitrary and excessive interferences with their freedoms and liberties and to secure human dignity. International law regards basic human rights to include freedom of speech, expression, and of the press; freedom of religion; freedom of assembly and association; and the right to due judicial process. The UN Charter and Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and Convention on the Rights of the Child (CRC) are some of the core international human rights treaties to which member states must conform. USAID assistance has increased awareness of these international standards, as well as the rights conferred to individuals and obligations incurred by states that have ratified such instruments. USAID has particularly supported equality for women by targeting the legal, political, and economic constraints that enable discrimination. This includes promoting equal participation in suffrage, personal rights, family decisions, and property and inheritance issues, among other issues.

Programming Option Level Indicators
i. Incidence rate of discrimination/harassment contrary to international human rights law
ii. Public perception on human rights protection
iii. Attitudes toward domestic violence
iv. Women’s awareness of rights and availability of services for gender-based violence (GBV)
v. Extent to which police behave in a discriminatory fashion
vi. Extent to which police use force to obtain confessions
vii. Extent to which civil society is engaged in protecting human rights

Programming Option 4(i): Strengthening human rights institutions

International human rights norms and principles protect citizens and communities from exclusion, marginalization, discrimination, censorship, political repression, the lack of an independent judiciary, and the denial of basic economic and social rights. Many countries establish an independent administrative body to promote and protect human rights. National human rights institutions (NHRIs) generally investigate and report on the national human rights situation, and publicize human rights through information and education. NHRIs frequently work with civil society to increase public awareness of human rights issues, monitor abuses, and improve human rights protection across state and non-state actors. USAID assistance to strengthen human rights institutions has trained human rights defenders, supported human rights CSOs, and helped set up or build the capacities of NHRIs like human rights ombudsman offices, human rights ministries, and governmental human rights commissions.

Programming Option Level Indicators
i. Extent to which international human rights standards are incorporated into domestic law
ii. Extent to which national human rights institutions (NHRIs) comply with the Paris Principles
iii. Extent to which domestic legislation is harmonized with international human rights standards
iv. Adequacy of authority vested in domestic NHRIs, including the investigation of complaints and the sanctioning of violators
v. Capacity of NHRIs to address complaints

vi. Rate of reporting compliance by state parties to United Nations human rights treaty bodies
vii. State's compliance rate with endorsed recommendations from the Universal Periodic Review (UPR)
viii. Unsented detainees as a proportion of overall prison population
ix. Extent of civil society capacity to demand human rights protection

Programming Option 4(j): Working with non-state justice institutions to improve access to justice

Where state legitimacy is weak—or perhaps where law enforcement and judicial officials are seen as threats to rather than protectors of the poor—citizens avoid the formal court system. A wide array of traditional, customary, and religious non-state justice and informal mechanisms resolve disputes and deliver justice-related services, sometimes tied to the state under an established legal framework. While community-based institutions are often more accessible, efficient, flexible, and culturally relevant, they may operate outside the international human rights and equality standards, particularly for women. USAID works to build bridges between the state/formal system and the customary/traditional systems. This includes providing information about human rights and justice issues, supporting paralegals in delivering services, and linking state and non-state justice institutions.

Programming Option Level Indicators ¹⁴
i. Public perception of the fairness of non-state or informal justice mechanism
ii. Transparency of standards in informal justice system
iii. Right to appeal decisions in informal justice sector
iv. Proportion of women who use state versus non-state systems as compared to men
v. Proportion of disputes received or apprehensions made by non-state institutions that are referred to state institutions
vi. Diversity in composition of informal justice adjudicators
vii. Availability of legal assistance programs relying on the work of paralegals or other non-professional or quasi-professional providers

Programming Option 4(k): Gender issues

Women, men, boys, and girls experience justice differently due to contextual factors including social and cultural norms. These may proscribe the political, social, and economic participation of women and girls even where legal frameworks accommodate equality under law. Rule of law systems must supply the means to change law, restrictive practices, and attitudes so that women and men have equal access to legal systems, political, and public life—including employment, health, and education—and enjoy all their human rights and fundamental freedoms. These are the principles upheld in the international CEDAW convention as well as SDG 5 (to achieve gender equality and empower all women and girls).¹⁵ USAID

¹⁴ The suggested indicators for non-state access to justice do not include the World Justice Project Rule of Law Index informal justice factor or sub-factors due to lack of publicized data. Sub-factors measure: 1) timeliness and effectiveness; 2) impartiality and freedom from improper influence; and 3) respect for and protection of fundamental rights within informal justice systems. The World Justice Project collects data on informal justice for a dozen countries but does not include them in the Index's aggregate scores and rankings due to difficulties assessing comparability. However, USAID and practitioners should be aware of World Justice Project data collection efforts and follow any evolution to publicize or rank the data.

¹⁵ As data pertaining to SDG indicator 5.1.1, qualitatively measuring whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex, is not yet publicly available, it has not been included in this Guide, though Field Officers are encouraged to draw upon such data as it becomes available. The SDG assessment methodology covers four areas of law drawn from the international legal and policy framework on gender equality, in particular CEDAW and the Beijing Platform for Action. The areas are: 1) overarching legal

assistance to promote equal treatment for men and women and combat discrimination has improved legal frameworks, placed attention on women’s representation in the justice system, and supported non-governmental organizations (NGOs) to advocate for women’s rights, among other efforts.

Recognizing the cross-cutting nature of gender, indicators examining gender dynamics have been incorporated throughout the various elements and programming options in this Guide. These include indicators looking at court mechanisms for handling sexual offenses cases, attitudes toward domestic violence, and the diversity of actors in formal and informal justice tribunals.

Programming Option Level Indicators	
i.	Extent to which women enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance
ii.	Does a woman’s testimony carry the same evidentiary weight in court as a man’s?
iii.	Diversity of professional staff of justice sector institutions
iv.	Degree of equity for victims of gender-based violence in court
v.	Level of police responsiveness to reports made by women
vi.	Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence?
vii.	Incidence of sexual harassment

ELEMENT 5: EFFECTIVE APPLICATION

Effective application is the final element of a system governed by the rule of law. Even exemplary laws, regulations, and processes are insufficient if not applied effectively and enforced consistently. Starting with law enforcement and prosecutors, effective application further extends to consistency in sentencing and appropriate implementation in the penal system. On the civil side, effective application requires that justly rendered court decisions be enforced within a reasonable period of time. Regulations and procedures must likewise be enforced consistently to ensure citizens are treated fairly and equally in administrative matters.

Effective application, or enforcement, of the laws, procedures, and judgments involves law enforcement, prosecutors, and penal institutions, as well as a variety of executive branch officials. While there are limits on the types of assistance USAID can provide to law enforcement and penal institutions, effective application is nonetheless an important element in its rule of law portfolio. USAID assistance projects contribute to improving procedural codes to provide for consistent application and enforcement, as well as building the capacity of enforcement agents. More recently USAID has dedicated significant efforts to advancing equal and effective law enforcement, whether through civilian policing programs or building the capacity of domestic police forces to promote the rule of law. Similarly, USAID works extensively with prosecutors, helping them enforce the law on a fair and effective basis in many countries. Several USAID projects have targeted the enforcement of judgment aspect, finding ways to streamline the process and building the capacity of the officers responsible for this task. Finally, while broader in scope, through a variety of good governance initiatives, USAID is contributing to more efficient and effective application of regulations in a variety of governmental departments.

The following element level indicators examine the extent to which laws, regulations, and judgments are effectively applied. Cognizant of the potential for any one indicator to be skewed, the suggested indicators look at the same issue from different angles and draw from different data.

frameworks and public life; 2) violence against women; 3) employment and economic benefits; and 4) marriage and family.

Element Level Indicators	Reference
The degree to which citizens are treated equally under the law	Economist Intelligence Unit Democracy Index
Extent to which public officeholders who abuse their positions are prosecuted or penalized	World Justice Project Rule of Law Index
Equal application of the law by judges	UN Rule of Law Indicators
Extent to which due process prevails in civil and criminal matters	Freedom House, Freedom in the World

Complementing the elements in the USAID ROL Framework that fortify the necessary components of a rule of law system, the three programming options in Effective Application facilitate their implementation:

- (a) Improving investigative capacity of police and prosecutors
- (b) Enforcing judgments
- (c) Strengthening the implementation of administrative law and procedure

The expanded tables for each of the indicators suggested below are included in Annex 5.

Programming Option 5(a): Improving investigative capacity of police and prosecutors

In criminal matters, the initial responsibility for ensuring effective application of the law rests with police officers and prosecutors. As such, their capacity to respond to, investigate, and prosecute crimes is an integral element of effective application of the laws. Although USAID’s role with law enforcement does not extend to forensics,¹⁶ it has been active in promoting civil policing programs, assisting police and prosecutors to make the transition to an accusatorial system, promoting equal application of laws, and building channels of communication.

Programming Option Level Indicators
i. Extent to which police are capable of carrying out effective investigations
ii. Extent to which prosecutors are capable of carrying out effective investigations and conducting trials
iii. The population’s perception of the ability of the police to control crime in the community
iv. Level of satisfaction with police response to crime reports
v. Level of response to domestic violence incidents
vi. Extent to which criminal justice matters are adjudicated in a timely and effective manner
vii. Extent to which equipment necessary to perform basic police duties is available
viii. Level of skill among police and prosecutors to gather and protect physical evidence
ix. Degree of absence of corruption in the police/military

Programming Option 5(b): Enforcing judgments

Just as sentences must be carried out in criminal matters, in civil matters, once a judgment is rendered in court, it must be enforced in order to ensure effective application of the law. The precise mechanism for executing judgments in a particular country ranges from enforcement personnel in the court, to a dedicated agency in the executive branch, and even to private companies. Many countries where USAID works suffer from a tremendous backlog of unexecuted judgments. Recognizing the impediment to rule

¹⁶ Section 660 of the Foreign Assistance Act of 1961, as amended, defines how USAID can engage law enforcement. However, Section 564(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 expanded the authority first enacted in FY 2002 for “community-based police assistance” to allow training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

of law this poses, USAID has implemented programs to help ensure that this final step in the effective application of the law in civil cases is taken fairly and consistently. Indicators that measure this critical aspect include the following.

Programming Option Level Indicators	
i.	Percentage of judgments pending enforcement 2 months after final appeal is exhausted or expired in the previous 5 years
ii.	Time required to enforce judgment in standard contract cases
iii.	Cost of enforcing a claim
iv.	Qualifications of enforcement officers
v.	Availability of enforcement officers
vi.	Existence of adequate quality and control standards guiding enforcement officers

Programming Option 5(c): Strengthening the implementation of administrative law and procedure

The administrative law system, even more so than the judicial system, is the primary means through which citizens interact with the government. As USAID has noted previously, it is essential to democracy and the rule of law that the administrative law system be applied effectively.¹⁷ To help ensure that citizens have consistent and equal access to government services, USAID has supported programs that promote access to information, complaint mechanisms, and capacity building for administrative judges.

Programming Option Level Indicators	
i.	Extent to which basic administrative structures exist
ii.	Extent to which there is effective regulatory enforcement
iii.	Extent to which administrative law and procedure is free of improper influence
iv.	Extent to which administrative processes are executed without unreasonable delay
v.	Respect for due process within administrative processes
vi.	No expropriation without adequate compensation
vii.	Capacity to produce reliable statistics and performance indicators

CONCLUSION

The indicators suggested in this Guide are intended to provide an organized approach to evaluating the rule of law sector, complementing the suggestions for conducting a rule of law assessment set forth in the ROL Framework. Not all indicators will be relevant or even feasible in every country context. However, the intention is to identify the types of benchmarks that would inform the status of the five elements in USAID’s ROL Framework and their respective Programming Options. Even where perfect data is not available, knowing the types of indicators that would be probative will help the USAID Officer identify potential programming niches. Naturally, this data must be viewed in conjunction with other sector programming, as well as within the broader donor context and USG strategic priorities.

¹⁷ See *Using Administrative Law Tools and Concepts to Strengthen USAID Programming* (2008).

ABOUT THE AUTHORS

Ellie Seats is an international development professional with over 20 years of justice sector reform experience. Ms. Seats has worked for USAID and for USAID-funded democracy and governance programs, conducting numerous sector analyses, evaluations, designing programs, and providing training and curriculum development for DRG officers, both as a consultant and a field officer. Her technical expertise includes evaluations and assessments, anti-corruption, trafficking in persons, conflict resolution, and human rights. She is highly skilled at developing Monitoring, Evaluation and Learning (MEL) plans for implementors of USAID rule of law projects. She previously developed the Practical Field Guide to Counter-Trafficking in Persons (C-TIP) for USAID/DCHA.

Katherine Lauffer is a democracy and governance specialist with over 20 years experience in designing, managing and measuring USAID and other donor funded legal reform programs. She has worked on numerous donor funded rule of law projects developing and providing M&E training to local staff, and has experience designing surveys and other data collection instruments and strategies. Her areas of expertise include human rights, gender, capacity building, sustainability strategies, conflict resolution, and legal education.

ANNEX I. INDICATOR DETAIL

FRAMEWORK ELEMENT I: ORDER AND SECURITY

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Effectiveness of crime control. ¹	<p>“Crime” includes homicide, kidnapping, burglary and theft, armed robbery, and extortion.</p> <p>Numerical on a scale of 0-1, with 0 being low and 1 being highest control on crime.</p>	Low crime rates, and effective control are indicative of strong security and order.	<p>http://data.worldjusticeproject.org/ Select country on map, choose view full profile, view score for sub-factor 5.1 on country radar graph or in tables.</p> <p>Data are collected every other year.</p>	None.
Absence of civil conflict. ²	<p>Numerical score on a scale of 0-1, with 0 being full blown civil conflict and 1 being absence of conflict.</p> <p>Measures whether people are effectively protected from armed conflict and terrorism.</p>	The indicator measures the extent to which relevant justice sector institutions are effective against conflict.	<p>http://data.worldjusticeproject.org/ Select country on map, choose view full profile, view score for sub-factor 5.2 on country radar graph or in tables.</p>	None.
Absence of violent redress. ³	Numerical on a scale of 0-1, with 0 indicating a higher degree of violent redress and 1 indicating an absence of violent redress.	A high level of vigilantism and other forms of violent redress indicates a lack of security and order.	<p>http://data.worldjusticeproject.org/ Select country on map, choose view full profile, view score for sub-factor 5.3 on country radar graph or in tables.</p>	None.
Capacity of local security apparatus to counter serious crime and other threats to state. ⁴	<p>“Threats to a state” include bombings, attacks and battle-related deaths, rebel movements, mutinies, coups, or terrorism. “Serious crime” includes organized crime and homicides, and</p>	This indicator is suggestive of a state’s ability to enforce its laws and protect its citizens.	<p>http://fundforpeace.org/fsi/data/ Select data and global data; the Security Apparatus (SA) indicator is the second column, CI.</p>	None.

¹ World Justice Project Rule of Law Index’s sub-factor 5.1.

² World Justice Project Rule of Law Index’s sub-factor 5.2.

³ World Justice Project Rule of Law Index’s sub-factor 5.3.

⁴ Fund for Peace Fragile States Index Cohesion Indicator CI. <http://fundforpeace.org/fsi/indicators/ci/>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	perceived trust of citizens in domestic security. Numerical score on a scale of 0 to 10 with 10 denoting the highest fragility.			
Extent to which citizens enjoy basic security. ⁵	Numerical score, defined as follows: 1: Citizens enjoy basic security. 0.5: Crime is so pervasive as to endanger security for large segments. 0: Citizens do not enjoy basic security.	Order and security manifests itself ultimately in the extent to which citizens enjoy safety and well-being physically as well as of their property.	Expert assessment.	Sex. Further disaggregation on basis of minority status ⁶ , age, and/or geography as available and appropriate in country context will allow for more granular analysis.

⁵ The Economist Intelligence Unit's (EIU's) Democracy Index Civil Liberties Category Indicator #55 (https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2017, p. 75). USAID would need to seek the permission of the EIU to access Democracy Index data, which covers 165 independent states and two territories. The most recent report is for 2017.

⁶ Minority status encompasses ethnicity, race, religion, and sexual orientation.

Programming Option I(a): Establishing, rebuilding, or expanding justice institutions

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Adequacy of the legislative framework to proscribe authorities and limitations on law enforcement. ⁷	Numerical scale from 0 to 5 with one point assigned for each criterion met: 1) law defines the powers and authorities of law enforcement (i.e., police and prosecutors ⁸); 2) law clearly delineates powers between authorities; 3) law establishes procedures that authorities have to follow; 4) law ensures implementation and effective protection of human rights; and 5) law establishes equivalent guarantees concerning public tasks delegated to private actors.	An adequate legislative framework is the foundation for capable justice sector institutions providing order and security.	Statutory review.	None.
ii. Law enforcement is funded adequately.	Numerical score on a scale from 0 to 10, defined as follows: 0–3 Budget shortages affect the provision of mandatory personnel, facilities, basic supplies, forensic and tactical equipment; 4–7 Budget shortages affect the provision of discretionary expenses, including additional personnel, new vehicles and additional equipment and training; 8–10 Budgets are within 10% of mandatory and discretionary expenses.	Beyond the formal existence under the law, justice institutions must be adequately funded to ensure order and security.	Expert survey.	By law enforcement entity and geography.
iii. Management capacity of law enforcement entities. ⁹	Numeric score on a scale of 0-4, based upon the number of elements currently in place: <ul style="list-style-type: none"> strategic plan, 	These elements denote management capacities fundamental the public	Verified domestic records.	By law enforcement entity.

⁷ Adapted from European Commission for Democracy through Law (“Venice Commission”) Rule of Law Checklist

([https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e)), Legality benchmark 2. Compliance with the Law.

⁸ While judges are part of law enforcement, Order and Security indicators primarily refer to police and prosecutors, while the Checks and Balances element (Element 3) considers legal frameworks and capacities related to the judiciary.

⁹ This is a modified version of UN Rule of Law Indicator #38.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<ul style="list-style-type: none"> • budget projections, • promotion and discipline standards, and/or • ethics code. 	administration aspect of order and security.		
iv. Extent to which law enforcement have performance guidelines and a system for monitoring performance that holds personnel accountable.	<p>“Performance guidelines” can be codes of conduct, regulatory, or statutory. A “system for monitoring performance that holds personnel accountable” is a system of specified consequences for failure to meet conduct standards or underperformance in established measures.</p> <p>Numeric score representing the average response on a scale of 1-5, where 1 indicates a lack of guidelines and systems, and 5 represents consistent and adequate guidelines and systems.</p>	Performance guidelines promote public accountability within the provision of order and security.	Expert survey.	By law enforcement entity.
v. Extent to which law enforcement possess skills to gather and protect physical evidence ¹⁰	<p>Numeric score representing the average response to the question, “To what extent do you agree that police officers have the necessary skills to gather and protect physical evidence?” defined as follows: 4: fully agree; 3: partly agree; 2: disagree; and 1: strongly disagree.</p>	Measures effectiveness in the delivery of order and security.	Expert survey.	Disaggregation on basis of minority status, age, and/or geography as available and appropriate in country context will allow for more granular analysis.
vi. Extent to which the public has confidence in security institutions.	Percentage, calculated as # respondents answering “a great deal” and “quite a lot” in response to question “how much confidence citizens have in institutions”# respondents.	Denotes in part the legitimacy of the security apparatus and may reveal the need for education to improve public understanding of goals and services.	The World Values Survey http://www.worldvaluessurvey.org/WVSONline.jsp gathers data on confidence in police and courts every 5 years	None.

¹⁰ UN Rule of Law Indicator #31.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
			(see VI 13 and VI 14). For 2014 the survey spanned 60 countries; for 2019 70-80 countries are expected to participate.	
vii. Police investigator work load. ¹¹	Average number of cases assigned to each police investigator.	Excessive workloads on police investigators suggest either insufficient funding allocations or inefficiencies in the investigation process.	Verified domestic records, or survey of police investigators.	By geographic region.
viii. Level of victim advocate confidence in police response. ¹²	Unit: Average score of all respondents on a four-point scale corresponding to the following four response categories: highly confident (4); somewhat confident (3); not very confident (2); not at all confident (1).	As a key stakeholder, the perception of victim advocates of police response is probative of the adequacy of that response.	Survey of victim advocates.	By geographic region.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Percentage of new recruits to national police forces who are women	Number of new police force recruits who are women divided by total number of police force recruits	The information generated by this indicator will be used in recruiting and program interventions by program officers and implementers to ensure women are incorporated.	Implementer activity records	None

¹¹ This indicator is a modified version of that used in USAID’s SSR Guide from 2018.

¹² Ibid.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Percentage of USG-funded police advisors deployed to host nations who are women	Number of new USG-funded police advisors who are women divided by total number of USG-funded police advisors	The information generated by this indicator will be used in recruiting and program interventions by program officers and implementers to ensure women are incorporated.	Implementer activity records	None

Programming Option I(b): Crime prevention, community security, and civilian policing

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which crimes are reported to police or other competent authority.	<p>“Competent authority” includes all state agencies authorized to receive reports of crime.</p> <p>Numerical average of police reporting rates on car theft, burglary, robbery, sexual assault, and bribery, where data exist.</p>	<p>The willingness to report crimes provides insight into how much confidence the citizenry may have in the police.</p>	<p>United Nations Survey of Crime Trends and Operations of Criminal Justice Systems [(UN-CTS)] 2004–2014 data https://www.unodc.org/documents/data-and-analysis/statistics/crime/Data_and_Metadata_from_Crime_Victimization_Surveys_2004-2014.xlsx¹³</p>	<p>By type of crime (e.g., car theft, burglary, robbery, sexual assault, bribery), as available.¹⁴</p>
ii. Extent to which community assets are involved with law enforcement in crime control.	<p>Low/medium/high</p> <p>Low: mechanisms do not exist or exist only between security sector actors.</p> <p>Medium: mechanisms exist between security sector actors and either other state services (e.g., education, health) or non-state institutions (e.g., faith-based, NGO, and traditional justice actors).</p> <p>High: mechanisms exist between security sector actors and both other state services and non-state institutions.</p>	<p>Community engagement in crime prevention reflects a supportive and more comprehensive approach to law enforcement.</p>	<p>Expert survey.</p>	<p>By geography (especially to distinguish urban/rural and areas of high minority concentration).</p>

¹³ Last accessed November 13, 2018. Data for 2018 should be posted to <https://dataunodc.un.org/crime>; USAID may have to contact UNODC to locate more recent data.

¹⁴ The 2003 Vera Institute report *Measuring Progress Toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector* (https://storage.googleapis.com/vera-web-assets/downloads/Publications/measuring-progress-toward-safety-and-justice-a-global-guide-to-the-design-of-performance-indicators-across-the-justice-sector/legacy_downloads/207_404.pdf) argues that tracking the reporting rate by the poor is necessary for anti-crime strategies to succeed and for police to gain the cooperation of all segments of the public (p. 31); the same logic argues for tracking the reporting rate among men and women. Disaggregation by respondents’ sex and socio-economic status would accordingly be valuable, but is not part of the UN-CTS.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iii. Extent of media collaboration with law enforcement	Average score of respondents indicating agreement with the following statements: <ul style="list-style-type: none"> • Media outlets promote awareness of crime prevention and intervention issues by, e.g., publishing photos of wanted criminals, issuing alerts for missing persons, or broadcasting high-profile campaigns on prevention topics (anti-gang, anti-drug, or stay-in-school messaging). • Police precincts and prosecutors' offices designate an individual responsible for media relations, or have a public information unit. • Police and prosecutors host press conferences. 	Media is a tool for both gauging and shaping public opinion and confidence in public institutions; it is further a wide-reaching medium for public education. Strong collaboration among law enforcement and media suggests greater public awareness of and trust in law enforcement.	Expert survey.	By national versus local media.
iv. Adequacy of preventive police personnel.	"Preventive police personnel" includes all uniformed officers responsible for crime prevention and public safety through community policing, local patrols, emergency response, and similar other duties. Number of preventive police personnel per 100,000 population.	Signals both state capacity to deploy order and security resources, and system accessibility to the population.	UN-CTS 2001 - 2002 data (total police personnel) http://www.unodc.org/pdf/crime/eighthsurvey/8sv.pdf 2018 survey instrument (asks for breakout of preventive from investigative police personnel, see Definitions Tab and Tab 6) http://www.unodc.org/documents/	None.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
			data-and-analysis/statistics/crime/CTS/CTS_2018_English.xlsx ¹⁵ Conducted annually	
v. Threat of serious assault.	“Serious assault” means physical attack against the body of another person, resulting in serious bodily injury, excluding indecent/sexual assault, threats, and slapping/punching. Number of serious assaults per 100,000 population.	Offers insight into the effectiveness of the security sector in preventing crime.	UN-CTS Data available at https://dataunodc.un.org/crime/serious_assault . Conducted annually	None.
vi. Level of neighborhood security. ¹⁶	Percentage of survey respondents who feel “very safe” or “fairly safe” walking alone in their area/neighborhood.	The ‘fear of crime’ can negatively influence well-being and lead to reduced contacts with the public, reduced trust, and reduced activities, thus being an obstacle to participation and development.	UN-CTS 2018 survey instrument http://www.unodc.org/documents/data-and-analysis/statistics/crime/CTS/CTS_2018_English.xlsx (see Tab 7) ¹⁷ Conducted annually	By sex.
vii. Extent to which civil society is engaged in crime prevention activities.	“Crime prevention activities” may include programs for vulnerable youth, neighborhood watch		Expert survey.	By type of activity and geographic region.

¹⁵ The 2018 UN-CTS survey instrument was sent to member states in October and is due by November 15, 2018. Data from 2001 – 2002 shows the total number of police personnel disaggregated by sex. Data from 2010 – 2013 is being migrated from <https://stats.unodc.org/> to <https://dataunodc.un.org/crime> (see also www.unodc.org/unodc/en/data-and-analysis/crime-and-criminal-justice.html); USAID may have to contact UNODC to locate data.

