

Measuring Rule of Law in Public Administration:

Tool and Guide for Assisted Self-assessment



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1. Why measure rule of law in public administration?

This self-assessment tool helps governments and assistance providers identify, better understand, and more effectively address rule of law problems in administrative agencies and processes in transition, post-crisis and developing countries. It assesses rule of law according to six commonly accepted principles derived from international and human rights law – legality, accessibility, right to be heard, right to appeal, transparency and accountability - and categorises the findings into structural, institutional and access-related problems.

A novelty and important contribution of the tool to the range of existing assessment instruments is its focus on key qualitative and rights issues for the individual in a sector previously most concerned with quantity in output or efficient use of government resources. Qualitative and rights issues include, for example, whether the administration provides predictable, prompt, transparent decisions and services.

Another novelty is the emphasis on the “demand-side” of public administration – that is, the services that individuals themselves consider essential, and the aspects of these they consider problematic. Furthermore, the assessment effort is nationally and locally owned, with the targeted agencies and their “users” in lead of the process. However, the tool is not exclusive or designed to be applied in isolation. Rather, it may be used to expand or complement comprehensive public administration sector reviews or national strategies with specific rule of law perspectives and dimensions.

The assessment tool is inspired by high-level and strategic documents emanating out of the United Nations, World Bank, Council of Europe, the NEPAD African Peer Review Mechanism, and other bodies – as well as the 2009 analytical report *Rule of Law in Public Administration: Problems and Ways Ahead in Peace-Building and Development*.¹ These documents point to the important role of the public administration in promoting a range of human, peace and development objectives, but also emphasise that more knowledge is needed on both problems and remedies.²

The box below describes how the tool serves a range of different objectives relating to human rights and empowerment, development, recovery and reconciliation and prevention.

¹ In 2006, the Folke Bernadotte Academy was commissioned by the Swedish Ministry of Foreign Affairs to analyse the specific problems the rule of law deficit in public administration gives rise to for peace-builders, recovering states, and their citizens, and to provide an inventory of possible focus areas and methods for more closely integrating rule of law perspectives and methods in future Public Administration Reform policies and projects. The analysis was carried out over two years by means of a combination of literature study, legal analysis, consultations with international and regional organizations (among them the UN, EU, CoE, OSCE/ODIHR, WB, and USIP) and field research in Kosovo, Liberia and Timor-Leste. Numerous interviews were held in these locations with international as well as national stakeholders, among them international organizations, national policy-makers and executive agencies, and international and national NGOs. Meetings were also held with representatives of national free media in order to gain an independent “outsiders” perspective on problems and potential remedies. The research project resulted in the report, *Rule of Law in Public Administration: Problems and Ways Ahead in Peace Building and Development*, Folke Bernadotte Academy, 2008.

² See e.g. General Assembly Resolution 57/277, 2003, *Public Administration and Development*. The Resolution states that ‘an efficient, accountable, effective and transparent public administration, [...] has a key role to play in the implementation of internationally agreed goals, including the MDGs’. See also, Committee of Experts on Public Administration, E/C.16/2002/4, *The critical role of public administration and good governance in implementing the United Nations Millennium Declaration: institutional capacity development*.

Role of public administration in the promotion of human rights, development and peace-building objectives

Human rights and empowerment	The public administration is the main interface between the state and the individual and a provider of essential services. At the same time, many people (in particular vulnerable groups) are today excluded from accessing basic services - for example, civil and property registrations, health and education programmes, or statutory licenses for commercial activity. In other instances these processes are arbitrary, discriminatory or corrupt. Governments and administrative agencies therefore need to know what rule of law challenges that confront the administration, and how to improve access and accountability. Citizens similarly need to know what they – in their capacity of rights-holders - can legally claim of the state and the administration.
Development	Administrative agencies are identified as key facilitators of international for example Millennium Development Goals, and national development goals. At the same time, several studies show that “quality” problems (governance and rule of law) in these agencies seriously challenge their ability to implement any policy or programme on economic development, poverty reduction or international investment. In other cases the effects on individuals of “outsourcing” of administrative and regulatory functions to private actors have been little understood or analysed. Governments, aid agencies and others concerned with development need to know more about these bottlenecks and their effects, and citizens need to know when and where the administration fails to do what it should.
Recovery and reconciliation	Administrative agencies provide critical services and utilities to citizens in crisis and post-crisis environments - not least to internally displaced persons and other vulnerable groups - and are often the most palpable manifestation that there is a legitimate authority in place. The administration is also the facilitator of a range of national and international reconciliation initiatives. Yet the fledgling or recovering administration is often, discriminatory, “weak” or operating under a vague mandate. Moreover, national administrative authorities are sometimes unable to play a constructive role in the coordination and implementation of international assistance and humanitarian relief. Citizens and peace-builders thus need to know more about what the administration wants and knows, and how these ambitions and capacities relate to human rights and the rule of law.
Prevention	There is much evidence that procedures based on transparent and legitimate rules are conducive to sound and satisfactory decisions. Sound and satisfactory decisions, in turn, reduce the risk for conflicts and increase popular trust in the government and administration. It is also commonly known that conflicts often erupt because of perceptions of unfairness and discrimination in the way services and utilities are delivered. In this sense, governments and international organizations have reason to regard enhancing the rule of law in public administration as a preventive aspect determining the ability of the system defuse and deflect civil strife, unrest and conflict.

2. What the tool measures

Public administration agencies, processes and services: The tool recognises that the way the administration is structured, regulated and supervised differs depending on political, economic and legal traditions between countries. The tool also recognizes that people have different expectations and face different problems in relation to public administrative agencies, depending on where they live, gender, ethnicity, knowledge and awareness.

For the purpose of this tool, public administration is understood to mean the agencies and actions of the executive branch of the state at the central, regional and local level – for example, tax authorities, civic registration offices and land cadastre agencies.³ These agencies often have the authority to take both regulatory as well as non-regulatory decisions. Administrative processes and services are understood to refer to the chain of actions and decisions taken by an agency and affecting the rights, liberties or interests of private persons, for example, the issuing of birth certificates, commercial licenses, and property records, decisions on health and social services.

