

Countries at the Crossroads 2011 Methodology Questions

Accountability and Public Voice

1.a. Free and fair electoral laws and elections

i. Electoral Framework: Does the electoral framework established by law provide for regular, free, and fair elections, with universal and equal suffrage, open to multiple parties, conducted by secret ballot, and monitored by independent electoral authorities?

ii. Electoral Conduct: Are elections regular, free, and fair in practice, with effective implementation of electoral laws and honest tabulation of ballots, and without fraud and intimidation?

iii. Campaigning: Are there equal campaigning opportunities for all parties?

iv. Rotation of Power: Is there the opportunity for the effective rotation of power among a range of different political parties representing competing interests and policy options?

- *Please take into account both presidential (if applicable) and parliamentary races, as well as elections at the subnational level. The weight given to subnational elections should be linked to the degree of centralization or federalism in the country.*

v. Campaign Finance: Are there adequate regulations to prevent undue influence of economically privileged interests (e.g., effective campaign finance laws), and are they enforced?

- *Potential interested parties include domestic elites; international actors such as corporate investors, foreign state-owned enterprises, and sovereign wealth funds; and nonstate actors such as organized criminals.*
- *The question also takes into account the abuse of state resources by incumbent or ruling party-linked candidates.*

1.b. Effective and accountable government

i. Checks and Balances: Are the executive, legislative, and judicial branches of government able to oversee the actions of one another and hold one another accountable for any excessive exercise of power?

ii. Freedom from Domination: Does the state system ensure that people's political choices are free from domination by the specific interests of power groups (e.g., the military, foreign powers, a totalitarian party, organized criminals, regional hierarchies, and/or economic oligarchies)?

iii. Civil Service: Is the civil service selected, promoted, and dismissed on the basis of open competition and by merit?

1.c. Civic engagement and civic monitoring

i. Civic Group/NGO Engagement and Influence: Are civic groups and nongovernmental organizations able to testify, comment on, and influence pending government policy or legislation?

ii. Legal Environment for Civic Groups/NGOs: Are civic groups and nongovernmental organizations free from legal impediments from the state and from onerous requirements for registration?

iii. Donors and Funders: Are donors and funders of civic organizations and public policy institutes free of state pressures?

- *Please note that this question takes into account potential obstacles placed on both domestic donors and foreign funders of local organizations.*

1.d. Media independence and freedom of expression

i. Media Environment: Does the state support an environment conducive to media freedom, including through constitutional or other legal protections for freedom of expression?

ii. Libel and Legal Harassment: Does the state oppose the use of onerous libel, security, or other laws to punish through either excessive fines or imprisonment those who scrutinize government officials and policies?

iii. Intimidation and Attacks: Does the government protect journalists from extralegal intimidation, arbitrary arrest and detention, or physical violence at the hands of state authorities or any other actor, including through fair and expeditious investigation and prosecution when cases do occur?

iv. Censorship: Does the state refrain from direct and indirect censorship of print, broadcast, and web-based media?

v. Internet: Does the state hinder access to the internet as an information source?

- *Potential examples of state actions that would negatively affect the score on this question include the use of filtering technology to limit the range of websites available to internet users, the blocking (including through judicial order) of specific websites or applications (such as YouTube and Facebook), and the hindering of access to the internet via bandwidth restrictions or limitations on the number of internet cafes.*
- *Please note that a score of 7 for this question should be limited to countries in which access to and use of the internet is actively promoted; for those states that merely refrain from obstructing access or filtering, the default score should be 6.*

vi. State Funding: Does the state refrain from funding the media in order to propagandize, primarily provide official points of view, and/or limit access by opposition parties and civic critics?

- *Please note that this question addresses state-owned or -operated media such as official state-run newspapers, radio stations, and television networks, and also includes locally-run but (potentially) state-funded initiatives such as community radio stations. The question should also take into account nominally privately operated media that receive state subsidies in exchange for favorable coverage. Governmental influence acquired through selective distribution of advertising is covered in question 1.a.vii.*

vii. Other State Influence: Does the government otherwise refrain from attempting to influence media content (e.g., through direct ownership of distribution networks or printing facilities; prohibitive tariffs; onerous registration requirements; selective distribution of advertising; or bribery)?

Civil Liberties

2.a. *Protection from state terror, unjustified imprisonment, and torture*

i. Protection from Physical Abuse: Is there protection against torture, extrajudicial execution, and other physical violence by officers of the state, including through effective punishment in cases where abuses are found to have occurred?

ii. Prison Conditions: Are prison conditions respectful of the human dignity of inmates?

iii. Attacks on Activists: Does the state effectively refrain from, protect against, and respond to attacks on political opponents or other peaceful activists?

- *Please note that this is the appropriate question and section in the narrative to incorporate attacks on NGO workers or members of other civic groups.*

iv. Arbitrary Arrest: Are there effective protections against arbitrary arrest, including of political opponents or other peaceful activists?

v. Detention without Trial: Is there effective protection against long-term detention without trial?