¹⁶ Sustainable Development Goal Indicator 16.1.4

¹⁷ The 2018 UN-CTS survey responses are due by November 15, 2018 and should be posted to <https://dataunodc.un.org/crime>; USAID may have to contact UNODC to locate data.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<p>activities, and/or education on tolerance and inclusion.</p> <p>Low/medium/high, defined as follows:</p> <p>Low: Civil society either does not participate, or participates only sporadically in crime prevention activities.</p> <p>Medium: civil society participates, but is largely dependent upon donor funding.</p> <p>High: Civil society participates broadly and in a sustainable manner.</p>			
<p>viii. Extent to which police use their law enforcement powers appropriately.¹⁸</p>	<p>Average score of respondents answering the question, “To what extent do you agree that the police generally use their powers (e.g., arrest, search, confiscation, seizure, detention) in strict accordance with the law?” Score averages responses of:</p> <p>4: fully agree; 3: partly agree; 2: disagree; 1: strongly disagree.</p>	<p>Measures accountability as part of the provision of order and security.</p>	<p>Expert survey.</p>	<p>None.</p>

¹⁸ UN Rule of Law Indicator #13

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Percent of communities in USG-assisted areas implementing principles taught in law enforcement training	Number of communities showing evidence of implementing the training divided by the number of communities receiving training	This indicator will be used by trainers to assess effectiveness, and by program officers for accountability and future expenditures.	Implementer activity records	None

Programming Option I(c): Disarmament, demobilization and reintegration

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which military funding impacts overall budget.	Percentage, calculated as dollar/currency units allocated to the military/ total budget * 100.	High military funding, as a percentage of the overall budget suggests instability or an ongoing threat of instability.	Verified domestic records.	None.
ii. Extent to which the peace process is/was inclusive	Numerical score representing the average score of respondents on a scale from 0 – 6, where 0 does not include major armed factions or demographic segments in peace negotiations, and 6 actively engages all major factions and demographic segments.	Inclusive peace processes indicate political will for DDR.	Expert survey.	None.
iii. A meaningful plan for implementing the peace process exists	A “meaningful plan” is a detailed strategic or action plan with sets milestones, assigns responsibilities for achieving them, and includes adequate funding to transition from armed conflict to recovery. Yes/no	A strategic plan or action plan denotes consensus on agency and civil society roles, budgetary support, and targets against which all stakeholders can gauge progress through DDR and peace processes.	Verified domestic records.	None.
iv. Extent to which individuals have disengaged from armed groups.	# of men, women, and children who have left the ranks of armed groups.	Significant numbers of people disengaging from armed groups suggests that reintegration activities may be appropriate.	Verified domestic records; third-party reports (e.g., from UNDP or other DDR implementers).	By geographic region.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
v. Use of interim stabilization measures (ISMs)	<p>“ISMs” are initiatives used to keep former combatants’ cohesiveness intact within a military or civilian structure, creating space for a political dialogue and the formation of an environment conducive to social and economic reintegration.¹⁹</p> <p>Yes/no</p>	Use of ISMs indicates that demobilization is occurring, and reintegration activities may be warranted.	Verified domestic records.	None.
vi. Adequacy of training, education and job placement programs targeting ex-combatants	Percentage of survey respondents who report having enrolled in training, school, or found employment after participating in reintegration programs.	Successful reintegration programs are key to promoting sustained security and order.	Participant survey.	By sponsoring entity, geography, and sex and age of beneficiaries, as available.
vii. Degree of disarmament post conflict.	Number of weapons collected from former combatants decommissioned or destroyed.	Ex-combatants relinquishing their weapons contributes to sustained stability.	Verified domestic records.	By geographic region.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of vulnerable persons benefiting from USG-	Count of beneficiaries receiving support from programs funded in	Data collected from this indicator can inform program planning.	Implementer activity records	By sex: Male, Female Age: 0-17, 18+ years

¹⁹ Dean Piedmont (2012) *From War to Peace, From Soldiers to Peacebuilders: Interim Stabilisation Measures in Afghanistan and South Sudan*, *Journal of Peacebuilding & Development*, 7:1, 101-107.
<https://doi.org/10.1080/15423166.2012.719403>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
supported social assistance programming	whole or in part by the USG. For the purposes of this indicator, vulnerable persons encompasses the following: <ul style="list-style-type: none"> • Persons with disabilities defined as those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various attitudinal and environmental barriers, may hinder their full and effective participation in society on an equal basis with others; • Survivors of war and conflict that have acquired mobility-related injuries, including conditions resulting from interrupted health services; • Survivors of torture and trauma, including gender-based violence; • Children below the age of 18 who are: at risk of developmental delays linked to deficiencies in health, nutrition and/or caregiver support; living without permanent and/or protective care; and/or at risk of exposure to violence, exploitation, abuse and/or neglect; and • Caregivers of the persons identified above. 	budget allocations, and will be used to report against the legislative requirement to serve this population.		Disability: Persons with/without disabilities
Number of USG-funded events, trainings, or activities designed to build support for peace or reconciliation on a mass scale PS 6.2-2	This indicator registers the number of USG-funded activity activities – such as a trainings or events -- that aim to build popular support for peace or reconciliation among the general	The long-term outcome desired is to build popular support for peace processes. Many theories of change posit that if there is more grassroots level support for a peace	Implementer activity records	None

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	population. Each activity, event, or training counts as one unit.	process, the potential for peace will increase. By creating activities that have these aims, projects contribute to these outcomes. Activities designed to reduce the frequency of sexual and gender-based violence or to help perpetrators and victims recover from the trauma of such violence, could fall under the definition.		
Number of USG supported events, trainings, or activities designed to build support for peace or reconciliation among key actors to the conflict	This indicator registers any USG funded activity – such as a training or event -- that aims to build support for peace and reconciliation among key actors of a conflict. Key actors include those individuals who individually or through an organization have or could soon have the capacity to mobilize others for violent action, peaceful intervention, or stabilization.	The desired long-term outcome is increased support for peace and reconciliation processes as an approach to resolve conflict. This is an output indicator that measures the USG contribution to activities designed to build support for the peace process among elites or individuals/groups mobilizing/leading others in the conflict.	Implementer activity records	None
Number of people participating in USG-supported events, trainings, or activities designed to build mass support for peace and reconciliation	This indicator registers number of men and women identified with a party or parties to the conflict attending events or activities, both public and private, related to building support for peace and reconciliation.	The desired long-term outcome is increased support for peace and reconciliation processes as an approach to resolve conflict. This is an output indicator that measures the number of people involved in the peace process and reconciliation funded by USG assistance.	Implementer activity records	By sex: Male, Female
Number of USG-assisted consensus-building processes resulting in an agreement	Consensus-building processes include: national, sub-national, and local dialogues, as well as referenda, and peace processes. Agreements can take the form of interim or final plans of action, constitutions, constitutional	Consensus-building processes increase the likelihood that parties will reach agreement. Over the long-term, consensus-building will result in an increase in mutual understanding and a decrease in	Implementer activity records	Number of processes related to LGBTI issues Number of processes related to women's rights issues

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	amendments, draft legislation, legislation on electoral frameworks issues, statutes, regulations, or peace agreements.	societal conflict and instability, contributing to the development of a consensual, deliberative and participatory culture of democracy.		Number of processes related to religious freedom
Number of consensus building forums (multi-party, civil/security sector, and/or civil/political) held with USG assistance	Multi-party, civil/military, civil /political forums are events, seminars, meetings, and conferences that bring together groups in tension or conflict in an effort to generate greater understanding and consensus. Civil in this sense means “public” and indicates a meeting, town hall, forum, etc, in which the public can communicate directly with representatives of parties (or government) or the security sector (military, police).	Increased communication between groups in conflict or tension will enhance understanding and increase the possibility that consensus-building processes will result in an agreement. Contributes to peaceful agreement on democratic reform, rules, and frameworks.	Implementer activity records	None

Programming Option 1(d): Witness and court personnel protection programs

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which evidentiary rules include witness protection measures.	<p>“Witness protection measures can include videoconferencing; voice and face distortion techniques; withholding the details of a witness’s identity; the use of shields (such as a screen, curtain or two-way mirror.)</p> <p>Average of respondents’ score on scale of 0-5, defined as:</p> <p>0: no statutory protections exist</p> <p>1: measures to protect witnesses from direct confrontation exist, but not to protect their identity</p> <p>2: limited measures to protect identity exist but are marginally effective;</p> <p>3: measures exist and are partially effective;</p> <p>4: exist and are reasonably effective;</p> <p>5: exist and are effective.</p>	Protection measures for witnesses are an essential element of a country’s arsenal against organized crime.	Expert survey.	None.
ii. Extent to which courts cooperate with law enforcement and welfare support networks to offer special witness assistance, witness support schemes, or physical protection measures ²⁰	<p>Average of respondents’ score on scale of 0-6, with one point for each criterion in place:</p> <ul style="list-style-type: none"> • briefing vulnerable witnesses on what to expect during a trial; • temporary relocation in safe areas; • witness protection; 	Such measures help protect witnesses’ physical security, avoid their secondary victimization in the trial process, and achieve efficient prosecution.	Expert survey.	By court and geography.

²⁰ See UNODC *Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime* (http://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/Good_Practices_for_the_Protection_of_Witnesses_in_Criminal_Proceedings_Involving_Organized_Crime.pdf). States must balance witness protections such as the use of anonymous testimony with the defendant’s right to a fair trial.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<ul style="list-style-type: none"> • personal security, such as regular patrolling around the witness's house, escort to and from the court and provision of emergency contacts; • moderate financial assistance for, e.g., transportation, childcare and accommodation; and • special units charged with providing support and protection to witnesses. 			
iii. Efficacy of a formal witness protection program.	A numerical score, on a scale of 0-5, based on the # of criterion met: <ul style="list-style-type: none"> • the state has a formally established covert program, which provides for the relocation and change of identity of witnesses whose lives are threatened by a criminal group because of their cooperation with law enforcement authorities; • participation is subject to strict admission criteria; • penalties are levied for breaking confidentiality of procedures and operations; • protection services safeguard neutrality by having organizational autonomy from the regular police and investigative agencies; • special auditing and reporting procedures (e.g., sealed envelopes, sanitized receipts, requiring security clearance for auditors) maintain confidentiality while promoting accountability. 	Witness protection programs are an extraordinary measure to safeguard the welfare of a witness; they are indicative of law enforcement will and capacity to prosecute high-profile crime.	Verified domestic records.	None.
iv. Mutual legal cooperation protocols for witness protection are in place	"Mutual legal cooperation protocols" refers to bilateral or multilateral agreements facilitating cooperation with foreign law enforcement agencies in the protection of witnesses. Yes/no	Mutual legal cooperation expands the menu of assistance options available to witnesses and prosecutors; it may also enhance efficient prosecution.	Verified domestic records.	None.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
v. Courts have the means and resources to protect judges from threats, harassment, assault, assassination or intimidation ²¹	“Means and resources” includes budgetary allocations, buildings, security equipment and/or personnel as may be necessary based upon risk levels. Unit: Numerical value averaging responses to an expert or judicial survey to the question: “To what extent do you agree that courts have the means and resources to protect judges from threats, harassment, assault, assassination or intimidation?” fully agree (4); partly agree (3); disagree (2); strongly disagree (1).	Physical security within the courts, as well as protection from threats of retaliation or retribution are key to ensuring that decisions are objective and not improperly influenced by external forces.	Judicial or expert survey.	None.
vi. Extent to which fundamental court security practices are in place. ²²	Low/medium/high, defined as: Low: 0-1 of the listed practices are in place; Medium: 2 of the listed practices are in place; High: 3-4 of the listed practices are in place. <ul style="list-style-type: none"> • court building security committee meets regularly to assess and address security challenges; • a cohesive and comprehensive set of security policies and procedures are consistently applied to make a court building reasonably safe; • a threat and incident reporting system is in place; • judges and court staff have been well trained on well-publicized policies and procedures. 	These top-priority, low-level practices provide an essential foundation for all other security measures to protect those who work in or visit a court building.	Verified domestic records/Expert survey	By practice, policy, procedure, information system/equipment, or other mechanism.

²¹ Adapted from UN Rule of Law Indicator #76

²² Derived from the National Center for State Courts’ *Steps to Best Practices for Courthouse Security* (<https://cdm16501.contentdm.oclc.org/digital/api/collection/facilities/id/170/download>), pp. 4 – 11 (revised 2016). Best practices are relayed in steps and phases so that a court at its discretion can adopt incremental improvements within budgetary constraints. These steps and phases are plateaus along an ascending path to improvement.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vii. Extent to which critical court security practices are in place ²³	Low/medium/high, defined as: Low: 0-3 of the listed practices are in place; Medium: 4-5 of the listed practices are in place; High: 6-8 of the listed practices are in place. <ul style="list-style-type: none"> • a command center in a central, secure, strategically located area of the court building; • security procedures for circulating in-custody defendants; • procedures to secure courtrooms; • procedures for safety in chambers; • procedures for controlled public access into court buildings; • security procedures for public service areas, counters, and offices; • security procedures for judges' parking; • security procedures for the court building perimeter. 	These second-priority, medium-level practices build on fundamental court security practices to enhance the protection of those who work in or visit a court building.	Verified domestic records/Expert survey	None.
viii. Extent to which essential court security practices are in place. ²⁴	Low/medium/high, defined as: Low: 0-3 of the listed practices are in place; Medium: 4-5 of the listed practices are in place; High: 6-8 of the listed practices are in place: <ul style="list-style-type: none"> • after-hours access to court buildings is regulated; • emergency equipment including egress plans are installed/posted; 	These third-stage practices build on both fundamental and critical court security practices to better protect those who work in or visit a court building.	Verified domestic records/Expert survey	By practice, policy, procedure, information system/equipment, or other mechanism.

²³ *Ibid*, pp. 12 – 27.

²⁴ *Ibid*, pp. 28 - 37

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<ul style="list-style-type: none"> • alarms are installed on all exterior doors and other access points; • circulation zones (separate, restricted, and secured areas and routes) govern interior access during business hours; • egress/ ingress standards govern public lobbies, hallways, stairwells, and elevators; • procedures for juror security and circulation; • procedures for handling cash; • procedures for screening mail and packages. 			

Applicable Standard Foreign Assistance Framework Indicators: none

ANNEX 2. INDICATOR DETAIL

FRAMEWORK ELEMENT 2: LEGITIMACY

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
<p>Extent to which all relevant groups in society agree about citizenship and accept the nation-state as legitimate.</p>	<p>Numerical score on a scale of 1-10, defined as follows:</p> <p>9-10: The large majority of the population accepts the nation-state as legitimate. All individuals and groups enjoy the right to acquire citizenship without discrimination.</p> <p>6-8: The legitimacy of the nation-state is rarely questioned. Some groups are denied full citizenship rights.</p> <p>3-5: The legitimacy of the nation-state is frequently challenged. Significant aspects of citizenship are withheld from entire population groups.</p> <p>1-2: The legitimacy of the nation-state is questioned fundamentally. Different population groups compete for hegemony and deny citizenship to others.</p>	<p>Offers insight into how major groups in society accept and support the official/dominant concept of the nation-state, and whether access to citizenship and naturalization is denied to particular groups.</p>	<p>Bertelsmann Transformation Index https://atlas.bti-project.org/share.php?I*2018*TV:SDSI:MAP*DOA*TOPO:REGION:TOF Select country and view “State identity” results under “Stateness.”</p>	<p>None.</p>
<p>Extent to which democratic institutions are accepted as legitimate by relevant actors.</p>	<p>Numerical score on a scale of 1-10, defined as follows:</p> <p>9-10: All democratic institutions are accepted as legitimate by all relevant actors</p> <p>6-8: Most democratic institutions are accepted as legitimate by most relevant actors</p> <p>3-5: Only individual institutions are accepted, while influential actors hold vetoes. Acceptance remains unstable over time.</p> <p>1-2: There are no democratic institutions as such (authoritarian regime).</p>	<p>Offers potential insight into relative peaceful co-existence versus rifts among individuals and organizations that are able to concentrate political power (“the relevant actors,” i.e., government bodies, political parties, associations, interest groups and civic organizations, as well as groups with potential veto powers, such as the military or the clergy).</p>	<p>Bertelsmann Transformation Index https://atlas.bti-project.org/share.php?I*2018*TV:SDSI:MAP*DOA*TOPO:REGION:TOF Select country and view “Commitment to democratic institutions” results under “Stability of Democratic Institutions” indicator.</p>	<p>None.</p>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Extent to which citizens support the state through quasi-voluntary tax payments.	<p>“Quasi-voluntary tax payments” include taxes on incomes, profits, and capital gains (for which a separate filing is generally required).</p> <p>Percentage calculated as, Total revenue from income, profit, capital gains / total central government revenues * 100.</p>	The state’s ability to command taxes and the citizens’ willingness to pay quasi-voluntary taxes is suggestive of the legitimacy of the state.	<p>International Monetary Fund Government Finance Statistics http://data.imf.org/?sk=a0867067-d23c-4ebc-ad23-d3b015045405&slid=1435697914186 Select “Government Finance Statistics (GFS), Revenue,” then “By Country”</p>	None.
Extent to which factionalized elites along ethnic, class, clan, racial or religious lines fragment state institutions.	<p>The Factionalized Elites indicator measures power struggles, political competition, political transitions, and where elections occur will factor in the credibility of electoral processes (or in their absence, the perceived legitimacy of the ruling class).</p> <p>Numerical score on a scale of 0 to 10 with 10 denoting the highest fragility.</p>	Power fragmentation can signal the absence of legitimate leadership widely accepted as representing the entire citizenry.	<p>Fragile States Index http://fundforpeace.org/fsi/data/ Select data and global data; the Factionalized Elites (FE) indicator is the third column, C2.</p>	None.
Level of confidence in the civil service.	Percentage, calculated by the # of respondents answering “a great deal” and “quite a lot” in response to the question “how much confidence do you have in the civil service”/# of respondents.	Confidence in these key agents of state administration offers insight into how citizens view legitimacy in day-to-day matters.	<p>World Values Survey http://www.worldvaluessurvey.org/WVSONline.jsp Select a wave (e.g., 2010 – 2014), select country (or countries), select Variable 118 (V118), select “Show”.</p>	None.
Frequency of displacements due to conflict and violence.	Presents an annual count of people internally displaced by armed conflicts, situations of generalized violence, and human rights violations.	High displacement from conflict and violence can indicate legitimacy issues, including failure to tackle poverty, inequality, and political marginalization.	<p>International Displacement Monitoring Centre http://www.internal-displacement.org/countries Select a country</p>	None.

Programming Option 2(a): Constitutional drafting processes

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent of pluralism among negotiating elites in the constitution-making process.	A rating of low/medium/high, defined as follows: Low: less than half of relevant parties participate/d, or participate rarely in established mechanisms for constitution drafting (e.g., constituent assemblies, drafting commissions); Medium: more than half of relevant parties participate/d, but on an intermittent basis; High: more than half of relevant parties participate on a routine basis.	Inclusivity in the process is paramount to people viewing the final document as legitimate.	Expert survey.	None.
ii. Level of public awareness on the contents of constitutional drafts and the rules of the constitution-making process.	Percentage, calculated as # respondents who answer that they are/were “very aware” or “somewhat aware” of constitutional issues under debate and the procedures of the constitution-making process/ the total number of respondents.	The greater the public is aware of and engaged in the process, the more legitimate the final document.	Public survey.	By sex, minority status, geographic region.
iii. Level of transparency demonstrated by constitution makers.	Numerical score on a scale of 0 to 6, representing the # of the following criteria met: <ul style="list-style-type: none"> • constitutional drafting sessions open to the public; • constitution makers engage/d with traditional media to discuss issues under debate; • constitution makers engage/d with social media to discuss issues under debate; • drafts of the instrument printed and/or posted online; 	The greater the transparency in the process, the more legitimate the final document.	Expert survey.	None.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<ul style="list-style-type: none"> • drafts of the instrument available in all relevant local languages; • the constitution-drafting body established a website. 			
iv. Extent of public participation in constitution making.	Numerical score on a scale of 0 to 4, representing the # of the following criteria met: <ul style="list-style-type: none"> • input from diverse geographic regions solicited, via dialogues, polls, social media or other methods; • marginalized groups¹ commented on drafts; • civil society organizations have commented on drafts; • public approval of the document has been secured through an electoral or representative process. 	The degree to which citizens participate in a deliberative constitution-making process, the greater the legitimacy of the final document.	Expert survey.	None.
v. Public perception on the extent to which the constitution reflects citizens' consensus on the future of the state.	Percentage, calculated as # respondents who "agree/strongly agree" that constitutional content reflects a common vision for a shared state concerning the criteria below/ # of respondents * 100. Criteria: <ul style="list-style-type: none"> • How the constitution defines long-term principles on the nature of the state and of the political system; • How the constitution defines limits within which the ruling majority may exercise power; • How the constitution defines the rights and duties of citizens; 	Measures perceived legitimacy in achieving the primary task of constitution drafting.	Public survey.	By criteria.

¹ Marginalized groups will vary depending upon country context, but could include women; ethnic, racial, religious, and sexual minorities; persons with disabilities; youth; the elderly; and displaced and stateless persons.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<ul style="list-style-type: none"> The constitution is the product of reasonable deliberation and negotiation. 			
vi. Extent to which constitution complies with international norms and standards.	A numerical scale of 1 to 5 assigns one point for each criterion met. Constitutional provisions uphold international human rights norms and standards, particularly concerning <ul style="list-style-type: none"> the rights of individuals checks and balances the presumption of innocence due process guarantees periodic elections. 	The indicator measures quality of core content for constitutions.	Document review.	None.
vii. Extent of clarity and coherence in constitutional drafting. ²	Numerical score on a scale of 1 to 5, representing the # of criterion met: <ul style="list-style-type: none"> Versions in all official languages equally valid; language is simple, concise, and clear to foster predictability; language is gender-neutral words communicate ideas effectively and economically; organization allows for easy identification of specific points. 	The easier the document is to read and understand by all citizens, the more legitimate it is.	Expert survey.	None.

Applicable Standard Foreign Assistance Framework Indicators: None

² Definition adapted from the Interpeace 2011 handbook *Constitution-making and Reform: Options for the Process*, Chapter 2.6, pp. 215-216: <https://constitutionmakingforpeace.org/wp-content/themes/cmp/assets/handbooks/Constitution-Making-Handbook-English.pdf>.