Rule of law: The tool recognizes that the rule of law is difficult to define, is invoked for different reasons, and means different things to different people. Yet, there is a growing doctrine suggesting that the rule of law is part of a universal “constitutional” framework of essential and interlinked principles that should be respected whenever individuals and legal persons interact with the state and each other.

The tool consequently takes a point of departure in the rule of law definition suggested in the 2004 strategic report of the UN Secretary-General, *Rule of law and transitional justice in conflict and post-conflict societies*: ‘[the rule of law is a principle of governance] in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.’⁴

The tool particularly seizes on the many references in international law and standard-setting (treaties, practice, recommendations and doctrine) to a common or similar set of principles of “good administration” or “rule of law in administration”. These principles reflect practices of regulation in national jurisdictions around the world, both civil and common law, as expressed in constitutional provisions, case law, or in specific administrative law and administrative procedure law regulations.

³ See e.g. UNDP, *User’s Guide for Measuring Public Administration Performance*, 2009, p. 3, defining public administration as ‘(1) The *aggregate machinery* (policies, rules, procedures, systems, organizational structures, personnel, etc.) funded by the state (or local government) budget and in charge of the management and direction of the affairs of the executive (and local) government(s), and its (their) interaction with other stakeholders in the state, society and external environment at national and sub-national levels, and (2) The management and implementation of the whole set of (local and national) government activities dealing with the implementation of laws, regulations and decisions of the government(s) and the management related to the provision of public services at national and sub-national levels’. The terms “public management”, “public sector management” and “civil service management” are sometimes employed interchangeably.

⁴ Report of the UN Secretary-General, S/2004/616 *Rule of Law and Transitional Justice in Conflict and Post-conflict Societies* p. 4.

Among them, the following are the most common and have consequently been chosen as indicators or yardsticks against which to assess the degree of rule of law in agencies and processes.

Rule of law principles	
<i>Legality</i>	The principle of legality is often safeguarded in constitutional provisions. The principle requires not only that the administrative authorities shall not act contrary to the law, but also that all their decisions and their content have a basis in law, as well as equal treatment of all citizens, regardless of sex, ethnicity, religion, etc. The principle also requires that no public official should be involved in the taking of a decision in matters concerning his or her own financial or other interests, or those of his or her family, friends or opponents.
<i>Accessibility</i>	Accessibility is central for the public administration and often directly expressed in laws or other normative instruments. Accessibility means in essence that everyone should have the right to make representation to administrative authorities and a duty for public authorities to accept and deal with them properly. The principle also requires practical access for the citizens – for example, sufficient opening hours or easy means of communication, e.g. that dealings with and information to citizens must be done in a language that can be understood by the general public.
<i>Right to be heard</i>	In its most basic form the right to be heard means that the administration must hear an individual before taking a decision affecting his or her rights and interests, and that persons concerned can submit facts, arguments or evidence. The right to be heard also means a duty for administrative authorities to take a decision, to always inform the concerned persons of their decision, as well as a duty to take a decision within a reasonable time. To be effective, the right of a person to make submissions must be exercised before a decision is taken and he or she must be given enough time to prepare any submissions.
<i>Right to appeal</i>	The right to appeal can take different forms but is essentially concerned with allowing the individual the possibility to seek redress against administrative decisions whether through judicial review by ordinary courts, specialized administrative courts or internal review processes. The right to appeal is also dependent on substantive aspects such as a duty of administrative agencies to communicate their decisions to concerned persons and the motivating of decisions, including reasons, indication of remedies and timelines for appeals.
<i>Transparency</i>	The principle of transparency ensures that the work of administrative agencies and public officials is conducted in openness. Public agencies have a duty to provide information about their work and to ensure access to laws, acts and administrative documents. Everyone should be entitled to be given information which is in the possession of an administrative authority without having to show any specific interests. The right to information should only be restricted by limitations necessary in a democratic society for the protection of legitimate public interests or privacy.
<i>Accountability</i>	The principle of accountability is essential in order to ensure that public officials and administrative agencies are held to account for wrongful actions and to improve the way an agency conducts its work. The principle ensures that public officials are held liable as well as responsible for their actions and that they act transparent as well as predictable. In order to safeguard accountability, mechanisms such as disciplinary measures, internal review, internal audit, ethics boards and external supervision (e.g. ombudsman office) may be used.

Adaptation to assessment needs and contexts: The tool is adaptable in focus, structure and methodology to accommodate for various assessment needs and contexts. The tool consists of three modules: *Formal Mapping*, *Agency Survey* and *User Survey*. The *Formal Mapping* describes what laws, structures and processes that govern the administration, a specific agency or a particular administrative function. The *Agency Survey* module describes the administration’s own perceptions of rule of law problems, whether structural, institutional or capacity-related. The *User Survey* symmetrically contrasts the formal reality with the perceptions of the users of the system – that is, citizens or “ordinary people”. The *Agency Survey* and *User Survey* are conducted by means of structured questionnaires probing each of the six principles described above.

The modules build on each other and are intended to be employed sequentially, but variations are possible (see below). The first module will inform the application of the next one, as well as allow for “360 degree feedback” – that is, taking into account the views of policy-makers, civil servants and users.⁵ The tool thus provides a panoramic view of public administration, showing the degree of alignment between how the administration is perceived to function and the desired end point, linking together different interests groups and perspectives, and building constituency and coalition for any ensuing reform recommendations.

Examples of different objectives and applications of the tool		
Assessment objective	Applications	Outputs
<i>Facilitate public administration reform or the collection of data for other sector reform initiatives</i>	<i>Formal mapping of structures, agencies and processes.</i>	<ul style="list-style-type: none"> - Description of rule of law relevant aspects of laws, structures and processes in relation to particular agencies or functions.
<i>Identify specific supply side needs and constraints</i>	<i>Formal Mapping of structures, agencies and processes. + Agency survey</i>	<ul style="list-style-type: none"> - Description of rule of law relevant aspects of laws, structures and processes in relation to particular agencies or functions. - Description of how those operating the system perceive challenges and opportunities in relation to the rule of law principles.
<i>Identify supply and demand side challenges and expectations to underpin comprehensive planning and reform initiatives.</i>	<i>Formal Mapping of structures, agencies and processes. + Agency survey + User survey</i>	<ul style="list-style-type: none"> - Description of rule of law relevant aspects of laws, structures and processes in relation to particular agencies or functions. - Description of how those operating the system perceive challenges and opportunities in relation to the rule of law principles. - Description of how the “users” perceive the agencies, processes and services in relation to the rule of law principles. Contrasting answers in three different stages providing a panoramic perspective on public administration.