- *Please note that this includes not just prisons and jails, but also restrictions and facilities like house arrest, labor camps, and psychiatric detention.*

vi. Crime and Terrorism: Does the state protect citizens from abuse by private/nonstate actors (including crime and terrorism)?

- *Note that for most countries, crime—including both major felonies and lesser offenses—and state efforts to combat it are the most important elements of this question.*

vii. Human Trafficking: Does the state take measures to prevent human trafficking?

viii. Redress: Do citizens have means of effective petition and redress when their rights are violated by state authorities?

- *Aside from the courts, such forms of petition and redress may include an ombudsman's office, government-sanctioned human rights commissions, and various legal injunctions. Unofficial remedies such as NGOs dedicated to legal defense or human rights may be mentioned in the narrative but should generally not affect this score.*

2.b. *Gender equity*

i. Recognition of Gender Equity: Does the state recognize, in its laws and practices, that men and women are entitled to equal enjoyment of all civil and political rights?

ii. Amelioration of Gender-Based Societal Discrimination: Does the state take measures, including legislation, law enforcement, and education, to combat discriminatory or abusive customs and practices that infringe on women's personal autonomy and security?

iii. Gender Discrimination in Employment: Does the state make reasonable efforts to protect against gender discrimination in employment and occupation?

2.c. Rights of ethnic, religious, and other distinct groups

i. Recognition of Minority Rights: Does the state recognize, in its laws and practices, that persons belonging to ethnic, religious, sexual minority, and other distinct groups are entitled to equal enjoyment of all civil and political rights?

ii. Amelioration of Societal Discrimination: Does the state take measures, including legislation, law enforcement, and education, to combat discriminatory or abusive customs and practices that infringe on the autonomy and security of persons belonging to ethnic, religious, sexual minority, and other distinct groups?

iii. Discrimination in Employment: Does the state make reasonable efforts to protect against discrimination against ethnic, religious, sexual minority, and other distinct groups in employment and occupation?

iv. Discrimination against Disabled People: Does the state make a progressive effort to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against disabled people?

2.d. Freedom of conscience and belief

i. General Freedom of Religion: Does the state accept the right of its citizens to hold religious beliefs of their choice and practice their religion as they deem appropriate, within reasonable constraints?

ii. State Involvement in Religious Faiths: Does the state refrain from involvement in the appointment of religious or spiritual leaders and in the internal organizational activities of faith-related organizations?

iii. State Restrictions on Religious Practice: Does the state refrain from placing restrictions on religious observance, religious ceremony, and religious education?

2.e. Freedom of association and assembly

i. General Freedom of Association/Assembly: Does the state recognize every person's right to freedom of association and assembly?

ii. Trade Unions: Does the state respect the right to form, join, and participate in free and independent trade unions?

iii. Rights of Associations to Organize: Does the state effectively protect and recognize the rights of civic associations, business organizations, and political organizations to organize, mobilize, and advocate for peaceful purposes?

- *Please note that this question should take into account the basic ability of such groups to organize and mobilize. Civil society groups' level of policy influence should be accounted for in section 1.c.*

iv. Demonstrations and Public Protests: Does the state permit demonstrations and public protests and refrain from using excessive force against them?

Rule of Law

3.a. Independent judiciary

i. General Judicial Independence: Is there independence, impartiality, and nondiscrimination in the administration of justice, including from undue economic, political, or religious influences?

- *Please note that undue influence may include direct pressure, such as bribes and threats, and/or indirect pressure, such as extralegal appeals to ideology or religion.*

ii. Protection from Interference: Are judges and magistrates protected from interference by the executive and/or legislative branches?

iii. Compliance: Do legislative, executive, and other governmental authorities comply with judicial decisions, which are not subject to change except through established procedures for judicial review?

iv. Appointments and Dismissals: Are judges appointed, promoted, and dismissed in a fair and unbiased manner?

v. Training: Are judges appropriately trained in order to carry out justice in a fair and unbiased manner?

3.b. Primacy of rule of law in civil and criminal matters

i. Presumption of Innocence: In both law and practice, is everyone charged with a criminal offense presumed innocent until proven guilty?

ii. Due Process: Are citizens given a fair, public, and timely hearing by a competent, independent, and impartial tribunal?

- *Please also take into account the degree to which basic human rights and protections are adhered to in indigenous, customary, or other alternative justice systems, if applicable.*

iii. Access to Counsel: Do citizens have the right and access to independent counsel?

- *Please take into account, along with the right to counsel and access in practice, lawyers' ability to represent clients without fear of legal, physical, or economic repercussions.*

iv. Prosecutorial Independence: Are prosecutors independent of political direction and control?

v. Prosecution of Public Officials: Are public officials and ruling-party actors prosecuted for the abuse of power and other wrongdoing?