Programming Option 2(b): Legal reform commissions and citizen mobilization

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which there is a network of cooperative associations or interest groups to mediate between society and the political system.	Numerical score on a scale of 1-10, defined as follows: 9-10: There is a broad range of interest groups that reflect competing social interests, tend to balance one another and are cooperative. 6-8: There is an average range of interest groups, which reflect most social interests. However, a few strong interests dominate producing a latent risk of pooling conflicts. 3-5: There is a narrow range of interest groups, in which important social interests are underrepresented. Only a few players dominate, and there is a risk of polarization. 1-2: Interest groups are present only in isolated social segments, are on the whole poorly balanced and cooperate little. A large number of social interests remain unrepresented.	Provides insight into the level of representation of societal interests in the political system.	Bertelsmann Transformation Index https://atlas.bti-project.org/share.php?l*2018*TV:SDS1:MAP*DOA*TOPO:REGION:TOF Select country and view “Interest Groups” results under “Political and Social Integration.”	None.
ii. Level of transparency demonstrated by lawmakers.	Numerical score on a scale from 0 to 7, with one point assigned for each criterion met: <ul style="list-style-type: none"> • public hearings on pending laws are held; • lawmakers engage with traditional media to discuss issues under debate; • lawmakers engage with social media to discuss issues under debate; • lawmakers engage with civil society to discuss issues under debate; • law drafts are printed and/or posted online; • law drafts are printed and/or posted online in more than one local language; • the legislative drafting body has established a website. 	The indicator measures effort by lawmakers to lead an inclusive, informed, and accountable process.	Expert survey.	None.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iii. Level of constituent engagement in policymaking by legal reform commissions and CSOs	Low/medium/high Measures the breadth of constituency engagement in policy efforts based on the following criteria: <ul style="list-style-type: none"> • Commissioners/CSOs engage multiple domestic stakeholders across, e.g., geographic locations, the private sector, local government, academic institutions and think tanks, etc. • Commissioners/CSOs engage domestic marginalized groups such as women, youth, the elderly, rural people, people with disabilities, indigenous people, and ethnic, linguistic, religious, or sexual minorities • Commissioners/CSOs use multiple domestic outreach mechanisms, such as membership drives/ outreach events, public fora, public opinion polls, traditional and social media, etc. • Commissioners/CSOs engage regional and/or third-country stakeholders through online campaigns, mobile applications, coalitions, and/or international memberships Low: 0-1 criteria met; Medium: 2 to 3 criteria met; High: 4 criteria met.	The indicator measures CSO effort to gather inclusive perspectives into law and policymaking.	Expert survey	By criterion; by law or statute.
iv. Extent to which CSOs effectively influence public policy.	Measures the prevalence of advocacy on a scale from 1 to 7, with a score of 1 indicating a very advanced capacity to influence public policy, and a score of 7 indicating low capacity. The advocacy score analyzes CSOs' record in different sectors, at different levels of government, as well as with the private sector.	The indicator measures the effectiveness of the CSO sector in articulating demands to government concerning the changing needs, issues and interests	CSO Sustainability Index Advocacy Score 2017 CSO Sustainability Index (CSOSI) for Central and Eastern Europe and Eurasia (see p. 273) https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf	None.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
		at community and national levels.	2016 CSOSI for Sub-Saharan Africa (see p. 270): https://www.usaid.gov/sites/default/files/documents/1866/2016_Africa_CSOSI_-_508.pdf 2016 CSOSI for MENA (see pp. 82, 84, 86) https://www.usaid.gov/sites/default/files/documents/1866/2016_MENA_CSOSI_-_508.pdf 2016 CSOSI for Asia (see pp. 79-80) https://www.usaid.gov/sites/default/files/documents/1868/2016-Asia-CSOSI-Report.pdf 2015 CSOSI for Afghanistan (see p. 1) https://www.usaid.gov/sites/default/files/documents/1866/2015-CSOSI-report-Afghanistan%2009-16-2016--DEC.pdf 2015 CSOSI for Pakistan (see p. 1) https://www.usaid.gov/sites/default/files/documents/1866/2015-CSOSI-report-Pakistan%2009-16-2016--DEC.pdf	
v. Extent to which the public image of CSOs is positive.	Numerical score on a scale of 1 to 7, measuring the extent and nature of the media's coverage of CSOs, along with the awareness and willingness of government officials to engage CSOs, and the public's knowledge and perception of the sector as a whole. A score of 1 indicates a very positive public perception whereas a score of 7 indicates the lowest public image.	Positive public image of CSOs suggests that the interests of the public is adequately and accurately conveyed to the government, enhancing its legitimacy.	2017 CSOSI for Central and Eastern Europe and Eurasia (see p. 276) https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf 2016 CSOSI for Sub-Saharan Africa (see p. 271): https://www.usaid.gov/sites/default/files/documents/1866/2016_Africa_CSOSI_-_508.pdf 2016 CSOSI for MENA (see pp. 82, 84, 87)	None.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
			https://www.usaid.gov/sites/default/files/documents/1866/2016_MENA_CSOSI_-_508.pdf 2016 CSOSI for Asia (see pp. 79-80) https://www.usaid.gov/sites/default/files/documents/1868/2016-Asia-CSOSI-Report.pdf 2015 CSOSI for Afghanistan (see p. 1) https://www.usaid.gov/sites/default/files/documents/1866/2015-CSOSI-report-Afghanistan%2009-16-2016--DEC.pdf 2015 CSOSI for Pakistan (see p. 1) https://www.usaid.gov/sites/default/files/documents/1866/2015-CSOSI-report-Pakistan%2009-16-2016--DEC.pdf	

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of groups trained in conflict mediation/resolution skills or consensus-building techniques with USG assistance DR 3.1-2	“Groups” are entities (e.g. NGOs, government, women’s groups, political parties, civil society organizations, unions, employers, factions, media, or ethnic or marginalized groups) involved in, or planning to be involved in, conflict mediation or consensus-building processes. Training can be for any amount of time at a USG sponsored event, workshop or seminar.	Contributes to peaceful agreement on democratic reform, rules, and frameworks.	Implementer activity records.	Number of women's rights groups Number of groups working on LGBTI issues Number of indigenous people's groups Number of groups working on religious freedom

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of consensus building forums (multi-party, civil/security sector, and/or civil/political) held with USG Assistance DR 3.1-3	Multi-party, civil/military, civil /political forums are events, seminars, meetings, and conferences that bring together groups in tension or conflict in an effort to generate greater understanding and consensus. Civil in this sense means “public” and indicates a meeting, town hall, forum, etc. in which the public can communicate directly with representatives of parties (or government) or the security sector (military, police).	This data indicates level of effort.	Implementer activity records.	None.
Number of individuals receiving civic education through USG-assisted programs DR 3.2-5	Any individuals that receive civic education through print, broadcast, or new media, as well as via in-person contact can be counted. Civic education also includes curriculum-based trainings, community-based trainings in underserved areas, public service announcements on electronic media, written materials, internet-based information and messages using new media or technology (in this usage primarily, but not exclusively social networking sites like Facebook and Twitter).	The provision of civic education in developing democracies will help ensure that individuals have the information they need to be effective participants in the democratic process, contributing to the development or maintenance of electoral democracy.	Implementer activity records.	By sex.
Number of USG-supported activities designed to promote or strengthen the civic participation of women DR 4-1	An activity is defined as a specific, individual action under a larger program, for example a training or capacity building initiative, the design of an event that incorporates or encourages women’s participation, or an advocacy campaign to encourage and increase women’s civic participation. To be counted, an activity should explicitly identify strengthening, promoting, or increasing women’s participation as one of its objectives, and should be intended to achieve a quantifiable increase or qualitative improvement in women’s civic participation at the local or national level.	This indicator measures the output of USG assistance that seeks to build the necessary or enabling conditions for the achievement of long-term, sustainable progress toward more inclusive civic processes, leading to increased citizen accountability and decision-making that better reflects the needs and interests of all citizens. In addition, this output is a contributing factor to long-term progress towards increasing gender equality and women’s empowerment.	Implementer activity records.	None.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of civil society organizations (CSOs) receiving USG assistance engaged in advocacy interventions DR 4.2-2	CSOs that receive USG assistance initiate or participate in advocacy interventions. Advocacy should be understood as a means for individuals, constituencies, or organizations to shape public agendas, change public policies, and influence other processes that impact their lives. Advocacy does not involve one march, meeting or poster, but a series of strategic, interconnected, integrated activities designed to achieve a goal. It may include a wide range of activities, such as, lobbying, public interest litigation, letter writing campaigns, civil disobedience, etc.	This indicator sheds light on the extent to which Missions are working with civil society to assist them in having a voice in public decision-making and other political processes.	Implementer activity records.	Number of groups working on LGBTI issues Number of women's rights groups Number of indigenous people's groups Number of disability rights organizations Number of groups working on religious freedom
Number of USG-assisted civil society organizations (CSOs) that participate in legislative proceedings and/or engage in advocacy with national legislature and its committees DR 4.3-1	Measures CSOs' active participation in, or engagement with, legislative proceedings. Participation and advocacy includes, for example, attending and contributing to public hearings or committee meetings, submitting policy briefs or position papers, providing comments on proposed legislation, meeting with MPs or staff, etc. Measures both civil society advocacy efforts with legislatures and legislative outreach and openness to civil society engagement. CSOs can include both formal and informal institutions and do not need to be registered with their national government.	This indicator will measure improvements in legislative openness and transparency and increased CSO engagement with, or participation in, legislative processes; indicative of the need for or effectiveness of USG assistance.	Implementer activity records.	Number of groups working on LGBTI issues Number of women's rights groups Number of indigenous people's groups Number of disability rights groups Number of groups working on religious freedom

Programming Option 2(c): Harmonization of non-state customary or religious law with state-based body of law

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Existence of a legislative agenda to harmonize customary practices with state law and international human rights.	“Legislative agenda” includes draft legislation, national action plans, or other clear processes towards harmonization. Unit: Yes/No	A legislative agenda evidences an understanding of the necessary measures a state must enact to ensure equal treatment and non-discrimination under customary law, consistent with international human rights law.	Verified domestic records.	None.
ii. Extent to which customary law respects due process principles.	Numerical score on a scale of 0-5 based upon how many of the below criteria are followed in customary practice: <ul style="list-style-type: none"> • the presumption of innocence; • freedom from arbitrary arrest and unreasonable pre-trial detention; • criminal suspects are able to access and challenge evidence used against them; • suspects are not subject to abusive treatment; • suspects are provided with adequate legal assistance. 	Due process is a proxy measure for fairness.	Expert survey.	By customary body.
iii. Extent to which customary practice in family law matters is in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).	Numerical score on a scale of 0-7 based upon whether customary practices in the areas listed below extend equal rights to men and women: <ul style="list-style-type: none"> • right to enter into marriage • right freely to choose a spouse • rights and responsibilities during marriage and at its dissolution • rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount • rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children 	CEDAW sets international standards regarding discrimination against women. The extent to which customary law complies with these standards helps inform whether programming in this area is needed.	Expert survey.	By customary body and criterion.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<ul style="list-style-type: none"> personal rights as husband and wife, including the right to choose a family name, a profession and an occupation rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration 			
iv. Extent to which customary practices surrounding inheritance follow CEDAW General Recommendation No. 21.	Numerical score on a scale of 0-2 with 1 point for each criterion below that customary practices uphold: <ul style="list-style-type: none"> men and women in the same degree of relationship to a deceased are entitled to equal shares in the estate and to equal rank in the order of succession; inheritance rights for widows reflect the principles of equal ownership of property acquired during marriage. 	These standards clarify how equality before the law is maintained in inheritance matters. The extent to which customary law complies with these standards helps inform whether programming in this area is needed.	Expert survey.	By customary body and criterion.
v. Extent to which customary practice in adjudicating offenses committed by minors is in accordance with the Convention on the Rights of the Child (CRC).	Numerical score on a scale of 0- 6, with one point assigned for each criterion below that customary practices prohibit for persons below eighteen years of age: <ul style="list-style-type: none"> cruel, inhuman or degrading treatment or punishment; capital punishment or life imprisonment without possibility of release; unlawful or arbitrary deprivation of liberty; treatment that violates the inherent dignity of the human person; severed contact between a child and his or her family, save in exceptional circumstances; obstructed access to legal and other appropriate assistance, as well as denied rights to challenge the legality of the deprivation of his or her liberty before a court or other competent, 	CRC sets international standards regarding children’s treatment in custody as well as the severity of their sentencing. The extent to which customary law complies with these standards helps inform whether programming in this area is needed.	Expert survey.	By customary body and criterion.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	independent and impartial authority, and to a prompt decision on any such action.			
vi. Existence of right to appeal decisions in informal justice sector. ³	“Right to appeal” means that applicants finding fault with the informal dispute resolution procedure may present the facts of the case to a higher authority. Unit: Yes/No	An appeals process safeguards disputants against arbitrary or prejudicial decision-making to some degree and promotes accountability for customary decision-making.	Case study/ observation, document review.	None.
vii. Public perception of the fairness of non-state or informal justice mechanism. ⁴	Percentage, calculated as # of respondents rating informal justice mechanisms as “more or less fair”/ # of respondents * 100.	Perceived fairness in dispute resolution indicates that users note little or no discrimination or unequal treatment.	Public survey.	By sex, minority status, and geographic region.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of individuals from low income or marginalized communities who received legal aid or victim’s assistance with USG support DR 6.3-1	Areas of low income is defined as those where 60% of the population has an income in the lowest quintile of the country as a whole. Marginalized communities are those who have traditionally been excluded from power and access to resources, and may include indigenous peoples, tribal peoples, other minorities, LGBTI populations, women and girls,	Local availability of legal aid or victim’s assistance for low income or marginalized communities indicates some degree of effectiveness in providing access to justice, a key component of rule of law and human rights. When low income and marginalized groups can access justice it helps improve the legitimacy of the justice system	Implementer activity records.	By sex and Number of participants self-identifying as a member of the LGBTI community Number of youth (Age: 10-29) Number of persons with disabilities Number of ethnic minorities

³ Indicator 38 from Parsons, Jim et al. July 2008, *Developing Indicators to Measure the Rule of Law: A Global Approach: A Report to the World Justice Project*, Vera Institute of Justice Altus Global Alliance (hereafter “Vera-Altus Indicators”), (https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf) p. 11.

⁴ Vera-Altus Indicator 34 https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	youth, individuals with disabilities, or other similar groups.	as a whole because individuals can depend on the justice system to seek relief.		Number of indigenous persons Number of religious minorities
Number of persons trained with USG assistance to advance outcomes consistent with gender equality or female empowerment through their roles in public or private sector institutions or organizations	This indicator is a count of the number of persons trained with USG assistance to advance gender equality or female empowerment objectives in the context of their official/formal role(s) within a public or private sector institution or organization.	This indicator measures a primary output of USG assistance efforts that seek to build the capacity of public and private sector institutions and organizations to support long-term, sustainable progress toward gender equality and female empowerment.	Implementer activity records.	By sex.

Programming Option 2(d): Transitional justice mechanisms to address past abuses

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which sentencing in transitional justice contexts conforms to standards established by the International Criminal Court.	Measures whether prison sentence reduction terms offered to perpetrators of grave human rights violations as part of peace agreements adhere to the following: a. suspended sentences are unacceptable; b. reduced sentences are predicated on specific concessions: <ul style="list-style-type: none"> • full acknowledgment of responsibility; • demobilization and disarmament; • a guarantee of non-repetition; • assistance in establishing the truth; or • a temporary ban from political participation. Low/medium/high, defined as follows: Low: criterion a. is not met Medium: both criterion a. and one or two concessions for reduced sentences listed under b. are met High: both criterion a. and three or more concessions for reduced sentences listed under b. are met.	These measures constitute a global transitional justice norm for sentencing, promulgated by the recognized international regulator of accountability for mass atrocity.	Verified domestic records.	None.
ii. Utilization of international and hybrid tribunals in criminal cases emanating from a period of armed conflict.	International tribunals like the International Criminal Court address violations of international humanitarian law, generally targeting high-level planners or architects of war crimes and other atrocities. Hybrid tribunals involve national and international judges and often combine national and international law precepts. Ration: # of cases in each tribunal	International tribunals likely indicate that the post-conflict state is unwilling or unable to pursue high-level prosecutions. Hybrid tribunals may indicate a lack of capacity but willingness to pursue prosecution.	Verified court/tribunal records.	By type of crime.
iii. Extent to which perpetrators engage in community-based	“Community-based mechanisms” include truth commissions, healing ceremonies, and other locally-based mechanisms to pursue accountability in a way	Greater engagement signals local commitment to	Verified domestic records.	By geographic region and type of crime.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
reconciliation mechanisms.	that is relevant to community norms and understandings. Unit: #	restorative justice and reconciliation.		
iv. Diversity in composition of community-based reconciliation councils. ⁵	Percentage, calculated as # community-based adjudicators who are women and relevant ethnic, religious, racial, rural, or other minorities/ number of adjudicators * 100.	Lack of inclusion in the process introduces the potential for bias, or perceived bias, impacting the effectiveness and perceived legitimacy of community-based mechanisms.	Verified domestic records.	By sex, minority status of members and geographic region.
v. The reparations program has implemented cash payments and/or pensions specifically for widows/spouses. ⁶	Yes/no This indicator requires the use of specific language to include widows/spouses in laws and/or implementing guidelines for reparations programs. If widows/spouses are not specifically mentioned then an answer of “no” applies.	Specific compensation for widows and spouses of the deceased/disappeared signals states’ commitments to the effective inclusion of women and girls in reparations programs.	Verified domestic records.	None.
vi. Availability of medical services specifically for victims of Sexual and Gender Based Violence (SGBV) in reparations program.	“SGBV” includes but is not limited to forced union, forced pregnancy, forced sterilization or loss of fertility, and forced abortions. “Medical services” include but are not limited to: psychosocial support; pre- and post-natal care for women who have become pregnant from rape; fistula surgery; interventions to restore fertility; interventions to repair damage to sexual organs; etc. Unit: Yes/No	The indicator signals whether the need for rehabilitation is being addressed, and whether or not a reparations program includes SGBV.	Verified domestic records.	By type of reparation.

⁵ This indicator has been modified from a similar indicator in *Measuring Progress Toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*, 2003, Vera Institute of Justice, see Access to Justice Indicator 5, pp. 27-28. https://storage.googleapis.com/vera-web-assets/downloads/Publications/measuring-progress-toward-safety-and-justice-a-global-guide-to-the-design-of-performance-indicators-across-the-justice-sector/legacy_downloads/207_404.pdf

⁶ Arthur, Paige, *Notes from the Field: Global Indicators for Transitional Justice and Challenges in Measurement for Policy Actors*, *Transitional Justice Review*, Vol.1, Iss.4, 2016, 283-308 <https://ir.lib.uwo.ca/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1080&context=tjreview>.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vii. Extent to which population supports alternative justice outcomes for perpetrators of abuse in armed conflict.	<p>“Alternative justice outcomes” include public acknowledgment of actions; requests for forgiveness; reparations to victims; guarantees of non-repetition; and giving up arms.</p> <p>Percentage calculated as # respondents attesting that they “agree” or “mostly agree” that a contextualized selection of alternative justice outcomes are sufficient to hold perpetrators of abuse in armed conflict accountable/# respondents * 100.</p>	Public support is an indicator of the likelihood that alternative justice outcomes will meaningfully contribute to reconciliation and peace.	Public survey.	By sex. Further disaggregation on basis of minority status, age, and/or geographic region, as available and appropriate in country context, will allow for more granular analysis.
viii. Prevalence of gender-specific war crimes tried resulting in conviction.	<p>“Gender-specific war crimes” include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and other forms of sexual violence of comparable gravity.</p> <p>Percentage, calculated as # convictions for gender-specific war crimes/# gender-specific war crime cases tried * 100.</p>	Measures an aspect of effectiveness in prosecution and provides insight into potential needs for specialized justice sector personnel training and psycho-social services.	Verified domestic records.	By geography, type of crime, and age and minority status of victims/survivors, as available.
ix. Impact of truth commission recommendations in larger justice reform processes.	<p>“Larger justice reform processes” include justice reform strategies adopted by legislative bodies, state agencies, and justice practitioners.</p> <p>Unit: # of recommendations incorporated</p>	Measures the effectiveness of truth commissions in helping address injustice within social histories, and restoring state legitimacy.	Verified domestic records/Expert survey.	None.

Applicable Standard Foreign Assistance Framework Indicators: None

ANNEX 3. INDICATOR DETAIL

FRAMEWORK ELEMENT 3: CHECKS AND BALANCES

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Extent to which there is a working separation of powers (checks and balances). ¹	Numerical value on a scale of 1-10, defined as follows: 10: there is a clear separation of power with mutual checks and balances; 7: the separation of powers is in place and functioning. Checks and balances are occasionally subject to interference, but a restoration of balance is sought; 4: The separation of powers is formally established but weak in practice. One branch, generally the executive, has largely undermined checks and balances; 1: there is no separation of powers, neither <i>de jure</i> nor <i>de facto</i> .	This aggregate indicator looks at the extent to which the basic elements of separation of powers, including checks and balances, institutional differentiation, and division of labor, exists.	Bertelsmann Transformation Index, Country Report, Democracy Status, Rule of Law criterion. https://www.bti-project.org/en/data/atlas/ Conducted every two years, on the even year.	None.
Extent to which an independent judiciary exists. ²	Numerical value on a scale of 1-10, defined as follows: 10: The judiciary is independent and free both from unconstitutional intervention by other institutions and from corruption. It is institutionally differentiated, and there are mechanisms for judicial review of legislative or executive acts. 7: The judiciary is largely independent, even though occasionally its decisions are subordinated to political authorities or influenced by corruption. It is institutionally	An independent judiciary is part and parcel to fulfilling its function in a system of checks and balances. This indicator is premised upon the definition of an independent judiciary having autonomy to review laws, render decisions free from external influences, and administer a distinct branch of government capable of managing personnel and resources, instituting case management processes, and	Bertelsmann Transformation Index, Country Report, Democracy Status, Rule of Law criterion. https://www.bti-project.org/en/data/atlas/ Conducted every two years, on the even year.	None.

¹ See, Bertelsmann Transformation Index: Status Index, Political Transformation, Democracy Status, Rule of Law criterion. Codebook Rule of Law 3.1. <https://www.bti-project.org/en/about/project/methodology/>

² Ibid.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<p>differentiated, but partially restricted by insufficient territorial or functional operability.</p> <p>4: The independence of the judiciary is heavily impaired by political authorities and high levels of corruption. It is to some extent institutionally differentiated, but severely restricted by functional deficits, insufficient territorial operability and scarce resources.</p> <p>1: The judiciary is not independent and not institutionally differentiated.</p>	<p>maintaining minimum standards of professionalism.</p>		
<p>Extent to which judiciary is independent.</p>	<p>Numerical value on a scale of 1-4 with 4 representing an independent judiciary.</p>	<p>Freedom House’s Freedom in the World reflects assessments by external analysts using a combination of on-the-ground research, consultations with local contacts, and information from news articles, nongovernmental organizations and other sources.</p>	<p>Scoring for Rule of Law Question FI (Is there an independent judiciary) can be accessed per country at: https://freedomhouse.org/report-types/freedom-world</p>	<p>None.</p>
<p>Effectiveness of limits by the judiciary.³</p>	<p>Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest</p>	<p>Capacity of the judiciary to exercise its authorities to limit overreaches of power by other branches is a key element of checks and balances.</p>	<p>https://worldjusticeproject.org/our-work/wjp-rule-law-index, interactive data, full country profile, constraints on government powers, 1.2.</p>	<p>None.</p>

³ This indicator is drawn from the World Justice Project Rule of Law Index (WJP ROL Index), Constraints on Government Powers, 1.2.

Programming Option 3 (a): Establishing or strengthening independent judicial bodies

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Judges have legal authority to question constitutionality of laws and defer their application pending some authoritative decision by a judicial body. ⁴	<p>“Authoritative decision” references a judgment from a judicial body that serves as the final arbiter of the constitution. “Judicial body” could refer to a Supreme Court, Constitutional Tribunal, or other designated entity authorized to render an authoritative decision.</p> <p>Yes/No indicator.</p>	Judicial review is the key manner through which judiciaries are able to provide a check on abuse of power from other branches of government.	Statutory review.	None.
ii. Government powers are effectively limited by the judiciary.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	This is a <i>de facto</i> indicator, complementing the <i>de jure</i> , indicator regarding the authority of the judiciary to conduct judicial review.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, civil justice, 1.2	None.
iii. Judges serving on judicial bodies are appointed for fixed terms that provide a guaranteed tenure, which is protected until the expiration of that term or retirement, absent specific impeachable offenses. ⁵	Yes/No indicator. Yes indicates that the law provides that judges on the Constitutional and/or Supreme Courts, or serving on a Judicial Council are appointed/elected for fixed terms, and are protected from expulsion during that term absent delineated impeachable offenses.	Reflects the extent to which the legal and regulatory framework insulates judges serving on judicial bodies from external threats.	Statutory review.	May be disaggregated based on type of judicial body, if legal tenure protections differ.
iv. Judicial bodies have authority to make budget allocations, to	Numerical value on a scale of 0-4, depending on how many of the following elements are provided for in the legal	This 4-part indicator reflects whether the underlying legal	Statutory Review.	None.

⁴ This indicator has been modified from a similar indicator in USAID’s Handbook of Democracy and Governance Program Indicators, 1998 (DG Indicator Guide). See, e.g., DG Indicator 2.1.4.2.

⁵ This indicator has been modified from similar indicators used by the United Nations as well as in USAID’s DG Indicator Guide. See, e.g. UN ROL Indicator #56, and DG Indicator 2.1.4.2(3).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
manage judicial careers, (including selection and promotion processes), and to develop policy for the judicial sector.	framework: <ul style="list-style-type: none"> • financial independence to make budget allocations; • authority to manage judicial careers; • policy-making authority; • assurances against improper interference. 	framework provides for autonomy of the judicial branch.		
v. Diversity of judges serving on judicial bodies. ⁶	Percentage, calculated as follows: $\frac{\text{\#women+minority judges on judicial bodies}}{\text{\# judges on judicial bodies}} * 100$ Minorities can be ethnic, religious, or disability status	Assesses extent to which judicial leadership reflects diversity of population. Results should be compared to the relative proportions in the population generally as well as of those eligible to serve on the judicial bodies.	Verified domestic records.	Disaggregated by sex and individual minority status as well as by individual judicial body.
vi. Extent to which judicial bodies render timely decisions.	Percentage, calculated as follows: $\frac{\text{\# matters resolved annually}}{\text{\# matters brought annually}} * 100$	This indicator assesses the capacity and/or sufficiency of judges and staff as compared to the workload.	Verified domestic records.	By specific judicial body and by type of matter (ie case versus disciplinary matter)
vii. The judiciary has a current strategic plan, budget projections, promotion and discipline standards, and an ethics code. ⁷	Numerical value on a scale of 0-4, based upon the number of elements currently in place: Strategic plan, budget projections, promotion and discipline standards, and/or ethics code. judiciary.	These elements are fundamental to public administration. A score of 4 would indicate that judicial bodies have at least minimal capacity to exercise their management authorities. More qualitative assessment of the quality of these documents could accompany this indicator.	Verified domestic records.	By specific instrument.

⁶ This is a modified version of UN Rule of Law Indicator #78.

⁷ This is a modified version of UN Rule of Law Indicator #38.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
viii. Adequacy of material resources available to the judicial bodies. ⁸	This is a scaled indicator, averaging the responses in an expert survey responses to the question: “With respect to the courts across most of the country (not just the capital), to what extent do you agree that courts have the material resources they need to consult the law, record proceedings, schedule cases, and store and maintain records?” fully agree (4); partly agree (3); disagree (2); strongly disagree (1).	Failing to provide adequate resources to those bodies responsible for ensuring the independence of the judiciary is another means of thwarting the exercise of their authority.	Expert survey. Alternatively, one could survey the various judicial bodies, provided that appropriate checks were in place to guard against participant bias.	By judicial body.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of judicial personnel trained with USG assistance	Number of unique individuals participating in USG supported training. Judicial personnel in this instance would include those serving judicial bodies responsible for safeguarding the independence of the judiciary and providing checks on the power of other branches of government, including judges and staff of constitutional supreme courts and/or judicial councils or administrative offices.	Output: measures the output of training activities for judicial personnel. (FA DR. 1.3-1)	Implementer activity records.	Sex. Further disaggregation on basis of religious affiliation, ethnicity, disability status, and/or age, as appropriate in country context. Further disaggregation based upon position will allow for more granular analysis.
Number of training and capacity building activities conducted with USG assistance that are designed to promote the participation of women or the	Number of distinct trainings or capacity building activities for judicial personnel that promotes participation of women or integration of gender perspectives. Judicial personnel in this instance would be limited to those serving judicial bodies responsible for safeguarding the independence of the judiciary and providing checks on the power of other branches of government. Examples would include training of judges and staff on	Output: measures the output of training and other capacity building activities specific to gender equality and integration. (FA GNDR-9)	Implementer activity records.	None.