⁵ UNDP, *User’s Guide for Measuring Public Administration Performance*, 2009, pp. 19-20.

3. How to do it

The tool considers the *Paris Declaration on Aid Effectiveness* and the *Accra Agenda for Action*, and emphasises ownership, alignment and inclusiveness as key to ensuring realism, effectiveness and sustainability. It is consequently a fundamental part of the methodology that the participating agencies own and lead the processes of mapping, analysis and presentation to the greatest extent possible. Only when necessary, and then under forms agreed, should outside or foreign expertise participate in the effort. Such participation would most likely be in the initial phase (e.g. in explaining the methodology, etc.) and in the last phase (e.g. in the analysis and presentation) or in a facilitative capacity throughout the process. Such expertise may be found in national research groups, non-governmental organisations, academic bodies or international organisation.

The initiative to employ the assessment tool can be taken by various social and political forces or stakeholders – the government, a judicial or administrative agency, a civil society organization (CSO), an international organisation, or some other entity concerned with the way the administration functions, or with some aspect of human rights, rule of law, access to justice or legal empowerment.

The process of assessment is conducted in six steps beginning with the *Inception*. This step is followed by the implementation of the *Formal Mapping* of agencies, laws, institutions and processes. The next step is the implementation of the *Agency and User Surveys*. When the Following the implementation of the surveys is the *Compilation and Analysis of Data and Preliminary Report*. The final step is the *Presentation and Reporting*, consisting of feedback, quality control and presentation of the findings and results of the measurement.

Step	Objective	Actions	Timeframe
(1) Inception	Build political will and ownership	Select and agency or process, agree on objectives and methodology. Organise <i>inception meeting</i>	1-2 weeks
(2) <i>Formal mapping</i>	Understand the legal and institutional framework	Administer the <i>formal mapping</i>	1-2 weeks
(3) <i>Agency survey</i>	Map perceptions of civil servants	Administer the <i>agency survey</i>	2-3 weeks
(4) <i>User survey</i>	Map perceptions of users	Administer the <i>user survey</i>	2-3 weeks
(5) <i>Compilation and analysis of data</i>	Identify and categorise main findings	Prepare <i>preliminary report</i> and organize <i>feedback meeting</i>	2 weeks
(6) Presentation and reporting	Disseminate the findings to target groups and broad audience	Publish and disseminate <i>final report</i> and organise follow-up events	1-2 weeks

3.1 Inception: STEP 1

The objective of this step is to ensure that there is national and agency ownership and lead of the assessment process as well as of the results it generates. Ownership here means that national stakeholders see the utility of, want to participate in, and have use for the results of the assessment.

Lead means that national stakeholders accept to direct, host and coordinate the overall process of assessment. The Inception step includes a series of consultations and communications, of which the *inception meeting* (see below) is the most important. The *inception meeting* may be organised and conducted by the government or host agency, with the support of an external facilitator, for example, an international organisation, a bilateral donor, or local research group. The *inception meeting* should be inclusive and bring together all relevant stakeholders in the assessment process, including civil society organisations.

The administration of the self-assessment might also require facilitative support and technical assistance, both in the organisation of the process and in the actual collection of data. Existing partnerships between the administration and independent research or evaluation facilities (national or international) should be identified and their potential contribution to the assessment process evaluated as part of the inception. It should also be determined in what form and at what stages such assistance should be provided, for example, as secondment to the assessment team, or ad hoc assistance in the processing and analysis of data. A Strength, Weakness, Opportunities and Threats (SWOT) analysis may be undertaken to determine the level of national or international assistance required.

The *inception meeting* should also decide upon how to use the results of the assessment, and how and by whom the *final report* is published.

Activity	Substance	Actor	Considerations
<i>Organise inception meeting</i>	Invite ministries/departments; agencies participating in the assessment; agencies responsible for evaluation and supervision; civil society organisations; local research centers and university representatives; international and/or regional actors; bilateral donors. Approach important stakeholders not attending the <i>inception meeting</i> .	Host agency/ external facilitator	Selection of stakeholders might present a challenge when selecting amongst different nongovernmental and civil society organisations.
<i>Agree on composition and mandate of the steering committee</i>	Steering committee is responsible for coordination and supervision of the process. Steering committee may comprise key stakeholders and should be regularly updated throughout the process by the assessment team.	Host agency/ external facilitator	Ensure representation of civil society and nongovernmental organisations in the steering committee.
<i>Agree on purpose and scope of the assessment process</i>	Make the purpose of the diagnostic process and what it can realistically deliver clear. Anchor objectives to publicly stated goals, i.e., a) A poverty eradication strategy b) Peace agreement expressing reform action for the public service	Host agency/ external facilitator	Acknowledge geographical, cultural or socio-economic differences in the country in relation to different publicly stated goals.