- *Please take into account the full range of abuses of power, including not just corruption but abuses for political or other non-monetary gain, such as illegal surveillance, misuse of command authority over security forces, bypassing of established institutional rules and norms, etc.*

3.c. Accountability of security forces and military to civilian authorities

i. Democratic Civilian Control over Security Forces: Is there effective and democratic civilian state control of the police, military, intelligence services, and internal security forces through the judicial, legislative, and executive branches?

ii. Interference in Political Process: Do police, military, intelligence services, and internal security services refrain from interference and/or involvement in the political process?

- *Please take into account violations of the civilian leadership's democratically valid orders and control as well as improper action undertaken at the direction of specific political actors (e.g., autocratic leaders or dominant parties) to maintain their power and suppress opposing groups.*

iii. Involvement in and Accountability for Corruption: Are the police, military, intelligence services, and internal security services held accountable for any abuses of power for personal gain?

iv. Involvement in and Accountability for Human Rights Abuses: Do members of the police, military, intelligence services, and internal security services respect human rights, and are they held accountable for violations of those rights?

3.d. Protection of property rights

i. Legal Property Rights: Does the state give everyone the right to own property alone as well as in association with others?

ii. Enforcement of Contracts: Does the state adequately enforce property rights and contracts?

- *Please note that this includes governmental adherence to laws and treaties governing indigenous populations' property and territory as well as consultation with indigenous populations regarding changes to property/territorial usage as required by domestic or international laws and treaties.*

iii. Land Seizure: Does the state protect citizens from the arbitrary and/or unjust deprivation of their property (e.g., Does the state unjustly revoke property titles for governmental use, to pursue a political agenda, or to serve powerful economic actors?)?

Anticorruption and Transparency

4.a. Environment to protect against corruption

i. Bureaucratic Regulations/Red Tape: Is the government free from excessive bureaucratic regulations, registration requirements, and/or other controls that increase opportunities for corruption?

ii. State Activity in Economy: Is state activity in the economy (including the administration of public enterprises and privatization processes) regulated and monitored in a manner that minimizes opportunities for corruption?

iii. Revenue Collection: Does the tax administrator implement effective internal audit systems to ensure the accountability of tax, royalty, and tariff collection?

- *Please note that scoring should take into account the degree to which laws on customs, royalties (including from natural resources), and taxes are applied fairly and consistently, as well as the effective oversight of state officials tasked with collecting revenue.*

iv. Separation of Public and Private Interests: Does the state enforce the separation of public office from the personal interests of officeholders?

v. Financial Disclosure: Are there adequate financial disclosure procedures that prevent conflicts of interest among public officials (e.g., Are the assets declarations of public officials reasonably open to public and independent scrutiny and verification?)?

4.b. Anticorruption Framework and Enforcement

i. Anticorruption Framework and Processes: Does the state establish and enforce an effective legislative or administrative framework and process designed to promote integrity and to prevent, detect, and punish the corruption of public officials?

ii. Anticorruption Bodies: Are there effective and independent investigative and auditing bodies created by the government (e.g., an auditor general, court of accounts, anticorruption commission, or comptroller), and do they function without impediment or political pressure?

iii. Prosecution: Are allegations of corruption by government officials at the national and local levels thoroughly investigated and prosecuted without prejudice?

4.c. Citizen Protections against Corruption

i. Media Coverage: Are allegations of corruption given wide and unbiased airing in the news media?

ii. Whistleblower Protection: Do whistleblowers, anticorruption activists, and investigators operate in a legal environment that protects them, so they feel secure about reporting cases of bribery and corruption?

iii. Redress for Victims: Does the state provide victims of corruption with adequate mechanisms to pursue their rights?

- *Please note that this question should take into account the ability of citizens, businesses, and other groups to register complaints and apply for compensation, as individuals or as a class.*

iv. Corruption in Education: Does the state protect education from pervasive corruption and graft (e.g., Are bribes necessary to gain admission or good grades?)?

4.d. Governmental transparency

i. General Transparency: Is there significant legal, regulatory, and judicial transparency as manifested through public access to government information?

ii. Legal Right to Information: Do citizens have a legal right to obtain information about government operations, and means to petition government agencies for it?

- *Please note that when scoring this question, a vague constitutional right to information is significantly less important than comprehensive regulations (e.g., a transparency or freedom of information law) governing procedures and systems for requesting and disseminating information.*

iii. Budget-making Process: Is the executive budget-making process comprehensive and transparent and subject to meaningful legislative review and scrutiny?

iv. Expenditure Accounting: Does the government publish detailed and accurate accounting of expenditures in a timely fashion?

- *Please note that both national and subnational governments should be considered, and that ease of access (especially online availability) should be taken into account.*

v. Government Procurement: Does the state ensure transparency, open bidding, and effective competition in the awarding of government contracts?

vi. Distribution of Foreign Assistance: Does the government enable the fair and legal administration and distribution of foreign assistance?