⁸ This is a modified version of UN Rule of Law indicator #75.

integration of gender perspectives in judicial bodies.	constitutional and supreme courts and/or judicial councils on gender inclusivity, sexual harassment, gender equal work environment, gender-sensitive solicitation and hiring practices. Unit: Number of discrete activities			
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Programming Option 3(b): Upgrading or reforming judicial career processes

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Existence of system for objective merit-based selection and promotion of judges. ⁹	“System” signifies a legal mandate set forth in the constitution, normative acts, or regulatory procedures. “Objective merit-based” refers to established standards related to demonstrable educational background, experience, knowledge, and integrity reasonably related to the responsibilities required of the respective position. Unit: Yes/No	To fulfill the checks and balances function, judges must not be beholden to the executive or legislative branches. Systems for selecting and promoting judges that are based upon individual merit helps ensure this independence. Even if there is political influence on appointments or personal contacts play a role in advancement of candidates for consideration, a minimal standard of measurable merit should serve as a threshold below which candidates will not be appointed or confirmed.	Constitutional, statutory and regulatory review.	None.
ii. Extent to which new appointments are in accord with objective, merit-based criteria. ¹⁰	“Objective, merit-based criteria” refers to established standards related to demonstrable educational background, experience, knowledge, and integrity, reasonably related to the responsibilities required of the respective position. Such criteria should be established in a fixed and transparent manner, typically in the law or other normative acts. Unit: Percentage calculated as follows: $\frac{\# \text{ judges appointed in past 12 months in accordance with criteria}}{\# \text{ judicial appointments}} * 100$	This indicator tests the extent to which a merit-based system is applied in practice, or, absent a formal system, the extent to which appointments are nonetheless tethered to objective criteria.	Verified domestic records.	Sex and by type of appointment.

⁹ This indicator is a modified version of USAID DG’s Indicator 2.1.4.3(6)

¹⁰ This indicator is a modified version of USAID DG Indicator 2.1.4.2(2) and is consistent with an indicator included in USAID’s SSR Indicators Guide from 2018.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iii. Diversity within judicial bench. ¹¹	Percentage, calculated as follows: # female + minority judges/ # judges *100	This indicator measures the extent, to which judicial selection is non-discriminatory and may identify latent bias even in seemingly objective selection criteria. However, the historical context of the makeup of the judiciary is important. In some systems, women or other traditionally marginalized groups may initially be over-represented because judges historically lacked authority compared to prosecutors or attorneys assigned to ministries under prior regimes. Additionally, access to legal education for marginalized populations may influence the proportion of candidates for judicial positions. Therefore, collection of contextual and complementary data is important to put results under this indicator into perspective to develop reasonable targets and monitor progress toward strategic objectives or project purposes.	Verified domestic records.	Sex and type of minority, as appropriate in domestic context.
iv. Equity in promotion rates for male versus female and minority judges. ¹²	Percentage, calculated as follows: #female + minority judges promoted / # judges promoted *100	This indicator is designed to reveal whether discrimination persists even after individuals from marginalized populations are admitted into the judiciary. Women and people of minorities often face “glass ceilings” in their professions. Therefore it is important to measure not only the ratio of appointments to the judicial profession, but also their respective rates of promotion.	Verified domestic records.	Sex and type of minority, as appropriate in domestic context, as well as by promotion level (ie, salary grade, title, court)
v. Extent to which judges are appointed for fixed terms that provide a guaranteed tenure,	Unit: Percentage, calculated as follows:	Providing judges with tenure, whether per term or for life, provides some protection them from threats/improper inducements	Verified domestic records.	Sex and court level

¹¹ This is a modified version of UN Rule of Law Indicator #78.

¹² This indicator is consistent with those in USAID’s SSR Indicators Guide from 2018.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
<p>which is protected until retirement age or the expiration of a defined term of substantial duration.¹³</p>	<p># judges with guaranteed tenure / # judges *100</p>	<p>related to the professional responsibilities, thereby supporting their autonomy.</p>		
<p>vi. Extent to which judges feel protected from arbitrary removal or punishment.¹⁴</p>	<p>Extent will be measured based upon their agreement with the statement: Judges are protected from arbitrary removal or punishment.</p> <p>Unit: Average score of all respondents on a four-point scale corresponding to the following four response categories: fully agree (4); partly agree (3); disagree (2); strongly disagree (1).</p>	<p>Despite statutory protections, judges may feel vulnerable if those protections are not uniformly enforced or can be manipulated. A sense of vulnerability can influence judicial outcomes, even absent an overt threat. Accordingly, an independent judiciary requires some measures of protection to enable the judiciary to perform its functions independently, including those that provide checks on power of other branches of government.</p>	<p>Periodic survey of sitting judges.</p>	<p>Sex and minority status, as appropriate to domestic context, as well as by court level</p>
<p>vii. Extent to which judicial performance reviews are given on a regular and predictable basis.¹⁵</p>	<p>“Performance reviews” are formal, written evaluations shared with the individual reviewed; “regular and predictable basis” indicates that they are pursuant to a uniformly enforced law or policy or practice setting time intervals for performance reviews.</p> <p>Unit: Percentage, calculated as follows:</p> <p># judges receiving periodic reviews/ # judges *100</p>	<p>Regular performance reviews not only provide judges with feedback on their performance, but also document merit-based grounds for promotion or deficiencies warranting discipline, making subsequent personnel decisions more transparent and accountable.</p>	<p>Verified domestic records.</p>	<p>Sex and minority status, as appropriate to domestic context, as well as by court level</p>

¹³ This indicator is consistent with UN ROL Indicator #56.

¹⁴ This indicator is consistent with UN ROL Indicator #57.

¹⁵ This indicator is a modified version of indicators in USAID’s DG Indicators and SSR Indicator Guides. If a periodic judicial survey is planned, as suggested in indicator 3(b)(vi), this indicator could be modified to reflect judges who report receiving performance reviews on a regular and predictable basis, for slightly more nuanced results.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of judicial personnel trained with USG assistance	Number of unique individuals participating in USG supported training. Judicial personnel in this instance would include those serving judicial bodies responsible for safeguarding the independence of the judiciary and providing checks on the power of other branches of government, including judges and staff of constitutional supreme courts and/or judicial councils or administrative offices.	Output: measures the output of training activities for judicial personnel. (FA DR. 1.3-1)	Implementer activity records.	Sex. Further disaggregation on basis of religious affiliation, ethnicity, disability status, and/or age, as appropriate in country context. Further disaggregation based upon position will allow for more granular analysis.

Programming Option 3(c): Improving working conditions for judicial personnel

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which courts have adequate material resources. ¹⁶	<p>Material resources includes technical equipment (including computers, printers, copiers, audio and visual recording equipment, and storage devices) as well as legal resources (primary and secondary legal resources in either digital or hard copy), clerical materials (including paper, pens, files, etc), furniture, and utilities.</p> <p>Unit: Numerical value averaging responses to an expert survey to the question: “With respect to the courts across most of the country (not just the capital), to what extent do you agree that courts have the material resources they need to consult the law, record proceedings, schedule cases, and store and maintain records?” fully agree (4); partly agree (3); disagree (2); strongly disagree (1).</p>	The adequacy of resources is critical not just to the administration of justice, but the perception of the judiciary as a third and equal branch of government.	<p>Expert survey.</p> <p>Alternatively, one could survey a sample of judicial personnel, provided that appropriate checks were in place to guard against participant bias.</p>	By respondents in the capital and non-capital.
ii. Extent to which courts have the means and resources to protect judges from threats, harassment, assault, assassination or intimidation. ¹⁷	<p>“Means and resources” includes budgetary allocations, buildings, security equipment and/or personnel as may be necessary based upon risk levels.</p> <p>Unit: Numerical value averaging responses to an expert or judicial survey to the question: “To what extent do you agree that courts have the means and resources to protect judges from threats, harassment, assault, assassination or intimidation?” fully agree (4); partly agree (3); disagree (2); strongly disagree (1).</p>	Physical security within the courts, as well as protection from threats of retaliation or retribution are key to ensuring that decisions are objective and not improperly influenced by external forces.	Judicial or Expert survey.	None.

¹⁶ This is a modified version of UN Rule of Law Indicator #75. If a periodic judicial survey is planned, as suggested in indicator 3(b)(vi), this indicator could be modified to reflect judges attitudes towards the adequacy of their own material resources.

¹⁷ This indicator is consistent with UN Rule of Law Indicator #76.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iii. Inventory and maintenance systems exist for equipment and infrastructure. ¹⁸	Inventory and maintenance system is defined as a plan for monitoring and replenishing inventory levels as needed (including replacing technical equipment at projected life-span intervals) and for conducting regular maintenance and necessary repairs that is anticipated and adequately resourced in the budget. Unit: Yes/No	Programming decisions based upon the existence of equipment and sufficiency of the facilities at a certain point in time will be skewed unless a realistic maintenance plan to keep that equipment in working condition also exists.	Verified domestic records.	None.
iv. Judicial salary as a percentage of what a comparable professional makes in private practice. ¹⁹	Extent will be measured based upon their agreement with the statement: judges and/or staff is paid a living wage and is commensurate with what is expected based on the duties assigned. Average score of all respondents on a four-point scale corresponding to the following four response categories: fully agree (4); partly agree (3); disagree (2); strongly disagree (1). Salary includes wages plus monetary value of benefits such as housing, transportation, and insurance. Comparable professionals are individuals with similar levels of education and years of professional experience. Unit: Percentage, calculated as follows: Average judicial salary/ Average comparable private salary*100	Competitive salaries, or compensation packages are necessary to attract qualified candidates and instill professional pride.	Periodic survey	Sex and minority status, as appropriate to domestic context, as well as by court level
v. Extent to which salary payments to judicial personnel are made according to	“Salary payments” includes wages as well as formal benefits, such as housing, transportation, and insurance. “Established timelines” means pursuant to a uniformly enforced law or policy	Even adequate compensation packages are insufficient if salaries are not paid on time	Expert or judicial survey.	If by judicial survey, disaggregation by sex or minority status, as appropriate per context, of

¹⁸ This indicator is consistent with USAID DG Indicator Guide, 2.1.4.3 (5).

¹⁹ This indicator is consistent with USAID DG Indicator Guide 2.1.4.2 (4).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
established timelines. ²⁰	or practice setting time intervals for salary payments. Unit: Percentage, calculated as follows: $\frac{\# \text{ respondents reporting timely payments}}{\# \text{ respondents}} * 100$			respondent. Further disaggregation by court level and geographic region may be helpful depending upon local context.
vi. Sufficiency of court facilities.	“Sufficient court facilities” refers to adequately sized space to allow for reasonable public attendance in courtrooms, a sufficient number of courtrooms to process cases in a timely manner, and courtrooms and judicial chambers have utilities commensurate with other governmental facilities. Unit: Numerical value averaging responses to an expert or judicial survey to the question: “To what extent do you agree that courtrooms are sufficient to allow for reasonable public attendance, that cases are not delayed for lack of courtrooms, and that utilities are commensurate with other governmental facilities.” fully agree (4); partly agree (3); disagree (2); strongly disagree (1).	Adequate working facilities are important not only for dispensing justice, but for attracting qualified candidates to the judiciary and supporting the perception that the judiciary is an equal branch of government,	Expert or judicial survey	By court level and geographic region, as appropriate in domestic context.

Applicable Standard Foreign Assistance Framework indicators: None

²⁰ This indicator is a modified version of UN Rule of Law Indicators 36 and 131.

Programming Option 3(d): Strengthening judicial administration, management and self-governance

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Whether the judiciary has performance guidelines and a system for monitoring performance that holds judges accountable for unnecessary delays in proceedings, case backlog, improper conduct, or absenteeism. ²¹	Performance guidelines can be codes of conduct, regulatory, or statutory. A “system for monitoring performance that holds judges accountable” is a system of specified consequences for delays in proceedings, case backlog, improper conduct and absenteeism. Unit: Yes/No	Elemental to self-governance is the capacity to manage judicial conduct and punish misconduct.	Verified domestic records.	None.
ii. Whether courts periodically produce a publicly available account of spending which is reasonably complete and itemized. ²²	“Account of spending” means an itemized list of expenditures accounting for budget allocations; “reasonably complete and itemized” indicates that the accounting corresponds to budget line items and account for at least 95% of the total budget. Unit: Yes/No	Judicial administration includes the capacity to manage fiscal resources.	Verified domestic records.	None.
iii. Extent to which line items of real budget expenditures fall within 5% of budget submission line items for judiciary budget. ²³	Unit: Percentage, calculated as follows: $\# \text{ expenditures within } 5\% / \text{total } \# \text{ budget line items } * 100$	The capacity to make accurate budget projections is an important element of administering the judicial branch.	Verified domestic records.	None.

²¹ This indicator is a modified version of UN ROL Indicator #67.

²² This indicator is consistent with UN Rule of Law Indicator #68.

²³ This indicator builds upon USAID DG Indicators, 2.1.4.3 (1) “Budget submission corresponds to real expenditures” and is consistent with the SSR Indicator Guide of 2018.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iv. Extent to which system for merit-based appointment and promotion of administrative staff utilized. ²⁴	“System” signifies a legal mandate set forth in the constitution, normative acts, or regulatory procedures. “Merit-based” refers to established standards related to demonstrable educational background, skills, experience, knowledge, and integrity reasonably related to the responsibilities required of the respective position. Unit: Yes/No	Ensuring that administrative staff have the necessary skills to perform their jobs not only makes the judiciary more efficient but also helps protect against corruption, and perceived corruption.	Verified domestic records.	None.
v. Extent to which administrative staff receives annual performance reviews (APRs).	Unit: Percentage, calculated as follows: $\frac{\# \text{ staff receiving APR/s}}{\# \text{ staff}} * 100$	Effective administration requires that non-judicial court personnel be managed in a transparent and merit-based manner and that staff has the skills necessary to perform their responsibilities.	Verified domestic records or survey of administrative staff.	None.
vi. Absence of improper government influence in civil matters.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	A well-administered judiciary will be resistant to improper government influence.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, civil justice, 7.4	None.
vii. Absence of improper government influence in criminal matters.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	A well-administered judiciary will be resistant to improper government influence.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, criminal justice, 8.5	None.

²⁴ This indicator is a modified version of USAID DG Indicator 2.1.4.3(6).

Applicable Standard Foreign Assistance Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of judicial personnel trained with USG assistance	Number of unique individuals participating in USG supported training. Judicial personnel in this instance would include those serving in administrative capacities within the justice sector. Unit: Number	Output: measures the output of training activities for administrative personnel. (FA DR. 1.3-1)	Implementer activity records.	Sex. Further disaggregation on basis of religious affiliation, ethnicity, disability status, and/or age, as appropriate in country context. Further disaggregation based upon position will allow for more granular analysis.

Programming Option 3(e): Strengthening independent judicial and legal professional associations

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which association leadership positions are held by marginalized groups. ²⁵	“Marginalized groups” includes women, as well as ethnic, racial and/or religious, minorities, and potentially could include youth (young professionals) as appropriate in domestic context. “Leadership positions” include institutional officers, committee chairs, and other titular positions. Unit: Percentage, calculated as follows: $\frac{\# \text{ marg persons in ldrshp}}{\# \text{ ldrshp positions}} * 100$	The extent to which leadership is inclusive and reflective of relevant professional group is a measure of its capacity to evenly advance professional interests and incorporate diverse views into its advocacy efforts.	Verified association records, and potentially survey.	Sex and marginalized group, as appropriate to domestic context, as well as by specific association.
ii. Adequacy of financial accounting practices by association. ²⁶	“Adequate financial accounting” is defined by the existence of: a) adequate expense records; b) double-entry bookkeeping; c) internal controls, including approval of expenditures; 4) production of financial statements on a regular basis; and 5) fundraising plan in place and being implemented. Unit: Score 1-5, depending upon number of elements met.	Sound financial accounting is essential to the success of professional associations as well as promoting transparency.	Verified association records.	By specific association.
iii. Extent to which operating funds come from existing income-generating activities or member dues.	“Income generating activities” can include fees for continuing legal/judicial education, conferences and/or other events, as well as space rental, sale of publications, etc.	This indicator measures financial sustainability of professional associations.	Verified association records.	By specific association.

²⁵ This indicator is consistent with DG Indicator 2.3.2.3 (2), adapted to the professional association context.

²⁶ This indicator is consistent with USAID DG Indicator 2.3.3.1 (3), adapted to the professional association context.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iv. Level of organizational sustainability practices by association. ²⁷	<p>“Organizational sustainability practices” are measured numerically by the existence of standard organizational governance processes.</p> <p>Unit: Y/N scorecard tallying whether the association has a) strategic plan; b) M&E process; c) personnel policy; d) regular member outreach and communication process, with one point allocated for each positive indication.</p>	This indicator measures the sustainability of internal governance processes.	Verified association records.	By specific association.
v. Level of member satisfaction.	<p>Member satisfaction can be measured by including the following question in a periodic membership survey: How satisfied are you with the services of the association?</p> <p>Unit: Average score of all respondents on a 4-point scale, corresponding to the four response categories: very satisfied (4); satisfied (3); unsatisfied (2); very unsatisfied (1); if no member surveys are conducted, this indicator scores 0.</p>	The efficacy and sustainability of professional associations depend in part upon the support of their respective constituent groups.	Verified results of membership survey, either done by the association itself or externally.	By specific association.
vi. Level of membership participation.	Unit: percentage of respondents indicating that they actively participated in 2 or more association activity in the prior 12 months. By asking for 2 or more, this indicator eliminates those who may have tried a single activity and not found it worthwhile to return for others.	Too often professional associations serve only the interests, and benefit of a few in leadership positions. This indicator measures the extent to which the membership is involved.	Verified results of membership survey, either done by the association itself or externally.	By specific association.
vii. Number of substantive bar association sub-committees that have provided	“substantive committees” are formal committees addressing specific areas of law. “input/feedback” may include white	Bar associations are key to ensuring that the collective insights and experience from the bar is	Verified bar association records or survey.	None.

²⁷ This indicator consolidates factors previously measured in USAID DG Indicator 2.3.3.4 (1)-(3).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
input/feedback on legislative or executive matters at least once a year. ²⁸	papers, model legislation, comments to draft legislation and other forms of formal advocacy on legislative/regulatory matters. Unit: Number of sub-committees	taken into consideration in the legislative and executive processes. The extent to which this is being done can be measured by the level and scope of engagement.		
viii. Percentage of bar association recommendations on legislative/regulatory or other executive matters adopted within 12 months of the recommendation. ²⁹	“recommendations” are those expressly included in white papers, model legislation, comments to draft legislation and other forms of formal advocacy on legislative/regulatory matters referred to in indicator (vii) as well as any emanating from the association as a whole. Unit: Percentage, calculated as follows: $\# \text{ recs adopted} / \# \text{ recommendations} * 100$	The efficacy of bar association advocacy can be measured, in part, by the number of recommendations that are adopted. The temporal restriction of 12 months is to ensure some correlation between the recommendation and the ultimate action.	Expert legislative review.	None.
ix. Ability of bar association to self-regulate the profession.	Unit: yes/no.	A key factor in the independence of the legal profession is the ability to self-regulate.	Statutory review	None.

²⁸ This indicator only applies to bar associations, as judicial associations should not be engaged in the legislative/regulatory process directly.

²⁹ This indicator only applies to bar associations, as judicial associations should not be engaged in the legislative/regulatory process directly.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of USG-supported activities designed to promote or strengthen the civic participation of women	Activities designed to promote or strengthen the civic participation of women include trainings, capacity building, and outreach activities targeting women and civic organizations that serve female constituencies. Unit: Number of discrete activities	Output: measures the output of activities aimed at increasing women’s civic participation. (FA DR 4-1)	Implementer activity records.	None.
Number of civil society organizations (CSOs) receiving USG assistance engaged in advocacy interventions.	Number of CSOs	Output: measures the output of activities aimed at advocacy. (FA DR 4.2-2)	Implementer activity records.	None.
Number of USG-assisted civil society organizations (CSOs) that participate in legislative proceedings and/or engage in advocacy with national legislature and its committees	Number of CSOs	Professional institutions serve as the mouthpiece for its members. As such they may advocate for legislative reforms pertinent to the justice sector. Output: measures the output of activities aimed at promoting legislative engagement of professional institutions. (FA DR 4.3-1)	Implementer activity records.	None.

Programming Option 3(f): Enhancing judicial professional development and access to the laws

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which laws and government data are publicized.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	In addition to improving transparency and public legal literacy, publicizing laws and government data enhances access to primary legal sources for judges and other judicial actors.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, open governance, 3.1	None.
ii. Extent to which judges have adequate access to current primary and secondary legal sources.	<p>“primary and secondary legal resources” refers to texts of laws, legal commentaries, professional and scholarly publications, and other materials relevant to their professional responsibilities.</p> <p>Unit: Average score on survey asking judges to rate their access on a scale of 1-4, with 1 being wholly inadequate and 4 being wholly adequate.</p>	Quality judicial decisions require access to updated legal resources, including laws and regulations, as well as secondary resources.	Judicial survey results, whether conducted through an association or externally.	Depending upon context, disaggregation by level of court, or geography may afford more granular analysis.
iii. Extent to which newly-appointed judges complete inception training.	<p>“inception training” is training providing in advance of assuming the bench, designed specifically to prepare prospective judges for their respective roles. It is often organized by a judicial academy or training institution.</p> <p>Unit: Percentage, calculated as follows: $\frac{\# \text{ new judges trained}}{\# \text{ new judges}} \times 100$ Alternatively, if a judicial survey is conducted, this indicator could be refined by asking about their own impression of their level of preparedness upon appointment and providing a numerical score based upon their average rating on a score of 1-5.</p>	This indicator measures the preparedness of judges from their appointment to assume their responsibilities, based upon existing training records.	Judicial survey or verified judicial records.	By court level.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iv. Extent to which sitting judges participate in annual continuing judicial education courses.	<p>“Continuing judicial education” includes classes covering a variety of relevant legal topics, including ethics, typically organized by a judicial academy or training center, but may also be organized by judicial and/or bar associations.</p> <p>Unit: Percentage calculated as follows:</p> $\frac{\# \text{ judges trained in 12 month period}}{\# \text{ judges}} * 100$ <p>Alternatively, if a judicial survey is conducted, this indicator could be refined by asking judges to rate the value of any continuing judicial training they participated in, with 0 indicating they participated in no courses, and 5 indicating the courses were extremely helpful.</p>	<p>In countries with mandatory CJE, this indicator measures the extent to which that requirement is enforced; in countries where CJE is available but optional, it measures the value judges place on those courses; in countries where CJE is not reasonably available, it is suggestive potential programming opportunities.</p>	<p>Judicial survey or verified judicial records.</p>	<p>By court level.</p>
v. A continuing judicial education requirement is incorporated into merit criteria or considerations on promotions/transfers or is an element in the performance evaluation. ³⁰	<p>Unit: Y/N</p>	<p>This indicator goes to demonstrating whether CJE is valued. This indicator is most appropriate in countries that do not have mandatory CJE programs, but do have voluntary programs reasonably accessible to judges.</p>	<p>Expert analysis.</p>	<p>None.</p>

³⁰ This indicator is carried over from the USAID DG Indicator Guide 2.1.4.5(5).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vi. Extent to which judges possess the professional skills, legal training and knowledge to properly adjudicate cases for which they are responsible ³¹	Numerical average of the survey ratings: fully agree (4); partly agree (3); disagree (2); strongly disagree (1).	This indicator measures the extent to which judges feel adequately prepared to handle their responsibilities.	Periodic survey of judges responding to the question: "To what extent do you agree that judges have the professional skills, legal training and knowledge required to properly adjudicate criminal cases?"	By court level.
vii. Quality of lower court decisions. ³²	Percentage calculated as follows: # decisions overturned/ # decisions total *100	This indicator is a proxy for measuring the quality of judicial decisions. It must be understood that all judges will have some decisions overturned; this indicator is intended to flag excessive rates.	Verified domestic records or expert review.	By court level, and/or geography as appropriate in domestic context.
viii. If a judicial training center exists, level of institutional capacity.	Average Score on capacity assessment ³³	Judicial training centers play an important role in assuring that judges are well-informed and may also improve access to primary and secondary legal resources.	Expert assessment.	By assessment category.

³¹ This indicator is a modified version of UN Rule of Law Indicator #80.

³² This indicator is consistent with DRG Indicator 2.1.4.4 (5).

³³ This indicator incorporates the research into the Capacity Assessment Toolkit developed by the European Bank for Reconstruction and Development in 2011. https://www.ebrd.com/downloads/procurement/project/Toolkit_Guidance_Note.pdf

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of judicial personnel trained with USG assistance	Judicial personnel in this instance refers to judges. Unit: Number of unique individuals participating in USG supported training.	Output: measures the output of training activities for administrative personnel. (FA DR. 1.3-1)	Implementer activity records.	Sex. Further disaggregation on basis of religious affiliation, ethnicity, disability status, and/or age, as appropriate in country context. Further disaggregation based upon level of court will allow for more granular analysis.