	c) Recent government pledges to eradicate corruption or increase the service delivery of its administration d) Recent election with election promises related to public administration		
<i>Agree on degree of external assistance</i>	Conduct SWOT-analysis to identify need for assistance from national or international facilitators	Host agency/ external facilitator	Depending on SWOT-analysis external assistance may be sought first within the national context and second among international actors.
<i>Agree on partners and constellation of the assessment team</i>	The composition of the team should be determined by national skills, resources, and disciplinary backgrounds and may comprise: agency representatives; independent national experts; and international experts.	Host agency/ external facilitator	Ensure that the assessment team is inclusive, yet operative enough to implement the assessment.
<i>Agree on status of final report</i>	Decide whether the <i>final report</i> will be of an official character or other format – e.g. research publication.	Host agency/ external Facilitator	The status of the assessment and subsequent report is important for ensuring that the findings are relevant and useful for the administration.
<i>Agree on presentation and communication of final report and findings</i>	Decide on a communication strategy with clear goals of what should be communicated. Multiple points of entry for dissemination may be used: political organizations, social groups and civil society groups, secondary schools and universities, as well as print media outlets, television, and radio. Decide upon a minimum spend in the overall budget on communication.	Host agency/ External facilitator	Ensure that communication strategies consider vulnerable groups.
<i>Agree on division of labour between the host agency and assessment team</i>	Decide on who will be responsible (host agency/assessment team) for the different steps of the process.	Host agency/ external facilitator	Certain aspects of data collection require independent subject-area specialists, e.g. the collection of subjective data from agency and users.
<i>Translation of the Tool</i>	Translate and context-adjust the tool.	Host agency/ External Facilitator	Ensure that the original meaning is carried through e.g. by using a back-and-forth translation approach.
<i>Publicise the decision to initiate the measurement process</i>	Publicize and disseminate the decision to initiate the diagnostic process. Use relevant communication channels such as newspapers, radio, and public events	Host agency/ external facilitator/ steering committee	Adapt communication channels in order to reach the broadest audience possible, including vulnerable groups.

3.2 Formal mapping: STEP 2

The second step, *formal mapping*, establishes basic and formal data on the legal and administrative system in general, as well as places specific agencies and processes subject to detailed analysis in context. Specifically, the information sought in this step serves to establish whether there are formal safeguards guaranteeing rule of law principles in the work of the public administration, and particularly in the processes and services that determine the rights and entitlements of individuals.

Ideally, the agencies participating in the measurement should describe their own legal and regulatory environment, or at least have the lead in the assessment team, as they can be assumed to be best placed to answer questions on, for example, applicable laws, regulations, principles and practices.

The survey questions (a selection of model questions is found in Appendix 1) focus on the six principles of the rule of law: legality, accessibility, right to be heard, right to appeal, transparency and accountability. The questions probe both general legal topics, such as the existence of key laws and other normative instruments, and institutional aspects, for example whether there are established procedures for regularly updating civil servants in new legislative initiatives.

Activity	Substance	Actor	Considerations
<i>Review model questions</i>	Model questions might need refinement and context adjustment to adequately cover the agencies participating in the assessment.	Host agency/ assessment team	Ensure correlation with <i>agency</i> and <i>user surveys</i> if all questionnaires are included in the assessment.
<i>Compile relevant documentation</i>	Inventory and seek access to data from various sources, for example official gazettes, national databases, libraries, and official registries.	Host agency/ assessment team	Where there is a lack of written records, data may be collected through consultations with legal professionals.
<i>Administer formal mapping</i>	Use Model questionnaire in Appendix 2 Review and ask questions to documents such as: (a) legal documents (e.g. constitution, laws, decrees and instructions, judicial rulings and administrative decisions and acts); (b) statistics (e.g. number of civil servants, number of claims, petitions and representations received by administrative agencies); (c) reports from supervisory bodies (e.g. supreme audit institutions and annual reports from ombudsmen institutions).	Host agency/ assessment team	Where there are no simple or clear-cut answers, allow for narrative explanations or descriptions.

3.3 Agency survey: STEP 3

The third step, *agency survey*, serves to contrast the data acquired in the formal reality as described in the *formal mapping* with civil servants' personal views and opinions of what works and what does not work, for example, where there might be a lack of regulation, or where training is lacking.

The *agency survey* is implemented by means of an agency administered structured questionnaire, covering perceptions of issues relevant to the work and function of the agency or process. The survey questions (a selection of model questions is found in Appendix 2) focus on the six principles of the rule of law: legality, accessibility, right to be heard, right to appeal, transparency and accountability. The *agency survey* is administered through face-to-face interviews by trained enumerators from outside of the agencies participating in the measurement. Five measurement units are used, ranging from: *to a very small extent* (not at all), *to a small extent*, *to a moderate extent*, *to a large extent*, *to a very large extent* in addition to *don't know/declined to answer*.

In order to ensure open, honest and critical responses, it needs to be explained to the civil servants participating as respondents that the information sought in the *agency survey* will be employed for improving their professional capacities and the work of their agency, and not for "shaming and blaming" purposes.

Activity	Substance	Actor	Considerations
<i>Refine model questions in line with assessment objective</i>	Model questions might need refinement and context adjustment to adequately cover the roles and responsibilities of civil servants participating in the assessment.	Host agency/ assessment team	Ensure correlation with <i>formal mapping</i> and <i>user survey</i> if all questionnaires are included in the assessment.
<i>Train enumerators and pilot test the questionnaire</i>	Brief enumerators on the underlying principles of the assessment and the guidelines for enumerators (see Appendix 7).	Assessment team	Ensure that there is time for careful instruction and piloting of the surveys.
<i>Decide upon sample group respondents</i>	Selection of respondents is dependent on the size of the agencies. If several different agencies participate, a sample survey may be the best option. With smaller populations the survey may include all civil servants. Focus on junior to mid-career civil servants.	Assessment team	Selection and sampling bias error, e.g. in designing the sample or choosing civil servant to participate in the study should be acknowledged.
<i>Administrate the survey</i>	Use model questionnaire in Appendix 2. Distribute <i>agency survey</i> questionnaires and provide instructions on how to return both completed and uncompleted questionnaire.	Assessment team/ enumerators	There might be a limited scope and tradition on voicing opinions, critical answers and independent assessments.

3.4 User Survey: STEP 4

The objective of step four, *user survey*, is to contrast the *formal mapping* and *agency survey* results with the views and expectations on rule of law issues of the “users” of the administration, i.e. the general public.

Views and expectations matter in their own right, but citizens also take actions based on their perceptions of problems and opportunities. It is thus important to probe gaps between laws on the books and the law in reality.

The *user survey* is implemented by face-to-face interviews. The respondents are asked questions from a structured questionnaire focusing on the six principles of the rule of law: legality, accessibility, right to be heard, right to appeal, transparency and accountability (a selection of model questions is found in Appendix 3). Five measurement units are used, ranging from: *to a very small extent* (not at all), *to a small extent*, *to a moderate extent*, *to a large extent*, *to a very large extent* in addition to *don't know/declined to answer*.