Programming Option 3(g): Stimulating citizen support for judicial independence

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Private sector perception of the independence of the judiciary.	Unit: Numerical on a scale of 1-7, with 1 being not independent at all and 7 being entirely independent.	As consumers of justice, business leaders' perception of the independence of the judiciary is a proxy for broader public perception. Response to the question "In your country, how independent is the judicial system from influences of the government, individuals, or companies?" provides baseline and records trend data on the level of trust people have in their judiciary.	World Economic Forum Global Competitive Index. Executive Opinion Survey. Data for specific countries available at: http://reports.weforum.org/global-competitiveness-index-2017-2018/#topic=data Subindex A (Institutions); public institutions; (3) undue influence; a) judicial independence	None
ii. Civil society provides effective check on governmental powers.	Unit: Numerical value between 0 and 1, with 1 being high.	Although this indicator is somewhat broader, the extent to which civil society holds government institutions accountable is a proxy for the extent to which they support independence among the branches of government, including the judiciary.	World Justice Project, Rule of Law Index indicator 1.5 (Constraints on Government Powers)	None
iii. Extent to which trials/hearings are open to the public. (indicator may be adjusted for any legal exceptions, such as for cases involving children, sexual violence or national security). ³⁴	Unit: Percentage calculated as follows: $\frac{\# \text{ open trials} + \text{hearings}}{\# \text{ trial} + \text{hearings}} * 100$	Fundamental to building public support for judicial independence is the ability to observe court proceedings. This indicator measures the extent to which court proceedings are accessible.	Verified domestic records or expert review.	Court type, level and/or geography as appropriate in domestic context.

³⁴ This indicator is derived from the DRG Indicator Guide 2.1.4.1(1) and the UN Rule of Law Indicator #60.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iv. Extent to which courts make docketing information readily available to the public.	Unit: Percentage calculated as follows: # courts with public docketing/ # courts *100	For open courtrooms to have meaning, the public needs to know the court schedule. A court that makes hearings open to the public without also informing the public when and where those events will take place is not fully transparent. Accordingly, this indicator is complementary to the previous indicator measuring the public's access to court proceedings.	Verified domestic records or expert review.	Court type, level and/or geography as appropriate in domestic context.
v. Extent to which court decisions are made public in their entirety. (indicator may be adjusted for any legal exceptions, such as allowing for redactions of names of minors, sexual violence victims, and national security).	Percentage calculated as follows: # courts with public docketing/ # courts *100	Transparency is essential to building public confidence in and support for an independent judiciary. This indicator informs the extent to which the public has meaningful access to the work of the courts.	Verified domestic records or expert review	Court type, level and/or geography as appropriate in domestic context.
vi. Extent to which population is supportive of judicial autonomy within a system of checks and balances.	Numerical average of ratings from survey participants.	If public surveys are anticipated, including the following questions will measure the extent to which the public understands and supports judicial autonomy and checks and balances: "To what extent do you agree that the judiciary should have the power to determine whether a law is constitutional?" "To what extent do you agree that a judge should have the power to invalidate an order of the President if deemed unconstitutional?" "To what extent do you agree that a judge should have the power to invalidate decisions by a local government if deemed	Public opinion survey, using a four-point scale: fully agree (4); partly agree (3); disagree (2); strongly disagree (1).	Geographic and gender and/or minority status, as may be appropriate in country context.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
		unconstitutional or in violation of the law?"		
vii. Extent to which citizens find the judiciary to be trustworthy, independent, and transparent. ³⁵	Numerical average of ratings from survey participants using a four-point scale: 4: fully agree 3: partly agree 2: disagree 1: strongly disagree.	If public surveys are anticipated, including the following question will measure public confidence in the judiciary: "To what extent do you agree that the judiciary is trustworthy, independent, and transparent?"	Public opinion survey ³⁶	By geography and/or minority status, as may be appropriate in country context.
viii. Extent to which information on complaints against judges describing the nature of the complaints and how they were resolved is publicly available. ³⁷	Numerical value between 1-4, where the values are defined as follows: 4: complete and transparent accounts are made public; 3: somewhat incomplete accounts are made public; 2: accounts are rarely made public, or are hard to access, or are not very complete; 1: no information is made available.	This indicator goes to the degree of transparency and integrity exercised	Expert review	None.
ix. Extent to which citizens have adequate opportunities to provide substantive input regarding court processes. ³⁸	"Opportunities to provide feedback" could include a formal feedback loop or other mechanism for submitting complaints/suggestions, as well as less formal public outreach sessions.	Greater citizen engagement typically leads to stronger support for the institution	Verified domestic records or expert review	None.

³⁵ This indicator is consistent with DRG Indicators for Sub-Intermediate Result 2.3.1.2.

³⁶ If data from the Afrobarometer is available for a particular country, responses to question 43(l) could be used. Similarly, the Latinobarometer asks about trust in the judiciary in question 16(H)

³⁷ This indicator is derived from UN Rule of Law Indicator #61.

³⁸ Although the WJP Rule of Law Index includes an indicator under Open Government for "complaint mechanism", as that indicator is reflective of the government as a whole and not limited to the judiciary, it has not been cited as a recommended indicator, although it may be informative. See <https://worldjusticeproject.org/our-work/jp-rule-law-index>, interactive data, full country profile, civil justice, 3.4

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of mechanisms for external oversight of public resource use supported by USG assistance.	“Mechanisms for external oversight of public resource” would include those judicial entities responsible for audit functions as well as state auditing institutions, and civil society organizations performing watchdog activities. Public auditing companies could also be included, depending upon country context.	Greater public oversight typically increases public confidence in the institution. Output: measures the number of mechanisms receiving USG funding. (FA DR.2.4-1)	Implementer activity records.	None.
Number of people affiliated with nongovernmental organizations receiving USG-supported anticorruption training.	Unit: Number of unique individuals participating in USG supported training.	Output: measures the output of training activities for NGO members on anti-corruption. (FA DR. 2.4-3)	Implementer activity records.	Sex. Further disaggregation on basis of religious affiliation, ethnicity, disability status, and/or age, as appropriate in country context. Further disaggregation based upon level of court will allow for more granular analysis.

Programming Option 3(h): Promoting accountability and integrity.³⁹

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which the Constitutional and legislative framework guarantees the independence and autonomy of a Supreme Audit Institution (SAI).	<p>Per the International Standards of Supreme Audit Institutions (ISSAI), independence and autonomy requires the following elements: a) The establishment of Supreme Audit Institutions in the Constitution; b) SAI's independence in the Constitution; c) "The Constitution and implementing law provide for a very high degree of initiative and autonomy for the SAI. independence of the SAI; d) The Constitution provides for the appointment, term, cessation of functions of the Head of the SAI (and members, in the case of collegiate bodies) and the independence of their decision making powers; e) The law affords the SAID adequate legal protection by a supreme court against any interference its independence; f) "SAIs required to report on any matters that may affect their ability to perform their work in accordance with their mandates and/or the legislative framework; and g) SAIs should strive to promote, secure and maintain an appropriate and effective constitutional, statutory or legal framework.⁴⁰</p> <p>Unit: Score 0-4, calculated as follows: 4: All the criteria above are in place. 3: Criteria (a), (b) and at least three of the other criteria above are in place. 2: Criteria (a), (b) and at least one of the other criteria above are in place.</p>	<p>SAIs must operate with a high level of independence and autonomy. The ISSAI finds that this should be included in the highest law of the land, the Constitution, with technical details elaborated in the supporting legislation.</p>	<p>Expert statutory review.</p>	<p>None.</p>

³⁹ Although not a programming option under Checks and Balances in the existing Rule of Law Framework, USAID asked that internal and external audit capacity as well as the capacity of civil society to hold the judiciary in check be included here.

⁴⁰ These elements are set forth in the International Standards of Supreme Audit Institutions I (the Lima Declaration) and 12 (The Value and Benefits of SAIs). See, International Organization of Supreme Audit Institution Performance Measurement Framework, October, 2016 for elaboration of this indicator. <https://www.idi.no/en/elibrary/cdp/sai-pmf/236-2013-pilot-version-sai.../file>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	1: At least one of the criteria above is in place. 0: None of the criteria above are in place.			
ii. Extent to which the Supreme Audit Institution enjoys financial autonomy and independence.	<p>The International Standards of Supreme Audit Institutions, defines “financial autonomy and independence” as follows: (a) The legal framework explicitly or implicitly provides for the SAI’s financial independence from the executive; b) The SAI’s budget is approved by the public body deciding on the national budget; c) The SAI is free to propose its budget to the public body deciding on the national budget without interference from the executive; d) The SAI is entitled to use the funds allotted to them under a separate budget heading as they see fit”; e) After the SAI’s budget has been approved by the Legislature, the Executive (e.g. the Ministry of Finance) may not control the SAI’s access to these resources. ISSAI; f) The SAI has “the right of direct appeal to the Legislature if the resources provided are insufficient to allow [it] to fulfil [its] mandate; and g) During the past 3 years there have been no cases of undue interference from the Executive regarding the SAI’s budget proposal or access to financial resources.⁴¹</p> <p>Unit: Score, 0-4, calculated as follows: 4: All of the above criteria are in place. 3: Criteria (a), (f), (g) and at least two of the other criteria above are in place. 2: Criterion (a) and at least two of the other criteria above are in place. 1: At least one of the criteria above is in place. 0: None of the criteria above are in place.</p>	To give an independent mandate meaning, it must be accompanied by a substantial degree of financial autonomy and independence.	Expert statutory review.	None.

⁴¹ These elements are compiled from the ISSAI 1 and 10 (the Mexico Declaration). See, International Organization of Supreme Audit Institution Performance Measurement Framework, October, 2016 for elaboration of this indicator. <https://www.idi.no/en/elibrary/cdp/sai-pmf/236-2013-pilot-version-sai.../file>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iii. Efficacy of independent government auditing. ⁴²	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	Capacity to conduct independent public audits is a key function of effective public administration.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, constraints on government powers, 1.3.	None.
iv. Absence of corruption in the judiciary.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	An effective internal and external audit system is key to reducing corruption.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, absence of corruption, 2.2.	None.
v. Budgets, procurement and resources are monitored and audited.	Unit: numerical value between 1-4, where the values are defined as follows: 4: budgets, procurement and resource management consistently and adequately monitored and audited; 3: somewhat inconsistent monitoring and auditing of budgets, procurement, and resource management; 2: monitoring and audits are rarely conducted or poorly performed; 1: no monitoring systems or audits conducted.	Routine audits and regular monitoring of their budgets, procurements, and resource usage provides a safeguard against misuse and corruption and increases transparency. The extent to which this is done is evidence of the judiciary's audit capacity.	Verified domestic documents or expert review.	None.
vi. Extent to which audit results are publicly available in a timely fashion.	"timely fashion" means within 3 months of the conclusion of the audit. Unit: % calculated as # judicial audits timely made publicly available/ # judicial audits * 100	Audit results should be made public to ensure the integrity of the process. The extent to which this is done is a measure of audit capacity.	Verified domestic documents or expert review.	None.
vii. Extent to which complaints by justice sector actors may trigger an	"Justice sector actors" includes lawyers, judges, other court personnel, and litigants. Unit: Average score of all relevant experts or participants on a 4-point scale defined as:	Those most engaged in the justice process are most likely to observe judicial misconduct and therefore their complaints should	Question on an expert or participant survey, if conducted: to what extent do you agree that it is possible for a justice	None.

⁴² This indicator is drawn from the WJP ROL Index, 1.3.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
investigation of judicial misconduct. ⁴³	4: Fully Agree; 3: Agree 2: Disagree 1: Strongly Disagree	trigger a substantive investigation.	sector actor to trigger an investigation of alleged misconduct by a judge?	
viii. Extent to which judges and staff found culpable of serious instances of misconduct are subject to discipline, including removal from office in the most serious cases. ⁴⁴	“serious instances of misconduct” includes various forms of corruption including bribe-taking, politically-motivated interference, cronyism, and other deviations from established protocols. Unit: Average score of all relevant experts or participants on a 4-point scale defined as: 4: Fully Agree; 3: Agree 2: Disagree 1: Strongly Disagree	This indicator helps measure the extent to which ethics codes and institutional protocol are enforced. As the most powerful in the judiciary, if they are enforced objectively against judges, it may be fairly assumed that they are also enforced against others.	Verified domestic documents or expert survey question, if conducted: “How likely are judges found responsible for serious misconduct to be removed from their post or otherwise disciplined?”	Court type, geographic area.
ix. Existence and efficacy of an internal judicial auditing unit.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	Capacity to conduct internal audits is an important means of combatting corruption. This indicator should be evaluated in conjunction with other auditing capacities, including through an SAI, and external public audits, measured above..	Expert review.	None
x. Civil society’s ability to obtain public information from key public agencies. ⁴⁵	Key public agencies in this instance includes all judicial institutions. Unit: average of scoring on a 5 point scale with: 1: never 2: rarely	Proxy indicator for relationship between civil society and judicial institution	Survey of targeted CSOs.	Geographic region.

⁴³ This indicator is based on UN Indicator #63.

⁴⁴ This indicator is based on UN Indicator #64.

⁴⁵ This indicator is derived from USAID’s DRG Indicators 2.3.2.2.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	3: sometimes 4: usually 5: always			
xi. Extent to which CSO complaints resolved consistent with CSO advocacy.	Complaints refers to formal complaints made to judicial institutions or an SAI regarding incidents of misconduct by a judicial actor, including judicial misconduct, failure to adequately disclose information, failure to hold hearings or meetings open to public, etc.	The ability of civil society to hold the judiciary accountable depends on the genuineness of the process. While not all complaints are necessarily meritorious, they are nonetheless deserving of objective consideration in compliance with protocol.	Verified domestic records.	Judicial institution

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of mechanisms for external oversight of public resource use supported by USG assistance.	“Mechanisms for external oversight of public resource” would include those judicial entities responsible for audit functions as well as state auditing institutions. Public auditing companies could also be included, depending upon country context.	Greater public oversight typically increases public confidence in the institution. Output: measures the number of mechanisms receiving USG funding. (FA DR.2.4-1)	Implementer activity records.	None.
Number of judicial personnel trained with USG assistance.	Judicial personnel in this instance refers to those with audit responsibilities. Unit: Number of unique individuals participating in USG supported training.	Output: measures the output of training activities for administrative personnel. (FA DR. 1.3-1)	Implementer activity records.	Sex. Further disaggregation on basis of religious affiliation, ethnicity, disability status, and/or age, as appropriate in country context. Further disaggregation based upon level of court will allow for more granular analysis.

ANNEX 4. INDICATOR DETAIL

FRAMEWORK ELEMENT 4: FAIRNESS

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
<p>To what extent are civil rights guaranteed and protected, and to what extent can citizens seek redress for violations of these rights?</p>	<p>“Civil rights” include the right to life and security of the person; the prohibition of torture, cruel and inhuman treatment or punishment; the protection of privacy; equality before the law; equal access to justice; and due process under the rule of law.</p> <p>Numerical score on a scale of 1-10, defined as follows:</p> <p>9-10: Civil rights are guaranteed by the constitution and respected by all state institutions.</p> <p>6-8: Civil rights are guaranteed, but are partially or temporarily violated.</p> <p>3-5: Civil rights are guaranteed only within limited enclaves or are violated over protracted periods of time.</p> <p>1-2: Civil rights are not guaranteed and frequently violated.</p>	<p>The protection of basic civil rights for all people is a fundamental element of a fair justice system.</p>	<p>Bertelsmann Transformation Index, Country Report, Rule of Law, Civil Rights criterion. https://www.bti-project.org/en/data/atlas/</p> <p>Conducted every two years, on the even year.</p>	<p>None.</p>
<p>Extent to which due process prevails in civil and criminal matters.</p>	<p>Numerical score on a scale of 0 to 4, representing least to the greatest extent of due process.</p>	<p>Due process is a proxy for fairness in judicial processes.</p>	<p>Freedom in the World Index, Freedom House, Country Reports, F2. https://freedomhouse.org/report/methodology-freedom-world-2018</p>	<p>None.</p>
<p>Extent to which due process is respected in administrative proceedings.</p>	<p>Numerical score on a scale of 0-1, with 0 being a lack of due process and 1 being due process respected.</p>	<p>Due process is a proxy for fairness in administrative proceedings.</p>	<p>World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index, interactive data, full country profile, regulatory enforcement, 6.4.</p> <p>Data are collected every other year.</p>	<p>None.</p>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
The degree to which citizens are treated equally under the law.	Numerical score on a scale of 0-1, defined as follows: 1: High. 0.5: Moderate. 0: Low.	Fundamental to a fair justice system is the equality of treatment of all participants.	Democracy Index, Economist Intelligence Unit, Civil Liberties Category Indicator #54. ¹ https://www.eiu.com/public/topical-report.aspx?campaignid=DemocracyIndex2017	None
Level of fundamental rights protections ²	Measures the extent to which fundamental rights are protected using a numerical score on a scale of 0-1, with 0 being least protected and 1 being most protected. Fundamental rights include equal treatment, the right to life and security, due process, freedom of expression, freedom of religion, the right to privacy, freedom of association, and labor rights. ³	A system of positive law that fails to respect core human rights firmly established under such instruments as the Universal Declaration of Human Rights is at best “rule by law.”	http://data.worldjusticeproject.org/ Measures calculated in the World Justice Project Rule of Law Index are based on the experiences and perceptions of the general public and in-country experts worldwide. Data are collected every other year in more than 110,000 household surveys (General Population Poll) and 3,000 expert surveys (Qualified Respondents’ Questionnaires) in 113 countries and jurisdictions.	None.

¹ USAID would need to seek the permission of the EIU to access Democracy Index data, which covers 165 independent states and two territories. The most recent report is for 2017.

² This is the Fundamental Rights factor score indicator from the World Justice Project Rule of Law Index.

³ Definitions for each sub-factor can be found on pp. 11-12 of the *World Justice Project Rule of Law Index 2017-2018*
https://worldjusticeproject.org/sites/default/files/documents/WJP_ROLI_2017-18_Online-Edition.pdf.

Programming Option 4(a): Reforming and implementing procedural codes

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which litigants have a guaranteed right to appeal under both civil and criminal law.	A numerical score of 0 to 2, where 0 indicates the right applies neither to civil nor criminal law; 1 indicates the right applies either to civil or criminal law, and 2 indicates the right applies to both civil and criminal law.	The right to appeal a judicial decision is expressly guaranteed by International Covenant for Civil and Political Rights (ICCPR) Article 14.5 in the criminal field, and is a right to a fair trial standard in general. Any court whose decisions cannot be appealed runs the risk of acting arbitrarily.	Verified domestic records	By statute or regulation.
ii. Extent to which civil proceedings are unreasonably delayed.	Numerical score on a scale of 0-1, with the length of time to reach a typical decision or judgment defined as follows: 0: more than 5 years; .25: 3-5 years; .5: 1-3 years; .75: 1-12 months; 1: less than a month.	Extreme case backlog or unexplained delays in civil cases suggest the need for reform of the civil procedure code.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, civil justice, 7.5. Data are collected every other year	None.
iii. Extent to which criminal adjudication system is timely and effective.	Numerical score on a scale of 0-1, with 0 being least timely and effective and 1 being most timely and effective ⁴	Untimely and/or ineffectual adjudications are suggestive of the need for reform of the criminal procedural code.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, criminal justice, 8.2. Data are collected every other year	None.
iv. Extent to which due process of law and rights of the	Numerical score on a scale of 0-1, with 0 indicating a lack of due process and enforcement of rights, and 1 representing	A lack of due process and protection of basic criminal rights	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index	None.

⁴ The same scale used to measure the extent of delay in civil matters (indicator 4(a)(ii)) applies to the timeliness aspect of this question as well, although the methodology used also incorporates factors evaluating the effectiveness of the criminal justice system.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
accused are enforced.	enforcement of due process and rights of the accused.	suggest the need for reform of the criminal procedure code.	law-index , interactive data, full country profile, criminal justice, 8.7. Data are collected every other year.	
v. Extent to which procedural laws (civil, criminal, administrative) regularly reviewed and modified to increase effectiveness and efficiency of court proceedings. ⁵	Numerical score on a scale of 0-10, with frequency of reviewing/revising codes defined as follows: 0: not done in past 10 years; 3: last revision made more than 7 years ago; 5: last revision made more than 5 years ago; 7: last revision less than 3 years ago; 10: codes have been revised/reviewed annually	Law and judicial proceedings must adapt to the changing circumstances, needs and expectations of society, as well as to the concept of justice as a public service aimed at court users.	Statutory review.	None.
vi. Extent to which the procedural codes adequately provide for differentiation of specialized cases. ⁶	Numerical score of 0-5, with 1 point assigned for each of the following that exists: <ul style="list-style-type: none"> • commercial law (including bankruptcy); • small claims; • misdemeanors; • family law; and • sexual offenses. 	Specialized courts improve the quality of justice as well as reducing the demands on general courts. The extent to which they do not exist suggests programming opportunities in procedural reform.	Statutory review.	None.

⁵ This indicator is derived from the *CEPEJ Checklist for Promoting the Quality of Justice and Courts*, Section II. Job and Operational Process, II.1.Legislation, Question 4, <https://rm.coe.int/european-commission-for-efficiency-of-justice-cepej-checklist-for-promo/16807475cf>.

⁶ Adapted from World Bank Ease of Doing Business Survey, *Quality of Judicial Processes Index* (<http://www.doingbusiness.org/en/methodology/enforcing-contracts>), as well as Council of Europe Recommendations No. (87) 18 (<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804e19f8>) and No. (84) 5 (<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804e19b1>).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vii. Extent to which procedure codes provide for special procedures or processes regarding vulnerable persons. ⁷	“Vulnerable persons” includes victims of sexual violence, domestic abuse, and terrorism, minors, lingual minorities, disabled persons, and juvenile offenders. Numerical score between 0-9 based upon a tally of the following: <ul style="list-style-type: none"> • the availability of temporary restraining orders; • special procedures for receiving sexual violence complaints, or for speeding the issuance of protection orders and arrest warrants; • rape shield provisions; • a place for victims and witnesses to wait in court that is removed from the defendant and defense witnesses; • the use of one-way screens, audio/ video recordings, or other accommodations; • accommodations for child defendants/ witnesses; • modified fee schedules, based on need; • institutionalized coordination among relevant government units, especially to effect integrated services among medical personnel, social workers and police; • language assistance; • accessibility accommodations for disabled persons. 	Fundamental fairness requires that all people have reasonable access to the justice system. These factors help gauge the extent to which procedural codes accommodate vulnerable people. A lack of accommodation suggests programming opportunities in code reform.	Verified domestic records and expert survey	None.

⁷ This indicator is adapted from Parsons, Jim et al. July 2008, *Developing Indicators to Measure the Rule of Law: A Global Approach: A Report to the World Justice Project*, Vera Institute of Justice Altus Global Alliance (hereafter “Vera-Altus Indicators”), Indicator 31 (p. 11) https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
viii. Quality of sentencing guidelines ⁸	Numerical score from 0-5, based upon a tally of the following characteristics of quality sentencing guidelines: <ul style="list-style-type: none"> • prohibit the retrospective application of more severe penalties than were applicable at the time when the offense was committed; • guarantee the benefit of lighter sentences under any new law since the offense was committed; • take into account mitigating or aggravating features of the offense (self-defense, proportionality of response, mental capacity or prior criminal history of the accused); • provide for restitution to victims as an option; and • prohibit cruel, inhuman or degrading punishment. 	Guidelines help ensure consistency in sentencing and limit the discretion of a judge.	Verified domestic records	By seriousness level and mitigating or aggravating factors.

⁸ This indicator is adapted from the *OSCE Legal Digest of International Fair Trial Rights* (<https://www.osce.org/odihr/94214?download=true#page=216>), Chapter 8.3.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
<p>Number of legal instruments drafted, proposed, or adopted with USG assistance designed to improve prevention of or response to sexual and gender-based violence at the national or sub-national level</p>	<p>“Legal instrument” broadly includes any official document issued by a government (e.g., law, policy, action plan, constitutional amendment, decree, strategy, regulation) designed to improve prevention of and response to sexual and gender-based violence (GBV) at the national or sub-national level. GBV is an umbrella term for any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed gender norms and roles. Forms of gender-based violence include, but are not limited to, domestic or intimate partner violence; rape as a weapon of war; sexual violence and abuse; female infanticide; psychological or emotional abuse; sexual harassment or violence in the workplace or in educational institutions; harmful traditional practices including female genital mutilation/cutting, honor crimes, early marriage, forced marriage, bride kidnapping, and dowry-related violence; and violence based on sexual orientation or gender identity (SOGI).</p>	<p>This indicator measures the output of USG assistance that is designed to build the necessary or enabling conditions for reducing gender-based violence.</p>	<p>Implementer activity records</p>	<p>By whether the instrument was drafted, proposed, or adopted, and by the types of GBV addressed (based on sex, based on SOGI, or based on sex and SOGI).</p>

Programming Option 4(b): Reforming administrative law

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which mechanisms for citizens to make complaints against public officials exist. ⁹	Numerical score on a scale of 0-1, with 0 being no complaint mechanisms and 1 being adequate complaint mechanisms.	Internal complaint mechanisms contribute to fairness in the rule of law by providing immediate dispute resolution opportunities, reducing demands on courts. The lack of such mechanisms suggests programming opportunities in administrative law reform.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, open government, 3.4. Data are collected every other year.	None.
ii. Extent to which information on complaints against government officials are publicly available. ¹⁰	Numerical score between 1 and 4, defined as follows: 4: complete and accurate reports published at least once a year; 3: complete and accurate reports published occasionally; 2: reports are produced and made public but are incomplete; 1: reports are not produced or made public.	Publication of complaints against public officials provides a check on the integrity of the complaint mechanism. The failure to make them public, or a lack of timeliness or completeness would suggest a programming opportunity in administrative law reform.	Verified domestic records or expert survey.	None.
iii. Extent to which government regulations are effectively enforced.	Numerical score on a scale of 0-1, with 0 being least enforced and 1 being most enforced.	Regulations govern the actions of administrative bodies. A failure to enforce regulations suggests a need to reform the administrative law system.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, Regulatory Enforcement, 6.1. Data are collected every other year.	None.

⁹ A similar indicator is tracked by the Economist Intelligence Unit, Civil Liberties Category Indicator #50, https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2017. USAID would need to seek the permission of the EIU to access Democracy Index data, which covers 165 independent states and two territories. The most recent report is for 2017.