Finding people who have actually used or been subject to specific administrative processes or services may be difficult in environments struggling with the effects of war or widespread crisis. Thus, sampling strategies have to be developed or moderated to “work” in the specific political, social and cultural context in which the assessment takes place. For example, if there are reliable records and archives (e.g. of applicants for a specific service) these may be used to create a sample group respondents. However, if there are no reliable records or archives, or privacy laws prohibit their use, a random sample of the general population may be used, which may be expected to include a number of people who have used or been subject to specific administrative processes and services. Alternatively, a sample can be drawn from a part of the population where it may be expected a significant number have been in contact with the particular agencies. Smaller samples of respondents chosen outside relevant agencies (e.g. “on the spot” sampling) can also be employed in combination with larger sample group studies.

Activity	Substance	Actor	Considerations
<i>Refine model questions in line with assessment objective</i>	Model questions might need refinement and context adjustment to adequately cover the roles and responsibilities of civil servants participating in the assessment.	Host agency/ assessment team	Ensure correlation with <i>formal mapping</i> and <i>agency survey</i> if all questionnaires are included in the assessment.
<i>Train enumerators and pilot-testing questionnaire</i>	Train enumerators on interview techniques and the underlying principles of the diagnostic tool. Assign field interviewers to sites with instructions for choosing respondents.	Assessment team	Time for careful instructions and piloting is essential.
<i>Decide on sample group respondents</i>	Selection of respondents depends on the size of the population of interest. a) Use reliable records and archives to identify actual users of an agency in order to reach a population of interest or sample population of interests.	Assessment team	Identifying an interest population through public records and archives must consider legal and ethical principles on integrity and privacy in the particular context of measurement e.g. confidentiality or disclosure policies.

	<p>b) Create a sample on the basis of the record of decided cases.</p> <p>c) If it is a matter which appears with significant frequency (for example, issuance of civil registration documents) a large random sample from the general population can be used.</p>		
<i>Decide upon administrative or sector divisions of the country</i>	Stratify the country on the basis of accepted statistical method (see Appendix 6).	Assessment team	Ensure geographical, political, socio-economic and gender and minority representation in the stratification.
<i>Administrate the survey</i>	Use model questionnaire in Appendix 3. Distribute <i>user survey</i> questionnaires and provide instructions on how to return both completed and uncompleted questionnaires.	Assessment team/ enumerators	<p>People may not be inclined to discuss sensitive issues involving their perceptions and experienced of administrative agencies openly.</p> <p>Logistical and practical issues such as transportation, payment, and accommodation must be addressed early.</p>

3.5 Data analysis and preliminary report: STEP 5

To be developed in cooperation with statisticians

The method of analysis is determined by the purpose of the assessment and the type of data collected. The quantitative data generates descriptive analyses of problems, strengths and weaknesses.

The *preliminary report* is produced by the assessment team and presented at the *feedback meeting* (see below). The exact content of the report will depend on the purpose and scope of the diagnostic process, but should include the main findings and conclusions in an easy to understand format (for a model report outline, see Appendix 5) with the aim to generate discussions on suggestions, recommendations and changes for the Final Report.

The *preliminary report* shall distinguish between problems that require structural (legal), institutional and capacity-related remedies. The report shall similarly distinguish between problems which the agencies can address on their own, and problems that require involvement of other stakeholders, above, below or besides the agencies participating in the assessment. Moreover, the report shall build on the strengths identified and not focus solely on the possible shortcomings that the assessment has identified.

Activity	Substance	Actor	Considerations
<i>Process qualitative data</i>	Review answers from <i>formal Mapping</i> .	Assessment team	Interpreting data from the <i>formal mapping</i> should acknowledge country and culture context and differences.
<i>Process quantitative data</i>	Compile results from the <i>agency</i> and <i>user surveys</i> using standard statistical or spreadsheet software.	Assessment team	Qualitative data from direct observations or respondent comments during the <i>user and agency surveys</i> can be interpreted but not calculated.
<i>Insert data in the analytical matrix</i>	Insert data into the analytical matrix (see Appendix 4). The data should be summarized and interpreted in a way that develops conclusions on trends and patterns in the column Concluding analytical comments.	Assessment team	
<i>Prepare findings and conclusions of the diagnostic process</i>	Results of the report should be comprehensible and easy to understand. Identify in the analysis where the problem come from (e.g. process, service, public servant, resources, and legislation) together with an explanation to the identified problem.	Assessment team	Conclusions that come out of the analysis are not always appealing; they could be controversial and inconvenient.
<i>Prepare preliminary report</i>	An easy to understand and user friendly format that fits in with the local context should be used to disseminate the report. See model report outline in Appendix 5.	Assessment team	

3.6 Presentation and reporting: STEP 6

After the analysis and the completion of the preliminary report, a *feedback meeting* will be held to discuss the major findings, and to seek input, comments and suggestions from key stakeholders.

The comments and additional information received at the *feedback meeting* will go into the final version of the report. The *feedback meeting* may also generate advice and policy on how to present the results, as well as additional strategies for dissemination.

Building on constructive partnerships after the analysis is finalized, reporting, dissemination and monitoring activities need to respond to involved stakeholders needs and requests. The agency undertaking the self-assessment is the major owner of the report. This should not exclude extended cooperation with other actors when disseminating the results.