¹⁰ This indicator is adapted from the *UN Rule of Law Indicators* for Police Integrity, Transparency, and Accountability (3.1.2) No. 19; Judiciary Integrity, Transparency, and Accountability (3.2.2) No. 61; and Prison Integrity, Transparency, and Accountability (3.3.2) No. 110. http://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iv. Extent to which laws and government data is made publicly available. ¹¹	Numerical score on a scale of 0-1, with 0 being laws and government data are not made available, and 1 being laws and government data routinely made available.	Availability of laws and government data is a key element of sound administrative practices. The failure to do so suggests programming opportunities in administrative law.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, open government, 3.1. Data are collected every other year.	None.
v. Does judicial review apply to the acts and decisions of independent agencies and private actors performing public tasks? ¹²	Yes/no	Public officials must act within the limits of the powers conferred upon them, respecting both procedural and substantive law. An exercise of power that leads to substantively unfair, unreasonable, irrational or oppressive decisions violates the Rule of Law. Abuse of discretionary power should be controlled by judicial or other independent review.	Statutory review.	None.
vi. Extent to which government regulations are applied and enforced without improper influence.	Numerical score on a scale of 0-1, with 0 being weakest and 1 being strongest enforcement.	Improper influences obstructing the enforcement of regulations undermine the fairness of a justice system and indicate programming opportunities.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, regulatory enforcement, 6.2. Data are collected every other year.	None.

¹¹ Economist Intelligence Unit has a similar indicator in its *Democracy Index* Functioning of Government Category, #21 https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2017.

¹² Benchmark from *Venice Commission Rule of Law Checklist*, A. Legality, 2. Supremacy of the Law, Question vii ([https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2016\)006-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2016)006-e)).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vii. Extent to which administrative proceedings are conducted without unreasonable delay.	Numerical on a scale of 0-1, with the length of time to reach a typical decision or judgment defined as follows: 0: more than 5 years; .25: 3-5 years; .5: 1-3 years; .75: 1-12 months; 1: less than a month.	Unreasonable delays in administrative proceedings undermines the efficacy of administrative proceedings. A pattern of delay suggests that administrative programming could improve the efficiency of administrative proceedings.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, regulatory enforcement, 6.3. Data are collected every other year.	None.
viii. Extent to which the government does not expropriate without lawful process and adequate compensation.	Numerical score on a scale of 0-1, with 0 indicating extra-judicial and/or inadequately compensated expropriations and 1 indicating lawful and appropriately compensated expropriations.	Unlawful government expropriations of private property suggest an abuse of the administrative system and presents opportunities for programming in this sphere. ⁵	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, regulatory enforcement, 6.5. Data are collected every other year.	None.

Applicable Standard Foreign Assistance Framework Indicators: none.

Programming Option 4(c): Improving transparent and efficient administration of justice system components

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which civil proceedings are unreasonably delayed ¹³	Numerical on a scale of 0-1, with the length of time to reach a typical decision or judgment defined as follows: 0: more than 5 years; .25: 3-5 years; .5: 1-3 years; .75: 1-12 months; 1: less than a month.	Extreme case backlog or unexplained delays in civil cases may suggest inefficient case management practices.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, civil justice, 7.5. Data are collected every other year	None.
ii. Time required to litigate and enforce judgment in a standard contract case.	Average # days from the filing of the lawsuit until payment.	This indicator complements the WJP data regarding unreasonable delay with a quantitative measure on the length of standardized contract cases.	World Bank Doing Business Index, Economy Snapshots, Enforcing Contracts, Time. http://www.doingbusiness.org/en/data	None
iii. Adequacy of case management system	Numerical score on a scale of 0 to 6, representing the sum of extent to which the criteria below are satisfied, on a scale of 0-1 with 0 indicating non-existence or low compliance; .5 representing existence but compliance <50%; and 1 indicating existence and substantial compliance. <ul style="list-style-type: none"> • regulations set time standards for key court events; • regulations on adjournments and continuances; • performance measurement reports available; • pre-trial conferencing used; • judges use electronic case management systems for a minimum of 4 defined functions; and 	Case management enhances processing efficiency and promotes early court control of cases. When well implemented, case management techniques can enhance record-keeping, reduce delays and case backlogs and provide information to support strategic allocation of time and resources, and as an enabler for conducting impartial trials within a reasonable time.	World Bank Doing Business Index, Economy Snapshots, Enforcing Contracts, Time, Quality of judicial processes index, Case management. http://www.doingbusiness.org/en/data	None.

¹³ This indicator may also be suggestive of inefficiencies in the civil procedure code, and is therefore listed under Programming Option 4(a), above.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<ul style="list-style-type: none"> lawyers use electronic case management systems for a minimum of 4 defined functions.¹⁴ 			
iv. Functionality of court automation system.	Numerical score on a scale of 0 to 4, representing the sum of extent to which the functions below are automated, with 0 indicating not automated and 4 indicating automated. <ul style="list-style-type: none"> Electronic filing through dedicated platform; Electronic service of process; Electronic payment of court fees; Electronic publication of judgments.¹⁵ 	Court automation tends to improve efficiency and transparency of court systems, in addition to making it more accessible to a broader population.	World Bank Doing Business Index, Economy Snapshots, Enforcing Contracts, Quality of judicial processes index, Court automation. http://www.doingbusiness.org/en/data	None.
v. Frequency of reversals on appeal	This is the number of appeals reversing lower court decisions in a given year.	One aspect of efficiency involves the frequency with which cases are reversed and/or remanded on appeal, understanding that some reversals are inevitable and do not necessarily reflect poorly on the lower courts.	Verified domestic records	By court and geographic region.
vi. Court clearance rate ¹⁶	Percentage calculated as # resolved cases/# incoming cases*100. Scores over 100% indicate that the judicial system is reducing its backlog; those under 100% indicate a growing backlog of cases.	This indicator shows how the judicial system is coping with the in-flow of cases. The capacity of courts to deal with the caseload is an essential parameter of an efficient justice system.	Verified domestic records Clearance rates for Council of Europe states are available on the CEPEJ-STAT database (and its Overview of Judicial Systems dashboard) https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems	By court and geographic region.

¹⁴ For further elaboration on the World Bank’s methodology in its Doing Business Index, see <http://www.doingbusiness.org/en/methodology/enforcing-contracts>.

¹⁵ An intermediate score is possible for electronic publication of judgments, .5 if only judgments rendered at the appeal and supreme court level are made available. For further elaboration on the World Bank’s methodology in its Doing Business Index, see <http://www.doingbusiness.org/en/methodology/enforcing-contracts>.

¹⁶ This indicator is drawn from the European Commission for the Efficiency of Justice (CEPEJ) evaluation.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vii. Ratio between non-judge staff and professional judges ¹⁷	Proportion between judges and administrative staff calculated as # judges/# judges + staff * 100	Having competent staff with defined roles and a recognized status alongside judges is an essential precondition for the efficient functioning of the judicial system. In many USAID countries, judges performing administrative tasks contributes to inefficiency.	Verified domestic records Figures for judges and non-judge staff for Council of Europe states are available on the CEPEJ-STAT database (and its Overview of Judicial Systems dashboard) https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems	By court and geographic region.
viii. Average case load per judge.	Average # cases, calculated by adding case loads of individual judges at a point in time/# judges.	Excessively high case loads suggests the need for policy changes, human resource investments, and alternative workload distribution, among other solutions, to achieve desired efficiency.	Verified domestic records.	By court, geographic region.
ix. Extent to which court decisions are made available to public on a timely basis.	“Timely basis” means that the court decisions are made publicly available within 30 days of disposition. Numerical score on scale of 0-5, defined as follows: 0: Decisions not published 1: To extent decisions are published, not on a timely basis; 2: Publication happens erratically; 3: Usually published, though not always timely; 4: Typically published timely, though pockets of noncompliance exist;	Publication of court decisions is an important element of transparency and helps build confidence in the judicial system.	Verified domestic documents and/or Expert survey.	By court, geographic region.

¹⁷ See [CEPEJ 2012-2014 Scheme for Evaluating European Judicial Systems, \(http://www.just.ro/wp-content/uploads/2015/09/editia-2014-en.pdf\)](http://www.just.ro/wp-content/uploads/2015/09/editia-2014-en.pdf), (pp. 493 – 494, Q46 and Q52.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	5: Decisions published on a timely basis in accordance with established rules.			
x. Extent to which hearings are open to the public. ¹⁸	<p>“Hearing” may be a trial or may be other open court session.</p> <p>Percentage calculated as # cases with public hearings/# cases * 100.</p>	While some hearings are legitimately <i>in camera</i> , for purposes of security, this is a narrow exception and transparency requires that other cases should be held in public.	Verified domestic court records.	By court and geographic region.
xi. Degree of access to cases as reported by journalists. ¹⁹	<p>“Access to cases” means that the media can sit in on hearings, interview willing participants after decisions made, and publish on pending trials and on decisions.</p> <p>Numerical score on a scale of 1-5, according to the following definitions: 1: no access; 2: limited access; 3: occasional access; 4: frequent access; and 5: unlimited access.</p>	Transparency denotes information on system working and an ability to criticize them.	Survey of journalists reporting on judicial matters.	By court and geographic region.

¹⁸ This indicator is derived from USAID’s Handbook of Democracy and Governance Program Indicators, 1998 (DRG Indicator Guide), Indicator 2.1.4.1(1).

¹⁹ This indicator is derived from USAID’s Handbook of Democracy and Governance Program Indicators, 1998 (DRG Indicator Guide), Indicator 2.1.4.1(2).

Applicable Standard Foreign Assistance Framework indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of USG-assisted courts with improved case management systems	Improved is defined as a case management system that has reduced the number of days required for a case to be dealt with by the appropriate actor within the system, whether it be going to trial or otherwise disposed of. Types of functional areas within case management systems include: controlling forms; establishing record control; case processing and record updating; scheduling case events; controlling and storing final records; and reporting management information.	Without reliable data, courts cannot deliver timely justice, control or monitor their own operations, or explain their operations to citizens. High-quality court management information systems affect not only efficiency, but also effectiveness and can impact central ROL issues. The number of improved case management systems indicates the capacity of a given court system and shows level of effort to improve case management systems.	Implementer activity records.	None.
Number of judicial personnel trained with USG assistance	Judicial personnel includes judges, magistrates, prosecutors, advocates, inspectors and court staff. Training refers to all training or education events whether short-term or long-term, in-country or abroad.	Training of judicial personnel improves their ability to more effectively carry out their duties which improves the capacity of the judiciary to act as a check on government power. Training may also instill a sense of the value of and necessity for judicial independence, transparency and accountability in a democratic society.	Implementer activity records	By sex.

Programming Option 4(d): Expanding access to legal services

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Accessibility and affordability of civil justice.	Numerical on a scale of 0-1, with 0 being least accessible/affordable and 1 being most accessible/affordable.	The accessibility and affordability of civil courts depends upon whether people are aware of available remedies; can access and afford legal advice and representation; and can access the court system without incurring unreasonable fees, encountering unreasonable procedural hurdles, or experiencing physical or linguistic barriers.	World Justice Project https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, civil justice, 7.1	None.
ii. Affordability of attorney fees in civil cases.	Cost of attorney fees expressed as a percentage of claim value in standard contract cases.	Excessive attorney fees can be an obstacle to the justice system.	World Bank Doing Business Index, Economy Snapshots, Enforcing Contracts, Cost, Attorney fees. http://www.doingbusiness.org/en/data	None.
iii. Affordability of court fees in civil cases.	Cost of court fees expressed as a percentage of claim value in standard contract cases.	Excessive court fees can be an obstacle to the justice system.	World Bank Doing Business Index, Economy Snapshots, Enforcing Contracts, Cost, Court fees. http://www.doingbusiness.org/en/data	None.
iv. Extent to which accused persons are represented at one or more court appearances in their cases ²⁰	Percentage, calculated as # criminal defendants with representation at least one time/# accused persons (within a given time frame) * 100.	Helps assess problems that may block access to justice more for some groups than for others.	Verified domestic records (court records)	By sex; age; minority status of accused; and geographic region.

²⁰ Adapted from the Vera-Altus Indicators Legal representation indicator (https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
v. Extent to which people experiencing a legal problem in the last two years knew where to get advice ²¹	Percentage, calculated as # respondents who answer “agree/strongly agree” to the statement, “I knew where to get good information and advice about resolving the problem.” / # respondents.	A lack of knowledge and information is an obstacle to justice.	Public survey, or, World Justice Project Summary Statistics Database shows 2017 responses for 45 countries (see Appendix I Tab, row 8). WJP is scheduled to collect data on access to civil justice for an additional 60 countries in 2018. https://worldjusticeproject.org/sites/default/files/documents/WJP%20Access%20to%20Civil%20Justice_Summary%20Statistics_2017.xlsx	Gender, minority status, geographic region.
vi. Availability of civil legal aid ²²	Ratio, calculated as # full-time-equivalent civil legal aid attorneys employed in a jurisdiction: # people in the jurisdiction with incomes at or below the established threshold to qualify for legal aid.	Cost of attorneys can deter impoverished people from filing claims, or disadvantage them as civil defendants. The availability of civil legal aid helps remove this obstacle.	Verified domestic records (bar association, legal aid organizations, census)	By geography region.
vii. Extent to which public defenders or assigned counsel represent criminal defendants. ²³	Percentage, calculated as # defender assignments / # criminal cases in a year.	Helps assess whether the right to counsel is being met in practice.	Verified domestic records;	By court, geographic region, and type of case (i.e., felony, misdemeanor).

²¹ World Justice Project General Population Poll Dispute Resolution Model_q52a (117 of the 344 questions in the GPP), summarized in Rule of Law Index Indicator 7.1 (https://worldjusticeproject.org/sites/default/files/documents/WJP%20General%20Population%20Poll_Dispute%20Resolution%20Module_2017.pdf) as well as the *Global Insights on Access to Justice* report for 2017 (https://worldjusticeproject.org/sites/default/files/documents/WJP_Access-Justice_April_2018_Online.pdf).

²² Taken from the *Justice Index Attorney Access Index*, which measures the figure for the 50 states, Washington, DC, and Puerto Rico (<https://justiceindex.org/methodology/overall-methodology/#site-navigation>).

²³ This indicator relates to Columbia Law School Human Rights Institute, National Center for Access to Justice at Fordham Law School. 2016. *Recommended Access to Justice Indicators for Implementation of Goal 16 of the UN 2030 Sustainable Development Agenda in the United States*. <http://ncforaj.org/wp-content/uploads/2016/12/NCAJ-CHRI-9-15-16-Recommended-AtJ-National-Indicators-12-1-16-final.pdf>.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
viii. Average annual caseload for public defenders.	Average number of cases, calculated by sum of total number of cases annually for each public defender/# public defenders.	Public defenders handling more than 150 felony or 400 misdemeanor cases are considered overburdened, which will impact overall quality.	Verified domestic records.	Type of case (felony, misdemeanor), geography/administrative division of public defender.
ix. User/filing fees absent, nominal, or linked to ability to pay. ²⁴	Numerical score, defined as follows: 1: absent; 2: nominal; 3: nominal but informal payments add significantly to the costs; 4: medium, poorest discouraged; 5: high, discourage many	Fees often pose a barrier; if they are in force, they should be lowered or eliminated for the poor.	Verified domestic records and Expert survey	By type of court.
x. Reasonable proximity to court facilities. ²⁵	Percentage, calculated as follows: % population at least ½ day removed (by normal form of travel) from nearest court/total population * 100.	Barriers to justice can be created by a lack of proximity of court facilities.	Verified domestic records.	By geographic region.

Applicable Standard Foreign Assistance Framework Indicators:

²⁴ This indicator is derived from USAID DRG Indicator Guide, 2.1.3.3(3), and is also similar to the *Justice Index Self-Representation Index* scoring methodology (<https://justiceindex.org/wp-content/uploads/2016/05/Annotated-Indicator-Guide-2016-Justice-Index.pdf>).

²⁵ This indicator is adapted from USAID’s DRG Indicator Guide, Indicator 2.1.3.3(1).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of service providers trained who serve vulnerable persons	Count of individual(s) taught a particular skill, type of behavior, approach, and/or attitude that increases their capacity to serve vulnerable persons. For the purposes of this indicator, vulnerable persons encompass the following: <ul style="list-style-type: none"> • Persons with disabilities defined as those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various attitudinal and environmental barriers, may hinder their full and effective participation in society on an equal basis with others; • Survivors of war and conflict that have acquired mobility-related injuries, including conditions resulting from interrupted health services; • Survivors of torture and trauma, including gender-based violence; • Children below the age of 18 who are: at risk of developmental delays linked to deficiencies in health, nutrition and/or caregiver support; living without permanent and/or protective care; and/or at risk of exposure to violence, exploitation, abuse and/or neglect; and • Caregivers of the persons identified above. 	Coupled with measures of quality and service delivery, this indicator tracks improvement in the capacity to provide social assistance and social service programs.	Implementer activity records	By sex.
Number of USG assisted organizations and/or service delivery systems that serve vulnerable persons strengthened	Count of entities and/or procedures serving at-risk beneficiaries made more effective with USG resources. Strengthening may involve the provision of equipment, material, or funds; training, assessment, or other organizational capacity building inputs intended to increase knowledge, skills, awareness, or resources to address the distinct needs and priorities of vulnerable persons.	A positive shift in this indicator means organizations or service delivery systems have increased capacity to provide better or more efficient services.	Implementer activity records	Faith-based, government, disabled people's organization, non-government organization (non-DPO), community-based, other
Number of vulnerable persons benefitting from	Social services are activities to assist persons that may be vulnerable or at-risk on a temporary or chronic basis, and may intend to protect groups; mitigate adverse conditions	This indicator will provide information on the number of vulnerable individuals assisted	Implementer activity records	By sex; age (0-17, 18+ years); and persons

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
USG-supported social services	<p>they face, or remove barriers to help integrate them into society.</p> <p>The indicator is a count of the number of beneficiaries who received a USG funded service from an implementing partner (a government or non-government entity or agency) in the last reporting year.</p>	with USG support in a given year.		with/without disabilities
Number of persons trained with USG assistance to advance outcomes consistent with gender equality or female empowerment through their roles in public or private sector institutions or organizations	<p>This is a count of the number of persons trained with USG assistance to advance gender equality or female empowerment objectives in the context of their official/formal role(s) within a public or private sector institution or organization.</p> <p>Persons counted must have been trained as actors in their public or private sector institution or organization roles. Public or private sector institutions or organizations include but are not limited to: government agencies of the executive, judicial, or legislative branches; public and private health, financial, and education institutions; and civil society organizations such as rights advocacy groups, business associations, faith-based groups, and labor unions. Persons must have participated in at least 3 hours of training.</p>	This indicator measures a primary output of USG assistance efforts that seek to build the capacity of public and private sector institutions and organizations to support long-term, sustainable progress toward gender equality and female empowerment objectives across a wide range of sectors in which the USG provides assistance (e.g., access to justice, closing educational gaps, improving access to health services, addressing barriers to political participation).	Implementer activity records	By sex.
Number of judicial personnel trained with USG assistance	Judicial personnel includes judges, magistrates, prosecutors, advocates, inspectors and court staff. Training refers to all training or education events whether short-term or long-term, in-country or abroad.	Training of judicial personnel improves their ability to more effectively carry out their duties which improves the capacity of the judiciary to act as a check on government power. Training may also instill a sense of the value of and necessity for judicial independence, transparency and accountability in a democratic society.	Implementer activity records	By sex.

Programming Option 4(e): Improving the quality of private defense

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which an independent, professional bar exists. ²⁶	Numerical score on a scale of 0 to 4, depending on how many of the following criteria exists: i. Is there a recognized, organized and independent legal profession (bar)? ii. Is there a legal basis for the functioning of the bar, based on the principles of independence, confidentiality and professional ethics, and the avoidance of conflicts of interests? iii. Is access to the bar regulated in an objective and sufficiently open manner, also as remuneration and legal aid are concerned? iv. Are there effective and fair disciplinary procedures at the bar?	The existence of a professional bar that is capable of setting and enforcing minimum quality and ethical standards is suggestive of the quality of the defense available.	Expert survey	None.
ii. Quality of legal representation ²⁷	Average score of survey respondents to “How would you rate the legal representation generally available to defendants during criminal proceedings?” where responses are defined as follows: 4: very good; 3: good; 2: poor; and 1: very poor.	Helps assess informed perceptions about whether the judicial system offers adequate access to criminal justice.	Survey of judicial sector participants, including judges, prosecutors, and public defenders.	None.
iii. Level of competence (skills and knowledge) of defense counsel ²⁸	Average score of survey respondents to “To what extent do you agree that defense counselors have the professional skills, legal training and knowledge required to effectively counsel, assist and represent defendants in criminal cases?” where responses are defined as follows: 4: fully agree; 3: partly agree; 2: disagree; and 1: strongly disagree.	Taken in conjunction with indicator ii, this indicator helps identify reasons for low quality representation, thereby informing prospective programming option.	Expert Survey	None.

²⁶ This indicator draws upon benchmarks from *Venice Commission Rule of Law Checklist*, E. Access to Justice, I. Independence and Impartiality, e. Independence and Impartiality of the bar, Question ii ([https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2016\)006-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2016)006-e)).

²⁷ This indicator is drawn from the *UN Rule of Law Indicators Judiciary Performance* (3.2.1) Indicator 50 (http://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf).

²⁸ This indicator is drawn from *UN Rule of Law Indicators Judiciary Capacity* (3.2.4) Indicator 81 (see link above).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iv. Volume of disciplinary proceedings initiated against lawyers ²⁹	Number of disciplinary actions per 1,000 lawyers opened by relevant authorities, including bar associations, ethics or licensing boards, or courts or other justice sector institutions for a breach of applicable standards or law.	While the opening of a disciplinary action is not tantamount to culpability, an inordinate number of actions is suggestive of low quality of defense.	Verified domestic records.	By geographic region.
v. Extent to which lawyer disciplinary actions result in sanctions.	Percentage, calculated as # sanctions issued/# punitive actions opened in a year.	Taken with indicator iv, this indicator helps understand the extent to which complaints may be meritorious. This indicator would be less useful in countries where a reliable disciplinary process does not exist.	Verified domestic records.	By geographic region.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of persons trained with USG assistance to advance outcomes consistent with gender equality or female empowerment through their roles in public or private sector institutions or organizations	This is a count of the number of persons trained with USG assistance to advance gender equality or female empowerment objectives in the context of their official/formal role(s) within a public or private sector institution or organization. Persons counted must have been trained as actors in their public or private sector institution or organization roles. Public or private sector institutions or organizations include but are not limited to: government agencies of the executive, judicial, or legislative branches; public and private health, financial, and education institutions; and civil society organizations such as rights advocacy groups,	This indicator measures a primary output of USG assistance efforts that seek to build the capacity of public and private sector institutions and organizations to support long-term, sustainable progress toward gender equality and female empowerment objectives across a wide range of sectors in which the USG provides assistance (e.g., access to justice,	Implementer activity records	By sex.

²⁹ See CEPEJ 2012-2014 Scheme for Evaluating European Judicial Systems, Q161 and Q162 (<http://www.just.ro/wp-content/uploads/2015/09/editia-2014-en.pdf>).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	business associations, faith-based groups, and labor unions. Persons must have participated in at least 3 hours of training.	closing educational gaps, improving access to health services, addressing barriers to political participation).		
Number of judicial personnel trained with USG assistance	Judicial personnel includes judges, magistrates, prosecutors, advocates, inspectors and court staff. Training refers to all training or education events whether short-term or long-term, in-country or abroad.	Training of judicial personnel improves their ability to more effectively carry out their duties which improves the capacity of the judiciary to act as a check on government power. Training may also instill a sense of the value of and necessity for judicial independence, transparency and accountability in a democratic society.	Implementer activity records	By sex.
Number of human rights defenders trained and supported (see reference sheet for important guidance)	Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights, including rights related to the protection of the environment. A human rights defender can be an individual working alone or as part of a recognized group or movement who investigates, documents, educates, advocates, organizes, communicates, pressures, and/or works to hold accountable those who violate the liberties of others. He or she can be a lawyer, journalist, teacher, activist, student, religious leader, or any other citizen who chooses to defend human rights of others.	An increase in the number of human rights defenders trained and supported suggests that USG assistance is providing human rights defenders with an increased capability to report and advocate about human rights violations and the protection of human rights, which leads to increased government accountability and transparency because the public is made aware of government violations. This awareness can potentially lead to a decrease in human rights violations.	Implementer activity records	By sex; number of participants self-identifying as part of the LGBTI community; number of youth (age 10-29); number of persons with disabilities, number of ethnic minorities; number of indigenous persons; number of religious minorities

Programming Option 4(f): Improving the accessibility of the state justice system

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Affordability of court fees in civil cases.	Cost of court fees expressed as a percentage of claim value in standard contract cases.	Excessive court fees can be an obstacle to the justice system. ³⁰	World Bank Doing Business Index, Economy Snapshots, Enforcing Contracts, Cost, Court fees. http://www.doingbusiness.org/en/data	None.
ii. User/filing fees absent, nominal, or linked to ability to pay. ³¹	Numerical score, defined as follows: 1: absent; 2: nominal; 3: nominal but informal payments add significantly to the costs; 4: medium, poorest discouraged; 5: high, discourage many	Fees often pose a barrier; if they are in force, they should be lowered or eliminated for the poor. ³²	Verified domestic records and Expert survey	By type of court.
iii. Reasonableness of proximity to court facilities. ³³	Percentage, calculated as follows: % population at least ½ day removed (by normal form of travel) from nearest court/total population * 100.	Barriers to justice can be created by a lack of proximity of court facilities. ³⁴	Verified domestic records.	By geographic region.
iv. Degree to which unofficial fees are paid to have cases heard. ³⁵	Percentage, calculated as # respondents answering “often” and “very often” to the question: “How often do litigants have to pay an unofficial fee to have their complaints proceed to court? / # respondents * 100.	Unofficial fees, or bribes constitute a barrier to the state justice system.	Survey of litigating lawyers.	By court and geographic region.

³⁰ This indicator is also useful for programming to expand access to legal services.

³¹ This indicator is derived from USAID DRG Indicator Guide, 2.1.3.3(3), and is also similar to the *Justice Index Self-Representation Index* scoring methodology (<https://justiceindex.org/wp-content/uploads/2016/05/Annotated-Indicator-Guide-2016-Justice-Index.pdf>).

³² This indicator is also useful for programming to expand access to legal services.

³³ This indicator is adapted from USAID’s DRG Indicator Guide, Indicator 2.1.3.3(1).

³⁴ This indicator is also useful for programming to expand access to legal services.

³⁵ This indicator is based upon the *UN Rule of Law Indicators* Judiciary Performance (3.2.1) Indicator 49 (http://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
v. Degree to which cost and/or a lack of trust or knowledge impeded access to the state justice system. ³⁶	Percentage, calculated as # respondents indicating cost barriers, lack of belief in usefulness, lack of knowledge, fear, and/or distance/time in response to question, “What was the main reason why you did not consider getting information, advice, or representation from anyone?” / # respondents.	Provides insight as to why people forego the state justice system.	World Justice Project Summary Statistics Database shows 2017 responses for 45 countries (see Tab 2). Sources of Help, row 28). WJP is scheduled to collect data on access to civil justice for an additional 60 countries in 2018. https://worldjusticeproject.org/sites/default/files/documents/WJP%20Access%20to%20Civil%20Justice_Summary%20Statistics_2017.xlsx	None.
vi. Availability of interpreters. ³⁷	Minority population includes people speaking minority languages, or communicating through sign language. Number of interpreters per 100,000 minority population.	Lingual and other communication impediments are barriers to accessibility of state justice systems.	Verified domestic records	By court and geographic region.
vii. Level of satisfaction of court users. ³⁸	Numeric average of responses to survey asking users to rate their satisfaction of the following elements on a scale of 1-5: <ul style="list-style-type: none"> • Accessibility of courtroom; • Fairness of proceedings; 	User satisfaction helps state providers assess factors that shape the public’s trust and confidence in the courts. Making institutions more citizen-friendly	User survey	By sex and minority status of respondent, and geographic region.

³⁶ From World Justice Project General Population Poll Dispute Resolution Model q42, summarized in Rule of Law Index Indicator 7.1 (https://worldjusticeproject.org/sites/default/files/documents/WJP%20General%20Population%20Poll_Dispute%20Resolution%20Module_2017.pdf), as well as the *Global Insights on Access to Justice* report for 2017 (https://worldjusticeproject.org/sites/default/files/documents/WJP_Access-Justice_April_2018_Online.pdf). Note that a World Bank quantitative survey interview manual (http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/Indonesia_MCLE_Project_Interview_Manual.pdf) enumerates barriers such as: 1) did not have the appropriate supporting documentation; 2) official costs too high; and 3) unofficial fees too high.

³⁷ This indicator is adapted from USAID’s DRG Indicator Guide, 2.1.3.3(5).

³⁸ This indicator is adapted from the *International Framework for Court Excellence* (<http://www.courtexcellence.com/~media/Microsites/Files/ICCE/Global%20Measures%20Pre-Publication%20-%20Sep%202018.ashx>), core performance measure 1 (sample survey on pp. 28-29).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	<ul style="list-style-type: none"> • Timeliness of proceedings; and • Availability of information. 	can appreciably improve perceptions about the quality of justice as well as citizen use of the system.		
viii. Extent to which hearings are open to the public. ³⁹	<p>“Hearing” may be a trial or may be other open court session.</p> <p>Percentage calculated as # cases with public hearings/# cases * 100.</p>	Openness of courts tends to build public trust in the state justice system, increasing likelihood that people will submit their claims for adjudication. ⁴⁰	Verified domestic court records.	By court and geographic region.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of individuals from low income or marginalized communities who received legal aid or victim’s assistance with USG support (see reference sheet for important guidance)	Areas of low income are defined as those where 60% of the population has an income in the lowest quintile of the country as a whole. Marginalized communities are those who have traditionally been excluded from power and access to resources, and may include indigenous peoples, tribal peoples, other minorities, LGBTI populations, women and girls, youth, individuals with disabilities, or other similar groups.	Local availability of legal aid or victim’s assistance for low income or marginalized communities indicates some degree of effectiveness in providing access to justice, a key component of rule of law and human rights. When low income and marginalized groups can access justice it helps improve the legitimacy of the justice system as a whole because individuals can depend on the justice system to seek relief.	Implementer activity records	Sex; age; community identification; vulnerable populations; ethnicity; geographic areas; number of participants self-identifying as part of the LGBTI community; number of indigenous persons; number of persons with disabilities; number of ethnic minorities; number of religious minorities

³⁹ This indicator is derived from USAID’s Handbook of Democracy and Governance Program Indicators, 1998 (DRG Indicator Guide), Indicator 2.1.4.1(1).

⁴⁰ This indicator is also relevant to expanding access to legal services, and is therefore listed under 4(d).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
<p>Number of people reached by a USG funded intervention providing GBV services (e.g., health, legal, psycho-social counseling, shelters, hotlines, other)</p>	<p>This indicator is a count of the individuals served by GBV services. See above indicator for definition of GBV. Examples of types of services in rule of law programming include legal advice or accompaniment for survivors of GBV seeking protection or redress through the justice system; advice and assistance regarding divorce laws or restraining orders; remediation for property disputes, among others; psycho-social counseling; activities to establish or rehabilitate centers where survivors of GBV can seek shelter, information, or services; and hotlines designed to connect GBV survivors to legal and social services.</p>	<p>This indicator will enable the USG to track progress in mitigating the harmful effects of GBV, which is a core part of the second over-arching outcome of USAID's Gender Equality and Female Empowerment Policy and is reflected in the USG Strategy to Prevent and Respond to Gender-Based Violence Globally. At the country level, this indicator will enable USG country teams, governments, implementing partners, and other in-country counterparts to help assess whether interventions are adequately addressing identified needs within the country based on the country's baseline data on GBV, national strategy, and other information. It will also identify programmatic gaps by analyzing the number and types of people reached by services/interventions.</p>	<p>Implementer activity records</p>	<p>By sex.</p>

Programming Option 4(g): Supporting or expanding alternative dispute resolution

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which ADR is accessible, impartial, and effective	Measures whether alternative dispute resolution mechanisms are affordable, efficient, enforceable, and free of corruption.	ADR programs can reduce caseloads, increase access to justice for disadvantaged groups (e.g., urban neighborhood and rural centers), clarify for members of disadvantaged groups whether and how to use the court system, and/or deal with specialized cases that the courts are not well-equipped to handle (e.g., complex commercial disputes, labor-management disputes).	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, civil justice, 7.7	None.
ii. Is domestic commercial arbitration governed by a consolidated law, consolidated chapter, or section of the applicable code of civil procedure encompassing substantially all its aspects?	Numeric score defined as follows: 0: no; 0.5: yes.	Arbitration can reduce cost and time to resolve disputes and increase disputants' satisfaction with outcomes.	World Bank Ease of Doing Business Survey, Quality of Judicial Processes Index, Alternative dispute resolution index, question 1a http://www.doingbusiness.org/en/data/exploretopics/enforcing-contracts	None.
iii. Are arbitration clauses or agreements enforced by local courts in more than 50% of cases?	Numeric score defined as follows: 0: no; 0.5: yes.	Higher rates of execution signal higher effectiveness.	World Bank Ease of Doing Business Survey, Quality of Judicial Processes Index, Alternative dispute resolution index, question 1c http://www.doingbusiness.org/en/data/exploretopics/enforcing-contracts	None.
iv. Are there any financial incentives for parties	“Financial incentives” could include arrangements such as, if mediation or conciliation is	Incentives may be seen as a system’s level of commitment to reducing time and cost in dispute resolution.	Verified domestic records (of codes of civil procedure and	None.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
to attempt mediation or conciliation?	successful, do parties receive a refund of court filing fees, an income tax credit or the like? Numeric score defined as follows: 0: no; 0.5: yes.		other court regulations); expert survey World Bank Ease of Doing Business Survey, Quality of Judicial Processes Index, Alternative dispute resolution index, question 2c http://www.doingbusiness.org/en/data/exploretopics/enforcing-contracts	
v. Do judges/prosecutors have the competence/ authority to hand over certain disputes to mediators? ⁴¹	Yes/no	Helps gauge a system's level of commitment to reducing time and cost in dispute resolution.	Statutory review.	None.
vi. Existence of quality standards for mediators.	"Quality standards" could include an accreditation or training scheme that qualifies mediators to negotiate over the issues in dispute to facilitate an agreement among parties, and holds them to a standard of conduct. Yes/no	Standards assist uniformity of conduct and adherence to the main principles of mediation (such as confidentiality) to maintain the confidence of the parties in the mediation process and its result.	Verified domestic records.	None.
vii. Extent to which mediators are accessible ⁴²	Number of certified mediators per 100,000 population, or, if certification is not available, average score on a scale of 1-5 by expert survey.	The accessibility of mediation services is a precondition of its effectiveness within a rule of law system.	Expert survey/verified domestic records	By geographic region.

⁴¹ CEPEJ Checklist for Promoting the Quality of Justice and the Courts, Section II. Job and Operational Process, II.4. Management of cases, Question 9 (<https://rm.coe.int/european-commission-for-efficiencyof-justice-cepej-checklist-for-promo/16807475cf>).

⁴² CEPEJ Checklist for Promoting the Quality of Justice and the Courts, III. Access to Justice, Communication to Citizens and Public, III.3. Physical and virtual access, Question 12 (<https://rm.coe.int/european-commission-for-efficiencyof-justice-cepej-checklist-for-promo/16807475cf>).

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of groups trained in conflict mediation/resolution skills or consensus-building techniques with USG assistance	“Groups” are entities (e.g. NGOs, government, women’s groups, political parties, civil society organizations, unions, employers, factions, media, or ethnic or marginalized groups) involved in, or planning to be involved in, conflict mediation or consensus-building processes. Training can be for any amount of time at a USG sponsored event, workshop or seminar.	Training groups in conflict mediation/resolution skills or consensus building techniques will increase the possibility that consensus-building processes will result in an agreement. Contributes to peaceful agreement on democratic reform, rules, and frameworks.	Implementer activity records	By sex; number of women’s groups; number of groups working on LGBTI issues; number of indigenous people’s groups; number of groups working on religious freedom
Number of judicial personnel trained with USG assistance	Judicial personnel includes judges, magistrates, prosecutors, advocates, inspectors and court staff. Training refers to all training or education events whether short-term or long-term, in-country or abroad.	Training of judicial personnel improves their ability to more effectively carry out their duties which improves the capacity of the judiciary to act as a check on government power. Training may also instill a sense of the value of and necessity for judicial independence, transparency and accountability in a democratic society.	Implementer activity records	By sex.

Programming Option 4(h): Increasing citizen awareness of human rights standards and issues

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Incidence rate of discrimination/harassment contrary to international human rights law ⁴³	Percentage of survey respondents attesting to such experience in the last 12 months. International human rights law is incorporated in the nine major United Nations treaties ⁴⁴	This indicator provides insights into the nature and scale of human rights violations.	Public survey ⁴⁵	By sex, minority status, geographic region.
ii. Public perception on human rights protection. ⁴⁶	Numeric score on a scale of 0-1, where proportion of people who think that human rights are respected in their country, is defined as: 1: more than 70%. 0.5: 50-70%. 0: less than 50%.	Low awareness of human rights and protections suggest that some violations may be unwittingly tolerated and reporting on human rights violations underestimate the actual incidence rates.	Public opinion surveys.	By geographic region.
iii. Attitudes toward domestic violence.	Percentage of women and men age 15-49 years who believe a husband may be justified in beating his wife.	Understanding public perceptions towards domestic violence can inform awareness and public education programming.	UNICEF-administered Multiple Indicator Cluster Surveys, http://mics.unicef.org/surveys ⁴⁷	By sex, minority status, and geographic region.
iv. Women's awareness of rights and availability of services for gender-	Average number of statements respondents indicate agreement with: <ul style="list-style-type: none"> It is illegal for men to assault female family members; Cultural norms should not condone GBV; 	GBV is a common form of human rights violations. Low awareness of rights and remedies in this area is suggestive of programming opportunities.	Perception survey among female respondents.	By sex, minority status, and geographic region.

⁴³ Sustainable Development Goal indicator 10.3.1/16.b.1 (a Tier III indicator for which data is not yet available). See the [metadata sheet](#) for this indicator.

⁴⁴ Treaties are the ICCPR, International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Economic, Social and Cultural Rights (ICESCR), CEDAW, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), CRC, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), Convention on the Rights of Persons with Disabilities (CRPD), and International Convention for the Protection of All Persons from Enforced Disappearance (CPED), along with associated protocols.

⁴⁵ Joint survey/compilation with OHCHR and national agencies will occur annually subsequent to finalizing methodology toward the end of 2018.

⁴⁶ This is The Economist Intelligence Unit *Democracy Index* Civil Liberties Category Indicator #58

(https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2017). USAID would need to seek the permission of the Economist Intelligence Unit (<http://www.eiu.com/home.aspx>) to access *Democracy Index* data.

⁴⁷ Survey results per country as MICS5 for 2016-2017, with datasets available for many countries to registered users.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
based violence (GBV) ⁴⁸	<ul style="list-style-type: none"> • If ever a victim of GBV, I would report it to the police; • If ever a victim of GBV, I would advise my doctor or other health care provider; • If ever a victim of GBV, I know of a safe house/place where I can seek refuge. 			
v. Extent to which police behave in a discriminatory fashion. ⁴⁹	Average of responses to question: “Do you agree that the police treat people of all groups fairly and without discrimination?” on a scale of 1-4, defined as follows: 4: fully agree; 3: partly agree; 2: disagree; 1: strongly disagree.	Police are often perpetrators of human rights abuses. This indicator helps identify the scale of such abuses, as well as public awareness of their rights.	Public perception survey.	By sex, minority status, geographic region.
vi. Extent to which police use force to obtain confessions. ⁵⁰	Average of responses to question: “How often do you think the police resort to force to obtain a confession?” on a scale of 1-4, defined as follows: 4: never; 3: rarely; 2: often; 1: very often.	Police are often perpetrators of human rights abuses. This indicator helps identify the scale of such abuses, as well as public awareness of their rights.	Public perception survey.	By sex, minority status, and geographic region.
vii. Extent to which civil society is engaged in protecting human rights.	Number of organizations dedicated to human rights issues.	Existence of human rights organizations is indicative of the scale and scope of human rights abuses, as well as being suggestive of potential vehicles for awareness and education campaigns.	Verified domestic records	By geographic region.

⁴⁸ See [European Union Agency for Fundamental Rights \(FRA\) survey on violence against women](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf), (http://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf) which asked about women’s awareness of legislation concerning prevention of and protection from domestic violence, and their awareness of organizations and specialized support services for women survivors of violence.

⁴⁹ *UN Rule of Law Indicators for Police Treatment of Members of Vulnerable Groups* (3.1.3) Indicator 22 (http://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf).

⁵⁰ *UN Rule of Law Indicators for Police Integrity, Transparency, and Accountability* (3.1.2) Indicator 14 (see link above).

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of human rights organizations trained and supported	To be counted, the human rights organization / civil society organization (CSO) should focus a primary or significant portion their work on strengthening human rights (e.g., in providing services, reporting, monitoring, advocacy, outreach, education or protection of citizens).	Indicator measures the output of USG assistance aimed at strengthening human rights organization / CSOs working on human rights issues. Supporting local organizations engaged in monitoring or advocacy work will increase the level of transparency and accountability and contribute to the protection of human rights.	Implementer activity records.	Number of groups working on LGBTI issues; number of women's rights groups; number of indigenous people's groups; number of groups working on religious freedom
Number of individuals receiving civic education through USG-assisted programs	Any individuals that receive civic education through print, broadcast, or new media, as well as via in-person contact can be counted. Civic education also includes curriculum-based trainings, community-based trainings in underserved areas, public service announcements on electronic media, written materials, internet-based information and messages using new media or technology (in this usage primarily, but not exclusively social networking sites like Facebook and Twitter).	The provision of civic education in developing democracies will help ensure that individuals have the information they need to be effective participants in the democratic process, contributing to the development or maintenance of electoral democracy.	Implementer activity records	By sex. Operating units should include a list of the different types of media or other contacts used in their programs, along with the objectives of the civic education programming in their country context and the locally-used definitions for minority and disadvantaged/marginalized groups.
Number of human rights defenders trained and supported (see reference sheet for important guidance)	Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights, including rights related to the protection of the environment. A human rights defender can be an individual working alone or as part of a recognized group or movement who investigates, documents, educates, advocates, organizes, communicates, pressures, and/or works to hold	An increase in the number of human rights defenders trained and supported suggests that USG assistance is providing human rights defenders with an increased capability to report and advocate about human rights violations and the protection of human rights, which leads to increased government accountability and transparency because the public is made aware of government violations. This awareness	Implementer activity records	By sex; number of participants self-identifying as part of the LGBTI community; number of youth (age 10-29); number of persons with disabilities, number of ethnic minorities; number of indigenous persons; number of religious minorities

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	accountable those who violate the liberties of others. He or she can be a lawyer, journalist, teacher, activist, student, religious leader, or any other citizen who chooses to defend human rights of others.	can potentially lead to a decrease in human rights violations.		

Programming Option 4(i): Strengthening human rights institutions

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which international human rights standards are incorporated into domestic law.	Number of international human rights treaties ⁵¹ and their associated optional protocols ⁵² ratified/adopted. Range of scores is 0-18, 1 for each treaty or protocol.	The indicator measures the expression by the State of its consent to be bound by a human rights treaty under international law.	UN Office of the High Commissioner for Human Rights (OHCHR) Interactive Dashboard updated every 6 months http://indicators.ohchr.org/	By treaty and optional protocol.
ii. Extent to which national human rights institutions (NHRIs) comply with the Paris Principles ⁵³	An NHRI is an independent administrative body set up by a state to promote and protect human rights. Compliance with the Paris Principles, which were adopted by the United Nations General Assembly in 1993 (resolution 48/134), is the basis for rating NHRIs. There are three ratings: A: compliant with Paris Principles B: observer status – not fully compliant with the Paris Principles or insufficient information provided to make a determination C: not compliant with the Paris Principles	The Paris Principles vest NHRIs with a broad mandate, competence and power to investigate, report on the national human rights situation, and publicize human rights through information and education. Rating NHRIs provides a basis for indicating government support to human rights work in a country. The higher the rating, the more the NHRI is shown to be credible, legitimate, relevant and effective in promoting human rights nationally.	The Global Alliance of National Human Rights Institutions (GANHRI) manages a peer review process to determine the ratings displays status in chart form https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20%288%20August%2018.pdf) and in map form https://www.ohchr.org/Documents/Issues/HRIndicators/NHRI_map.pdf .	None.

⁵¹ Treaties are the ICCPR, International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Economic, Social and Cultural Rights (ICESCR), CEDAW, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Rights of the Child (CRC), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), Convention on the Rights of Persons with Disabilities (CRPD), and International Convention for the Protection of All Persons from Enforced Disappearance (CPED).

⁵² Referred to as “Ratification of 18 International Human Rights Treaties” on the OHCHR website.

⁵³ Available at <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/PARIS%20PRINCIPLES-ENG.docx>.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iii. Extent to which domestic legislation is harmonized with international human rights standards.	International human rights standards are those set forth in the 9 human rights treaties. ⁵⁴ Numerical score on a scale of 0-4, defined as the extent to which international human rights standards are reflected in domestic legislation: 0: not at all; 1: only incidentally; 2: partially; 3: substantially; 4: wholly.	A legislative agenda presents evidence of an understanding of the necessary authorities, competencies, and remedies that a state party must provide, based on a careful comparison of the in-country framework with the international treaty.	Verified domestic records and expert review.	None
iv. Adequacy of authority vested in domestic NHRIs, including the investigation of complaints and the sanctioning of violators	Numerical score, on a scale of 0-3, defined as follows: 0: No NHRI exists; 1: NHRI exists, but lacks meaningful authority; 2: NHRI has only investigative authority; 3: NHRI has authority to make non-binding recommendations; 4: NHRI has authority to sanction violators.	Investigation and sanctioning authority demonstrate a state's commitment to enforcing human rights protections.	Legislative and expert review.	None.
v. Capacity of NHRIs to address complaints. ⁵⁵	Percentage calculated as $\frac{\# \text{ resolved complaints}}{\# \text{ incoming complaints}} * 100$. Scores over 100% indicate that the NHRI is keeping pace and reducing any backlog; those under 100% indicate a growing backlog of complaints.	Helps understand an NHRI's capacity to process complaints.	Verified domestic records	None.

⁵⁴ See footnote 51.

⁵⁵ This indicator is parallel to the Court Clearance rate, drawn from the European Commission for the Efficiency of Justice (CEPEJ) evaluation, in 4(c)(vi), *infra*.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vi. Rate of reporting compliance by state parties to United Nations human rights treaty bodies. ⁵⁶	<p>The compliance rate is computed as the percentage of reports submitted on time, by subtracting from I the number of overdue reports (figure B) divided by the total number of treaties and optional protocols with reporting obligations (figure A).</p> $\% \text{ compliance} = \left[1 - \frac{B}{A} \right] * 100$	<p>Measures compliance by a state party to its obligation to submit treaty-specific reports periodically under the nine international human rights treaties and nine optional protocols.</p>	<p>By OHCHR and recorded in the Treaty Body Database https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx</p> <p>The database is updated every six months.</p>	<p>By treaty or protocol.</p>
vii. State's compliance rate with endorsed recommendations from the Universal Periodic Review (UPR)	<p>Endorsed recommendations are those generally contained in an Addendum to the Report of the Working Group on the UPR.</p> <p>Percentage of endorsed recommendations from the previous UPR cycle that the State has addressed in whole or in substantial part.</p> <p>Review. Each cycle generally spans 4 years.</p>	<p>The UPR is designed to ensure equal treatment for every country when their human rights situations are assessed. Participation is voluntary.</p>	<p>Data is found in: 1) national reports or other relevant information submitted by the Member State orally or in writing; 2) information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, as compiled in a report prepared by the OHCHR; and 3) information provided by other relevant stakeholders including, inter alia, civil society representatives, national human rights institutions, human rights defenders, academic institutions, research institutes, and regional organizations, which will be summarized by the OHCHR in a document. See UPR documentation by country: https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</p>	<p>None.</p>

⁵⁶ OHCHR produces the indicator based on records of states' submission of their national reports to the treaty bodies.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
viii. Unsentenced detainees as a proportion of overall prison population ⁵⁷	Unsentenced detainees include those awaiting sentencing as well as accused in pre-trial detention. Percentage calculated as #number of persons held in detention who have not been sentenced/# persons held in detention * 100	Helps assess whether states subject detainees to arbitrary versus lawful detention, whereas rights under detention are secured by international human rights law.	UN Crime Trends Survey (UN-CTS), results posted through UNODC Statistics and Data, with data available for 114 countries. https://dataunodc.un.org/crime/un-sentenced-detainees-as-proportion	None.
ix. Extent of civil society capacity to demand human rights protection.	# complaints/cases brought by civil society organizations (CSOs) for human rights violations.	Helps assess effectiveness of non-state actors in spotting and defending human rights principles.	Verified domestic records.	By type of human rights violation.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of USG supported national human rights commissions and other independent state institutions charged by law with protecting and promoting human rights that actively pursued allegations of human rights abuses during the year	To be counted, the commission or institution: <ul style="list-style-type: none"> • Must have the authority to investigate and adjudicate human rights violations; • Must be funded by the government; • Must be actively investigating cases. Actively means that paid staff are interviewing witnesses, documenting evidence, writing reports, etc. Information should be reported by USG fiscal year.	This indicator highlights acceptance by the government of the private right to file complaints in domestic institutions against governmental abuses, and allow and pay for full investigations. This acceptance shows a willingness for government accountability and transparency to the public on human rights issues. This accountability can also strengthen the legitimacy of the government.	Implementer activity records	None.