Activity	Substance	Actor	Considerations
<i>Organize feedback meeting</i>	Invite ministries/departments; agencies participating in the assessment; agencies responsible for evaluation and supervision; civil society organizations; local research centers and university representatives; international and/or regional donors and actors; bilateral donors and actors. The Preliminary Report should be distributed in good time to allow for a thorough review.	Host agency/ steering committee	Ensure representation from stakeholders not present at the <i>inception meeting</i> .
<i>Ensure commitment and/or endorsement for release of final report</i>	Seek endorsement of the government or other responsible authority for the publications of the <i>final report</i> .	Host agency/ steering committee	If <i>final report</i> requires endorsement or permission of the Government, a Steering Committee, or similar, the participation of these actors in the <i>feedback meeting</i> needs to be ensured, or opportunity for their review of the <i>preliminary report</i> facilitated in other ways.
<i>Prepare final report</i>	Review and incorporate comments and suggestions from the <i>feedback meeting</i> .	Assessment team	Not all views, comments and opinions expressed at the <i>feedback meeting</i> can be incorporated in the <i>final report</i> . It should be stressed that the report and its findings are evidence-based from a joint measurement process.
<i>Prepare for communication of final report</i>	Summarise findings and results in a press release when	Assessment team	Communication of results is done when the study is concluded, however, since

<i>and main findings</i>	the report is finished.		the final report can take long to publish continuous updates of the most important findings via a webpage or in a press release is recommended.
<i>Adapt communication strategies to different groups</i>	Focus on political decision-makers, national administrative authorities, poor and vulnerable groups, nongovernmental organisations, poor and vulnerable groups and development community actors.		Consider poor and marginalized groups point of interest and potential language barriers.
<i>Prepare and initiate public events</i>	Seek out different stages in policymaking that can be targeted for presentation and discussion of the <i>final report</i> , e.g. a new national or sector development plan, international conferences or national policy forums.		Ensure that the events are open and easy to access for the public.

Appendix 1 Model questionnaire: Formal Mapping

This questionnaire seeks to describe the laws, normative instruments, institutions and processes relevant to public administration in general and the participating agency/agencies in particular. A majority of the questions can be answered “yes” or “no”. A minority of the questions seek to establish a baseline of applicable laws, normative instruments and case law as general description concerning a particular agency, service or process.

When the question asks for laws and other normative instruments this includes, for example, constitutional rules, statutes, case law, bylaws, rules, decrees and regulations, as well as internal rules of practice within the agencies etc.

In the right margin of the questionnaire is a box for comments. This can include, for example, when a particular law was enacted or if a particular area is regulated through case law instead of statutes, or vice versa. Comments may also elaborate on and specify the content of laws.

Be as specific and comprehensive as possible when writing the comments, and include year, publication number (e.g. in Official Gazette or similar), case number, and status when referring to laws or other normative instruments.

General information

1. Name of the agency/agencies:

2. Year of establishment:

3. Administrative or jurisdictional status of the agency/agencies (e.g. national, regional, municipal):

4. Principal areas of responsibilities of the agency/agencies:

5. Geographical location of the agency/agencies:

P. 1 Legality			
Questions	Yes	No	Comments
1. What important laws govern the work of the agency?			
2. Is there a clear hierarchy between the laws and other instruments guiding the work of the agency?			
3. Are there established procedures at the agency ensuring that civil servants receive updates and amendments on the laws and normative instruments that govern their area of competence?			
4. Can unlawful administrative decisions by the agency be withdrawn?			
5. Are there laws or other normative instruments on how the agency decides in matters of administrative discretion?			
6. Are there laws or other normative instruments on conflict of interest?			
7. Are there established procedures at the agency for ensuring equality before the law?			
P. 2 Accessibility			
Questions	Yes	No	Comments
8. Are there laws or other normative instruments defining who can initiate an administrative procedure at the agency?			
9. Are there laws or other normative instruments regulating citizens' access to the agency?			
10. Are there laws or other normative instruments specifying that the agency has to be open to the public during a certain period of time?			
11. Are there laws or other normative instruments on the proper use of language when the agency communicates with citizens (e.g. appropriate, clear, and understandable)?			
12. Are there laws or other normative instruments requiring the agency examines petitions even if they do not respect formal standards for petitions?			
13. Are there laws or other normative instruments stating that the costs of administrative services at the agency has to be reasonable, (e.g. covering only the expenses etc)?			
14. What fees and other administrative costs are involved in the work of the agency?			
15. Are there laws or other normative instruments allowing for			

requests or petitions the agency in minority languages?			
16. Are there laws or other normative instruments requiring the agency to assist citizens in cases of obvious mistakes (e.g. when a request is sent to the wrong agency)?			
P. 3 Right to be heard			
Questions	Yes	No	Comments
17. Are there laws or other normative instruments requiring the agency to hear concerned persons before taking a decision?			
18. Are there certain issues at the agency that specifically require the participation of concerned persons?			
19. Are there laws or other normative instruments providing a duty for the agency to inform concerned persons new facts and added to their case?			
20. Are there laws or other normative instruments regulating how the agency should communicate with a person?			
21. Are there established procedures within the agency of how to communicate with a large group of people affected by its decisions?			
22. Are there established procedures allowing persons to communicate orally with the agency administrative procedures?			
23. Are there laws or other normative instruments stipulating maximum time lines for when the agency has to take a decision?			
24. Are there laws or other normative instruments that the agency must consider all relevant facts of a case before it takes a decision?			
25. Are there laws or other normative instruments defining who bears the main responsibility for producing facts and evidence in administrative procedures involving the agency?			
26. Are there laws or other normative instruments on the recording of administrative procedures of the agency?			
P. 4 Right to appeal			
Questions	Yes	No	Comments
27. What important laws or other normative instruments govern the right to appeal decisions taken by the agency?			
28. Are there laws or other normative instruments defining who may appeal an agency decision?			

29. Are there laws or other normative instruments on how the agency should formulate its decisions (e.g. precise, adequate and understandable)?			
30. Are there laws or other normative instruments on when the agency has to notify its decision to a concerned person (e.g. without undue delay)?			
31. Are appeals of the agency's decisions first reviewed by the agency itself?			
32. Is there a separate system of courts or tribunals dealing with appeals of the agency's decisions?			
33. Are administrative appeals procedures at the agency mainly conducted in written form?			
34. Are there laws or other normative instruments allowing for an individual to request an oral hearing when appealing an agency decision?			
35. Are there laws or other normative instruments allowing a person to be represented by a counsel if he or she wishes in the appeals procedure?			
36. Are there any fees or other payments required of the person appealing an agency decision?			
P. 5 Transparency			
Questions	Yes	No	Comments
37. Are there laws or other instruments on access to information concerning laws, standards and procedures governing the work of the agency?			
38. Does a request for access to official documents held by the agency have to be made in writing?			
39. If a request to access information is denied by the agency, can that decision be appealed?			
40. Are there any fees involved in the access to official documents from the agency?			
41. Are there laws or other normative instruments on access to information on specific applications and petitions submitted by individuals to the agency?			
42. Are there laws or other normative instruments concerning restrictions on access to information that concerns the privacy and integrity of persons?			
43. Are there laws or other normative instruments requiring that that all correspondence and case documents of the agency shall be			

recorded and archived?			
P. 6 Accountability			
Questions	Yes	No	Comments
44. Are there ethical codes, charters or similar instruments guiding the work of civil servants at the agency?			
45. Are there laws or other normative instruments on evaluation and review (performance, audit etc.) of the agency by an independent body?			
46. Are there laws or other normative instruments on the liability of the agency for wrongful decisions?			
47. Is there a national human rights institution, ombudsman, anti-corruption agency or similar bodies to which citizens may submit complaints on violations of rights or the performance of the agency?			
48. What are the important laws on or other normative instruments on bribery, embezzlement, misappropriation of funds (or other forms of corruption) applicable to the agency?			

Appendix 2 Model questionnaire: agency survey

Example of Survey Model Format

The following introductory text could be used when starting the interview with civil servants.

'[Name of agency/agencies or responsible actor] is conducting an assessment of rule of law in public administration. The purpose of this assessment is to identify strengths and weaknesses in the administration in order to enhance the function of [agency/agencies].

This survey is about your views, opinions and awareness as a civil servant. It will take approximately 40 minutes. We would like to ask you some questions on how, in your professional capacity, you think that [the agency/agencies] deal with the following principles: legality, accessibility, right to be heard, right to appeal, transparency and accountability.

We do not need to know your name and we will not be recording anything that will identify you on the questionnaire.

The participation of you and your colleagues is important for this assessment and for improving the work of your agency.

May I start reading the first question?'

Interviewer: _____

Date: __ / __ / __ Time: _____

General and Introductory Questions

1. Age of respondent:

a. ____ Years old

2. Gender of respondent:

a. ____ Female b. ____ Male

3. Years of formal education/schooling:

a. ____ Years b. ____ Don't know c. ____ Declined to answer

4. Years at the agency:

a. ____ less than three b. ____ between three and eight c. ____ more than eight

P 1 Legality						
Please indicate to what extent:	Very small extent	Small extent	Moderate extent	Large extent	Very Large extent	Don't know
1.1 a) are the rules defining the powers and competencies of your agency clear and understandable?						
Agency respondent comments:						
Analytical comments and observations:						
1.1 b) do you have access to the latest laws, regulations and instructions in your area of work?						
Agency respondent comments:						
Analytical comments and observations:						
1.1 c) do you receive training on new legislative instruments in your area of work?						
Comments by respondents:						
Analytical comments and observations:						
1.1 d) do you encounter situations where the law provides insufficient guidance on how to decide in certain cases?						
Agency respondent comments:						
Analytical comments and observations:						
1.1 e) do you have clear instructions on how to act when the law provides limited guidance on how to decide in a particular case?						
Agency respondent comments:						
Analytical comments and observations:						
1.2) do you have instructions on how to deal with situations where there is a conflict of interest?						
Agency respondent comments:						
Analytical comments and observations:						
1.3) are there guarantees that people of different sex/ethnicity/religion or social status are treated equally?						
Agency respondent comments:						

Appendix 3 Model questionnaire: user survey

Example of Survey Model Format

The following introductory text could be used when approaching potential respondents.

'Excuse me; I was wondering if you would have the time to answer a few questions? [Name of agency/agencies or responsible actor] are conducting a public opinion survey and would like to ask you to participate.

The survey will take approximately 25 minutes and is about peoples' views, opinions and awareness about with the public administration, in particular [name of agencies participating in the measurement]. Your participation is important for improving the work of [name of agency]

We do not need to know your name and we will not be recording anything that will identify you on the questionnaire. Would you like to participate?'

If yes, proceed with, 'May I start reading the first question?'

If no, end interview and say, 'Thank you for your time.' Note down gender and location of the person declining).

Interviewer: _____

Date: __ / __ / __ Time: _____

Location: _____

General and Introductory Questions

1. Age of respondent:

a. ___ Years old	b. ___ Don't know	c. ___ Declined to answer
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2. Gender of respondent:

a. ___ Female	b. ___ Male
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3. Years of formal education/schooling:

a. ___ Years	b. ___ Don't know	c. ___ Declined to answer
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4. Have you been in contact with [name of agency/agencies, if several, ask to specify?]

a. ___ Yes	b. ___ No
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5. [If yes on question 4] when was the last time you were in contact with [name of agency/agencies, if several, ask to specify]?

a. ___ one year or less	b. ___ between one and three years	c. ___ more than three years	d. ___ don't know
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6. [If yes on question 4] what was the reason why you contacted the [name of the agency]

Insert	Insert	Insert	other
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P 1 Legality						
Please Indicate to what extent:	Very small extent	Small extent	Moderate extent	Large extent	Very Large extent	Don't know
1.1) do you think that the powers of administrative agencies are understandable?						
User respondent comments:						
Analytical comments and observations:						
1.2) to what extent do you think civil servants have access to laws, regulations and instructions to guide their work?						
User respondent comments:						
Analytical comments and observations:						
1.3) do you think civil servants are adequately trained on the laws and procedures that guide their work?						
User respondent comments:						
Analytical comments and observations:						
1.4) do you think administrative agencies follow the law?						
User respondent comments:						
Analytical comments and observations:						
1.5) do you think that civil servants would not decide in a case where they have a personal interest?						
User respondent comments:						
Analytical comments and observations:						
1.6) do you think that administrative agencies treat everybody the same way?						
User respondent comments:						
Analytical comments and observations:						