⁵⁷ Sustainable Development Goal indicator 16.3.2. See metadata sheet for this indicator (<https://unstats.un.org/sdgs/metadata/files/Metadata-16-03-02.pdf>).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
<p>Number of human rights defenders trained and supported (see reference sheet for important guidance)</p>	<p>Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights, including rights related to the protection of the environment. A human rights defender can be an individual working alone or as part of a recognized group or movement who investigates, documents, educates, advocates, organizes, communicates, pressures, and/or works to hold accountable those who violate the liberties of others. He or she can be a lawyer, journalist, teacher, activist, student, religious leader, or any other citizen who chooses to defend human rights of others.</p>	<p>An increase in the number of human rights defenders trained and supported suggests that USG assistance is providing human rights defenders with an increased capability to report and advocate about human rights violations and the protection of human rights, which leads to increased government accountability and transparency because the public is made aware of government violations. This awareness can potentially lead to a decrease in human rights violations.</p>	<p>Implementer activity records</p>	<p>By sex; number of participants self-identifying as part of the LGBTI community; number of youth (age 10-29); number of persons with disabilities, number of ethnic minorities; number of indigenous persons; number of religious minorities</p>
<p>Number of persons trained with USG assistance to advance outcomes consistent with gender equality or female empowerment through their roles in public or private sector institutions or organizations</p>	<p>This is a count of the number of persons trained with USG assistance to advance gender equality or female empowerment objectives in the context of their official/formal role(s) within a public or private sector institution or organization. Persons counted must have been trained as actors in their public or private sector institution or organization roles. Public or private sector institutions or organizations include but are not limited to: government agencies of the executive, judicial, or legislative branches; public and private health, financial, and education institutions; and civil society organizations such as rights advocacy groups, business associations, faith-based groups, and labor unions. Persons must have participated in at least 3 hours of training.</p>	<p>This indicator measures a primary output of USG assistance efforts that seek to build the capacity of public and private sector institutions and organizations to support long-term, sustainable progress toward gender equality and female empowerment objectives across a wide range of sectors in which the USG provides assistance (e.g., access to justice, closing educational gaps, improving access to health services, addressing barriers to political participation).</p>	<p>Implementer activity records</p>	<p>By sex.</p>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
<p>Number of legal instruments drafted, proposed or adopted with USG assistance designed to promote gender equality or non-discrimination against women or girls at the national or sub-national level</p>	<p>"Legal instrument" broadly includes any official document issued by a government (e.g., law, policy, action plan, constitutional amendment, decree, strategy, regulation) designed to promote or strengthen gender equality or non-discrimination on the basis of sex at the national or sub-national level, which was drafted, proposed or adopted with USG assistance.</p>	<p>This indicator measures the output of USG assistance that seeks to build the necessary or enabling conditions for the achievement of long-term, sustainable progress toward gender equality and non-discrimination objectives across a wide range of sectors in which the USG provides assistance (e.g., reduced gender gaps in employment, income, political representation, or access to basic health services).</p>	<p>Implementer activity records</p>	<p>By name of instrument and whether it was drafted, proposed, or adopted.</p>
<p>Number of training and capacity building activities conducted with USG assistance that are designed to promote the participation of women or the integration of gender perspectives in security sector institutions or activities</p>	<p>This indicator counts the number of USG-funded activities that promote: the participation of women in security sector institutions and activities; the integration of gender perspectives, needs, and priorities in security sector initiatives or activities; or, the increased ability of individuals or institutions in the security sector to address the distinct needs and priorities of males and females.</p>	<p>The output increases knowledge, skills, and awareness of those trained or participating in capacity building, thereby contributing to the intermediate objective of promoting the participation of women and integration of gender perspectives in security sectors and the long term result of inclusive, just, and sustainable peace.</p>	<p>Implementer activity records</p>	<p>None.</p>

Programming Option 4(j): Working with non-state justice institutions to improve access to justice

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Public perception of the fairness of non-state or informal justice mechanism ⁵⁸	Percentage, calculated as # respondents rating informal justice mechanisms as “more or less fair”/ # number of respondents,	Helps to understand whether citizens identify problems with equity in the dispute resolution practices of informal justice mechanisms.	Public survey.	By sex, minority status, and geographic region.
ii. Transparency of standards in informal justice system. ⁵⁹	<p>“Standards” include instructions, principles, a code of conduct or other guidance has been compiled to aid informal justice actors’ decision-making.</p> <p>Numeric score on a scale of 0-4, defined as follows: 0: no discernable standards exist; 1: oral standards exist but are not well known; 2: written standards exist, but are not well known; 3: written standards are known by word of mouth, but not made available for inspection; and 4: written standards are available for review</p>	Helps to understand the considerations mediators and informal actors take into account in dispute resolution. Per literature this is likely to involve community harmony: reconciliation, restoration, compensation, and reintegration. ⁶⁰	Case study/observation, documents and legislation	By instrument and standard.
iii. Right to appeal decisions in informal justice sector. ⁶¹	<p>“Right to appeal” means that applicants finding fault with the informal dispute resolution procedure may present the facts of the case to a higher authority.</p> <p>Unit: Yes/no</p>	An appeals process safeguards disputants against arbitrary or prejudicial decision-making to some degree and promotes accountability among adjudicators. If appeals are made to state institutions (like courts or	Case study/observation, document review.	None.

⁵⁸ Vera-Altus Indicator 34 https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf.

⁵⁹ Vera-Altus Indicator 35 (see link above).

⁶⁰ Danish Institute for Human Rights. 2013. *Informal Justice Systems: Charting a Course for Human-Rights-Based Engagement*. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), p. 10, https://www.unicef.org/protection/INFORMAL_JUSTICE_SYSTEMS.pdf.

⁶¹ Vera-Altus Indicator 38 https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
		ombudsmen) then a more explicit human rights protection scheme is activated, and states have a means to learn about the character and types of conflicts handled in informal institutions.		
iv. Proportion of women who use state versus non-state systems as compared to men ⁶²	Percentage, calculated as # of female applicants / # applicants using informal justice mechanisms * 100.	The quality of an informal justice system depends in part on its accessibility to all members of the community it serves. This indicator offers potential insight into the level of trust women have in non-state justice institutions; alternatively it could suggest barriers women face to accessing formal institutions.	Public survey, secondary survey data (from a civil society organization, for example)	None.
v. Proportion of disputes received or apprehensions made by non-state institutions that are referred to state institutions ⁶³	This is the number of disputes submitted to informal justice institutions that are referred to state justice institutions (the numerator) divided by the total number of disputes submitted to informal institutions (the denominator), multiplied by 100.	Evidences the level of cooperation between non-state and state institutions, and enables state institutions to learn about the character and types of conflicts handled in informal institutions.	Special visits, administrative data	By geography (especially as a reflection of socio-economic status, i.e., rural poor, or to include areas of high minority concentration); subject of dispute; and sex, age, and minority status of the applicant, as available.

⁶² Vera-Altus Indicator 36 https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf

⁶³ 2003. *Measuring Progress Toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*. Vera Institute of Justice (Indicator for Non-State Institutions 8 pp. 72) https://storage.googleapis.com/vera-web-assets/downloads/Publications/measuring-progress-toward-safety-and-justice-a-global-guide-to-the-design-of-performance-indicators-across-the-justice-sector/legacy_downloads/207_404.pdf.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vi. Diversity in composition of informal justice adjudicators ⁶⁴	<p>“Diversity” refers to gender, ethnicity, religion, or other distinct group in the relevant community.</p> <p>Percentage, calculated as # adjudicators in a jurisdiction who represent diversity/ #adjudicators in the jurisdiction.</p>	A diverse council/tribunal is not necessarily free of bias, but an institution that resists diversity among its own adjudicators is likely to be biased in its responsiveness to a diverse public.	Public survey, secondary survey data	By geographic region.
vii. Availability of legal assistance programs relying on the work of paralegals or other non-professional or quasi-professional providers.	# of lay advocates and paralegals serving defined community.	This evidences demand for informal services as well as insight into accessibility informal justice options.	Public survey.	By geographic region.

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Number of human rights organizations trained and supported	To be counted, the human rights organization / civil society organization (CSO) should focus a primary or significant portion their work on strengthening human rights (e.g., in providing services, reporting, monitoring, advocacy, outreach, education or protection of citizens).	Indicator measures the output of USG assistance aimed at strengthening human rights organization / CSOs working on human rights issues. Supporting local organizations engaged in monitoring or advocacy work will increase the level of transparency and accountability and contribute to the protection of human rights.	Implementer activity records.	Number of groups working on LGBTI issues; number of women's rights groups; number of indigenous people's groups; number of groups working on religious freedom

⁶⁴ Vera-Altus Indicator 39, https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf.

Programming Option 4(k): Gender issues

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which women enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance. ⁶⁵	Numeric score on a scale of 0 to 4, with 0 representing the lowest degree of freedom and 4 the highest, based on the following factors: <ul style="list-style-type: none"> • Are personalized forms of violence are widespread? • Does government ban choice of marriage partner or other personal relationships? • Do equal rights in divorce proceedings and child custody exist? • Do citizenship or residency rules present excessive barriers for foreign spouses or transmitting citizenship to children? • Does government deny access to or impose birth control and/or criminalize abortion? • Does government restrict choice of dress, appearance, or gender expression? • Do private institutions or individuals unduly infringe on the personal social freedoms of individuals? 	The indicator assesses the level of personal autonomy and individual rights citizens enjoy as an aspect of civil liberties.	Freedom House Freedom In the World methodology, https://freedomhouse.org/report/methodology-freedom-world-2018 Country Report, Civil Liberties Personal Autonomy and Individual Rights, Indicator G3	None.
ii. Does a woman’s testimony carry the same evidentiary weight in court as a man’s?	Yes/no	Helps assess whether legal barriers factor in to access to justice challenges for women.	World Bank Ease of Doing Business Survey Enforcing Contracts Methodology, Quality of Judicial Processes Index, Question 5. http://www.doingbusiness.org/en/data/exploretopics/enforcing-contracts	None.

⁶⁵ Freedom House Civil Liberties Personal Autonomy and Individual Rights Indicator G3 <https://freedomhouse.org/report/methodology-freedom-world-2018>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
iii. Diversity of professional staff of justice sector institutions ⁶⁶	Percentage, calculated as # women employed in justice sector/ # persons employed * 100.	A diverse staff is not necessarily free of bias, but an institution that resists diversity among its own staff is likely to be biased in its responsiveness to a diverse public.	Government personnel records, institutional manager survey	None.
iv. Degree of equity for victims of gender-based violence in court. ⁶⁷	Numerical average of survey responses to question: “To what extent do you agree that victims of sexual or other gender-based violence are able to receive a fair hearing in court?” a scale of 1 to 4, defined as follows: 4: fully agree; 3: partly agree; 2: disagree; 1: strongly disagree.	Helps assess perceptions about whether women and other vulnerable survivors of violence enjoy equal application of the law to justice, and gender equality.	Public survey	Sex; minority status; geographic region.
v. Level of police responsiveness to reports made by women. ⁶⁸	Proportion of women answering affirmatively that police are/would be responsive to reports of crime, as compared to men.	A difference in the level of trust in police between men and women suggests a history of unequal treatment.	Public survey	By geographic region, age, income level, and minority status of the applicant, as available.

⁶⁶ 2003. *Measuring Progress Toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector*. Vera Institute of Justice (Access to Justice Indicator 5, p. 28) https://storage.googleapis.com/vera-web-assets/downloads/Publications/measuring-progress-toward-safety-and-justice-a-global-guide-to-the-design-of-performance-indicators-across-the-justice-sector/legacy_downloads/207_404.pdf.

⁶⁷ UN Rule of Law Indicators Judiciary Performance (3.2.1) Indicator 51 http://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf.

⁶⁸ Vera-Altus Indicator 53 https://storage.googleapis.com/vera-web-assets/downloads/Publications/developing-indicators-to-measure-the-rule-of-law-a-global-approach/legacy_downloads/Developing_Indicators_to_Measure_the_Rule_of_Law_Online_version2.pdf (see p. 12).

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
vi. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence? ⁶⁹	Yes/no	Justice systems must be adapted and appropriate to respond to the needs of women ⁷⁰ to be accessible to women; justiciability further requires that justice professionals handle cases in a gender-sensitive manner.	Expert survey Figures for 48 Council of Europe entities and observers are available through the CEPEJ-STAT database https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems (and the Question Explorer function when “Prosecutors” and “59-1” are selected)	None.
vii. Incidence of sexual harassment ⁷¹	Sexual harassment is unwanted/ inappropriate touching, indecent exposure, inappropriate use of pornographic material, forms of harassment through social media, etc. The indicator measures the proportion of persons who were victims of physical or sexual harassment in the previous 12 months.	The indicator is related to the goal of inclusive, safe, resilient and sustainable cities (Goal 11).	Public survey ⁷²	By sex, age, disability status, and place of occurrence.

⁶⁹ CEPEJ 2016 evaluation scheme Q59-1 (<https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-scheme-for-eva/16807477f8>).

⁷⁰ CEDAW General recommendation on women’s access to justice No. 33
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/I_Global/CEDAW_C_GC_33_7767_E.pdf.

⁷¹ Sustainable Development Goal indicator 11.7.2 (a Tier III indicator for which data is not yet available; see <https://unstats.un.org/sdgs/tierIII-indicators/files/Tier3-11-07-02.pdf> for more information).

⁷² Data will be collected through the annual UN-CTS once methodological work is complete (scheduled for mid-2019).

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
<p>Number of training and capacity building activities conducted with USG assistance that are designed to promote the participation of women or the integration of gender perspectives in judicial bodies.</p>	<p>Number of distinct trainings or capacity building activities for judicial personnel that promotes participation of women or integration of gender perspectives. Judicial personnel in this instance would be limited to those serving judicial bodies responsible for safeguarding the independence of the judiciary and providing checks on the power of other branches of government. Examples would include training of judges and staff on constitutional and supreme courts and/or judicial councils on gender inclusivity, sexual harassment, gender equal work environment, gender-sensitive solicitation and hiring practices.</p> <p>Unit: Number of discrete activities</p>	<p>Output: measures the output of training and other capacity building activities specific to gender equality and integration. (FA GNDR-9)</p>	<p>Implementer activity records.</p>	<p>None.</p>
<p>Number of USG-supported activities designed to promote or strengthen the civic participation of women</p>	<p>Activities designed to promote or strengthen the civic participation of women include trainings, capacity building, and outreach activities targeting women and civic organizations that serve female constituencies.</p> <p>Unit: Number of discrete activities</p>	<p>Output: measures the output of activities aimed at increasing women's civic participation. (FA DR 4-1)</p>	<p>Implementer activity records.</p>	<p>None.</p>
<p>Number of persons trained with USG assistance to advance outcomes consistent with gender equality or female empowerment through their roles in public or private sector institutions or organizations</p>	<p>This is a count of the number of persons trained with USG assistance to advance gender equality or female empowerment objectives in the context of their official/formal role(s) within a public or private sector institution or organization. Persons counted must have been trained as actors in their public or private sector institution or organization roles. Public or private sector institutions or organizations include but are not limited to: government agencies of the executive, judicial, or legislative branches; public and private</p>	<p>This indicator measures a primary output of USG assistance efforts that seek to build the capacity of public and private sector institutions and organizations to support long-term, sustainable progress toward gender equality and female empowerment objectives across a wide range of sectors in which the USG provides assistance (e.g., access to justice, closing educational gaps, improving</p>	<p>Implementer activity records</p>	<p>By sex.</p>

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	health, financial, and education institutions; and civil society organizations such as rights advocacy groups, business associations, faith-based groups, and labor unions. Persons must have participated in at least 3 hours of training.	access to health services, addressing barriers to political participation).		
Number of judicial personnel trained with USG assistance	Judicial personnel includes judges, magistrates, prosecutors, advocates, inspectors and court staff. Training refers to all training or education events whether short-term or long-term, in-country or abroad.	Training of judicial personnel improves their ability to more effectively carry out their duties which improves the capacity of the judiciary to act as a check on government power. Training may also instill a sense of the value of and necessity for judicial independence, transparency and accountability in a democratic society.	Implementer activity records	By sex.

ANNEX 5. INDICATOR DETAIL

FRAMEWORK ELEMENT 5: EFFECTIVE APPLICATION

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
The degree to which citizens are treated equally under the law. ¹	Numerical value, defined as follows: 1: high 0.5: moderate 0: low	Effective application means the laws are enforced equally among citizens.	EIU Democracy Index	None
Extent to which public officeholders who abuse their positions are prosecuted or penalized.	Numerical value on a scale of 1-4 with 4 strict prosecution of abuse of office.	Politicians are often not held accountable for their actions due to their political and/or economic power. Therefore, a high rate of prosecution of politicians who abuse their positions is an indication that the laws are being effectively enforced.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, criminal justice, 6.1	None
Equal application of the law by judges. ²	Average of respondent scores on a scale of 1-4, with: 4: consistently equal application, with only minor outliers 3: generally equal application, though some notable deviations; 2: inconsistent application, though without discernable pattern; 1: inconsistent, with a pattern suggesting discriminatory intent or bias.	This indicator measures whether judges impose different punishments for the same type of crime based on a defendant's or victim's personal or ethnic characteristics.	Survey data	None.
Extent to which due process prevails in civil and criminal matters.	Numerical value on a scale of 1-4 with 4 representing due process prevailing in both civil and criminal matters.	The extent to which due process prevails is a proxy to whether the laws are applied and enforced effectively and consistently.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, criminal justice, 7.6 and 8.7	None

¹ This indicator draws from survey question #54 in the EIU Democracy Index.

² This indicator is included as question #69 the UN ROL indicators.

Programming Option 5 (a): Improving investigative capacity of police and prosecutors.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which police are capable of carrying out effective investigations.	Numerical on a scale of 0-1, with 0 being least capable and 1 being most capable	Police are the first line of enforcement of criminal laws.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, criminal justice, 8.1	None.
ii. Extent to which prosecutors are capable of carrying out effective investigations and conducting trials.	Numerical on a scale of 0-1, with 0 being least capable and 1 being most capable	Prosecutors must be able to prosecute cases following police investigation/arrest.	Expert survey	None.
iii. The population's perception of the ability of the police to control crime in the community. ³	Numerical average of responses to the question "How effective do you think the police are at controlling crime in your area?" on a scale of 1-4 with 4: very effective 3: effective 2: ineffective 1: very ineffective	The public's perception of the extent to which police and prosecutors effectively enforce criminal laws.	Public perception survey	None
iv. Level of satisfaction with police response to crime reports. ⁴	Numerical average of responses to the question "Overall, how satisfied were you with the response by the police" on a scale of 1-4 with 4: very satisfied 3: satisfied 2: dissatisfied 1: very dissatisfied	Capacity of police to effectively investigate crimes is reflected in the level of satisfaction of those reporting the crimes.	Survey of individuals reporting an incident to the police in the past 12 months.	Geographic, gender and minority status
v. Level of response to domestic violence incidents. ⁵	Numerical average of responses to the question: "To what extent do you agree that the police respond seriously and	Domestic violence cases are often treated more laxly by police. The extent to which	Survey of individuals reporting an incident of domestic violence to the	None

³ This indicator is drawn from UN ROL Index indicator #1.

⁴ This indicator is drawn from UN ROL Index indicator #3.

⁵ This indicator is drawn from UN ROL Index indicator #4.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
	competently to incidents of domestic violence (violence occurring in the family)?” on a scale of 1-4 with 4: fully agree 3: agree 2: disagree 1: strongly disagree	police responds seriously and competently is an indication that the police are fulfilling their role in the effective application of the law.	police in the past 12 months.	
vi. Extent to which criminal justice matters are adjudicated in a timely and effective manner.	Numerical on a scale of 0-1, with 0 being least capable and 1 being the greatest extent.	The adjudication of criminal justice matters in a timely and effective manner is reflective of the capacity of police and prosecutors.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, criminal justice, 8.2	None
vii. Extent to which equipment necessary to perform basic police duties is available. ⁶	Numerical average of responses to the question: “To what extent would you agree that the police have adequate equipment to perform their basic duties.” on a scale of 1-4 with 4: fully agree 3: agree 2: disagree 1: strongly disagree	Investigative capacity is enhanced with the availability of necessary equipment.	Expert survey.	None
viii. Level of skill among police and prosecutors to gather and protect physical evidence. ⁷	Numerical average of responses to the question: “To what extent do you agree that police officers and/or prosecutors have the necessary skills to gather and protect physical evidence” on a scale of 1-4 with 4: fully agree 3: agree 2: disagree 1: strongly disagree	The proper collection and preservation of evidence is a critical skill in enforcing the law.	Expert survey.	None

⁶ This indicator is drawn from UN ROL Index indicator #26

⁷ This indicator is drawn from UN ROL Index indicator #31.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
ix. Degree of absence of corruption in the police/military.	Numerical on a scale of 0-1, with 0 being least capable and 1 being the highest degree.	Corruption in law enforcement would have a negative impact on its capacity to enforce the law.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, criminal justice, 2.3	None

Applicable Standard Foreign Assistance Framework Indicators:

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
Percent of communities in USG-assisted areas implementing principles taught in law enforcement training.	Percentage.	Outcome: measures the willingness to communities to implement training principles (FA DR. 1.3.7-6)	Implementer activity records.	None.
Percentage of new recruits to national police forces who are women.	Percentage	Output: measures the output of training and other capacity building activities specific to gender equality and integration. (FA DR 1.3.7-9)	Domestic records.	None.

Programming Option 5(b): Enforcing judgments

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Percentage of judgments pending enforcement 2 months after final appeal exhausted or expired in previous 5 years.	Percentage calculated by # judgments awaiting execution 2 months or more/total # judgments rendered in previous 5 years	This indicator measures the volume of outstanding judgments as a fraction of total judgments.	Verified domestic records	Geographic region
ii. Time required to enforce judgment in standard contract cases.	Average # days from the issuance of a judgment to final enforcement; phases include time to obtain enforceable copy, seize assets, conduct auction, and/or fully recover value of claim.	In addition to knowing the ratio of cases not being enforced, the timeliness is also indicative of how effectively the law is applied.	World Bank Doing Business Index, Economy Snapshots, Enforcing Contracts, Time, Enforcement of judgment. http://www.doingbusiness.org/en/data	None
iii. Cost of enforcing a claim.	Cost in court fees, attorney fees (where the use of attorneys is mandatory or common) and enforcement fees expressed as a percentage of the claim value.	Enforcement procedures which are prohibitively expensive, as compared to the claim value must be considered an impediment to effective application of laws.	World Bank Doing Business Index, Economy Snapshots, Enforcing Contracts, Cost, Enforcement fees. http://www.doingbusiness.org/en/data	None
iv. Qualifications of enforcement officers. ⁸	“Enforcement Officer” may include those responsible for ensuring that monetary awards made in civil judgments are paid, whether it be bailiffs, officers from a central enforcement agency, or private contractors. Average number of years of education and pre-service training of enforcement officers.	Ideally enforcement officers should have the level of education and pre-service training on par with a judge or lawyer.	Survey of enforcement officers.	Geographic region.

⁸ This indicator is premised upon the relevant indicators recommended by European Commission for the Efficiency of Justice (CEPEJ) for measuring adequacy of enforcement processes.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
v. Availability of enforcement officers. ⁹	# of enforcement officers per 100,000 inhabitants ¹⁰	Effective and efficient enforcement of judgments depends on the availability of enforcement officers.	Verified domestic records, or, in countries included in CEPEJ studies, https://public.tableau.com/vie/ws/2010-2012-2014Data/Tables?embed=y&:display_count=yes&:toolbar=no&:showVizHome=no	Geographic region
vi. Existence of adequate quality and control standards guiding enforcement officers.	<p>“Quality and control standards” includes codes of ethics, performance-based evaluations, hiring criteria, established fee schedules, and systems to measure length of enforcement for civil cases.</p> <p>Unit: Average response in expert survey to question: To what extent do you agree that adequate quality and control standards governing the work of enforcement officers exist?” where responses are:</p> <p>4: Fully agree 3: Partially agree 2: Disagree 1: Strongly disagree</p>	The consistency and quality of performance depends in large part on the existence of standards guiding enforcement officers.	Expert survey, or in countries covered by CEPEJ studies, https://public.tableau.com/vie/ws/Qualitivedata2010-2012-2014/QualitativeData?embed=y&:display_count=yes&:toolbar=no&:showVizHome=no	None

Applicable Standard Foreign Assistance Framework Indicators: None.

⁹ This indicator is premised upon the relevant indicators recommended by CEPEJ for measuring adequacy of enforcement processes.

¹⁰ For a point of reference, the European mean is just under t enforcement officers per 100,000 inhabitants.

Programming option 5(c): Strengthening the implementation of administrative law and procedure.

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
i. Extent to which basic administrative structures exist.	<p>Basic administrative structures include provision of jurisdiction, tax authorities and law enforcement, communication, transport and basic infrastructure for water, education and health.</p> <p>Unit: scale of 1-10 with 10 indicating the state has a differentiated administrative structure throughout the country which provides all basic public services; 7 indicating the administrative structures of the state provide most basic public services throughout the country, but their operation is to some extent deficient; 4 indicates the administrative structures of the state are extending beyond maintaining law and order, but their territorial scope and effectivity are limited; and 1 indicating that the administrative structures of the state are limited to keeping the peace and maintaining law and order.</p>	The most elemental indicator looks to the existence of basic administrative structures and the efficacy of their implementation.	<p>Bertelsmann Transformation Index, Country Report/Data, Democracy, Stateness, Basic Administration https://www.bti-project.org/en/data/atlas/</p> <p>Conducted every two years, on the even year.</p>	None
ii. Extent to which there is effective regulatory enforcement.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	This indicator addresses the effective application of administrative procedures.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, regulatory enforcement, 6.1.	None
iii. Extent to which administrative law and procedure is free of improper influence.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	This indicator looks to the extent the administrative procedure is tainted by improper influences.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, regulatory enforcement, 6.2.	None
iv. Extent to which administrative processes are executed without unreasonable delay.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	This indicator looks to the timeliness of administrative procedures.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, regulatory enforcement, 6.3.	None

Indicator	Definition/Unit of Measurement	Relevance	Data Collection Methods	Disaggregation
v. Respect for due process within administrative processes.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	This indicator ensures that administrative procedures are fair and consistent.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, regulatory enforcement, 6.4.	None
vi. No expropriation without adequate compensation.	Numerical on a scale of 0-1, with 0 being weakest and 1 being strongest	The degree to which governments are prohibited and refrain from expropriating private property without just compensation is a measure of the level of checks on administrative power.	https://worldjusticeproject.org/our-work/wjp-rule-law-index , interactive data, full country profile, regulatory enforcement, 6.5.	None
vii. Capacity to produce reliable statistics and performance indicators	Average score on a scale of 1-4 where: 4: statistics and performance indicators are routinely and competently collected and utilized; 3: statistics and performance indicators are generally collected and sometimes used; 2: statistics and performance indicators are sporadically collected and used; 1: statistics and performance indicators are rarely if ever collected and used.	Part and parcel of effective application of administrative law is the ability to document and evaluate performance.	Expert survey	None

Applicable Standard Foreign Assistance Framework Indicators: None.