Appendix 4 Analytical matrix

Principle 1. Legality																
Agency Survey questions	Agency respondent comments						Analytical comments & observations	User Survey questions	User respondent comments						Analytical comments & observations	Concluding analytical comments and observations
	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer			To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer		
1.1) To what extent are the rules defining the powers and competencies of your agency understandable?	%	%	%	%	%	%		1.1) To what extent do you think that the powers of administrative agencies are understandable?	%	%	%	%	%	%		
1.2) To what extent do you have access to the latest laws, regulations and instructions in your area of work?	%	%	%	%	%	%		1.2) To what extent do you think civil servants have access to laws, regulations and instructions that guide their work?	%	%	%	%	%	%		
1.3) To what extent do you receive training on new legislative instruments in your area of work?	%	%	%	%	%	%		1.3) To what extent do you think that civil servants are adequately trained on the laws and procedures that guide their work?	%	%	%	%	%	%		
1.4) To what extent do you encounter situations where the law provides limited guidance on how to decide in a particular case?	%	%	%	%	%	%		1.4) To what extent do you think administrative agencies follow the law?	%	%	%	%	%	%		

1.5) To what extent do you have instruction on how to deal with situations where there is a conflict of interest?	%	%	%	%	%	%			1.5) To what extent do you think that civil servants would not decide in a case where they have a personal interest?	%	%	%	%	%	%			
1.6 To what extent are there guarantees that people of different sex/ethnicity/religion/social status are treated equally by your agency?	%	%	%	%	%	%			1.6) To what extent do you think that administrative agencies treat everybody the same way	%	%	%	%	%	%			

Principle 2. Accessibility

Agency Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer	Agency respondent comments	Analytical comments & observations	User Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer	User respondent comments	Analytical comments & observations	Concluding analytical comments and observations
2.1) To what extent is it clearly defined what issues that different administrative agencies are responsible for?	%	%	%	%	%	%			2.1) To what extent is it possible to understand what different administrative agencies are responsible for?	%	%	%	%	%	%			
2.2) To what extent is it possible to respond to queries and requests from persons (visits, postal and telephone) within a reasonable time?	%	%	%	%	%	%			2.2) To what extent are administrative agencies accessible in terms of visit and communication (postal, telephone, etc)?	%	%	%	%	%	%			
2.3) To what extent is it possible to handle queries and requests in other languages than the official?	%	%	%	%	%	%			2.3) To what extent do you think it is possible to communication with the administration in more than one language?	%	%	%	%	%	%			
2.4) To what extent do you have instructions on how to assist citizens in cases of obvious mistakes (e.g. requests sent to the wrong agency)?	%	%	%	%	%	%			2.4) To what extent do you think administrative agencies would assist you in cases of obvious mistakes, e.g. in terms of spelling, calculations or sending an inquiry to the wrong agency?	%	%	%	%	%	%			
2.5) To what extent are fees and costs of your services defined through laws or other normative instruments?	%	%	%	%	%	%			2.5) To what extent do you think that fees and costs of administrative services are affordable?	%	%	%	%	%	%			

Principle 3. Right to be heard

Agency Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer	Agency respondent comments	Analytical comments & observations	User Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer	User respondent comments	Analytical comments & observations	Concluding analytical comments and observations
3.1) To what extent are there established procedures for hearing a person before taking a decision affecting him or her?	%	%	%	%	%	%			3.1) To what extent do you think that administrative agencies listen to your views and arguments before taking a decision that affects you?	%	%	%	%	%	%			
3.2) To what extent do you have established procedures for hearing persons orally/verbally before taking a decision?	%	%	%	%	%	%			3.2) To what extent do you think it is possible to orally/verbally express your views and an argument before a decision is taken that affects you?	%	%	%	%	%	%			
3.3) To what extent do you have instructions on time limits for when a decision must be taken in a particular case?	%	%	%	%	%	%			3.3) To what extent do you think that there are time limits for when administrative agencies must take a decision in a particular case?	%	%	%	%	%	%			
3.4) To what extent do you encounter situations where it is difficult to follow time limits for when a decision must be taken in a particular case?	%	%	%	%	%	%			3.4) To what extent do you think that administrative agencies follow time limits for taking decisions in a particular case?	%	%	%	%	%	%			

Principle 4. Right to appeal

Agency Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to	Agency respondent comments	Analytical comments & observations	User Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to	User respondent comments	Analytical comments & observations	Concluding analytical comments and observations
4.1) To what extent do you have instructions on what a decision should include (e.g. reasoning, indication of remedies etc)?	%	%	%	%	%	%			4.1) To what extent do you think administrative agencies must explain the reasons behind their decisions?	%	%	%	%	%	%			
4.2) To what extent do you have instructions on how a person should be informed about a decision?	%	%	%	%	%	%			4.2) To what extent do you think administrative agencies will inform you when they have taken a decision in a case that concerns you?	%	%	%	%	%	%			
4.3) To what extent do you have instructions on how to advise a person who wants to appeal a decision by your agency?	%	%	%	%	%	%			4.3) To what extent do you think administrative agencies would advise you on how to appeal a decision that you do not agree with?	%	%	%	%	%	%			
4.4) To what extent do you encounter situations where the law provides limited guidance on how to decide in a particular case?	%	%	%	%	%	%			1.4) To what extent do you think administrative agencies follow the law?	%	%	%	%	%	%			
4.5) To what extent do you have instructions on how to deal internal appeals procedures?	%	%	%	%	%	%			4.5) To what extent do you think that administrative agencies would review their own decisions in a fair and objective way?	%	%	%	%	%	%			

Principle 5. Transparency

Agency Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer	Agency respondent comments	Analytical comments & observations	User Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer	User respondent comments	Analytical comments & observations	Concluding analytical comments and observations
5.1) To what extent do you have instructions on how to respond to persons seeking general information on laws, standards and procedures on the work of your agency?	%	%	%	%	%	%			5.1) To what extent do you think that you could get information from administrative agencies on the laws, standards and procedures that guide their work?	%	%	%	%	%	%			
5.2) To what extent do you have instructions on how to deal with requests from persons seeking information about their case?	%	%	%	%	%	%			5.2) To what extent do you think you could get information on a case that concerns you?	%	%	%	%	%	%			
5.3) To what extent do you have instructions on handling integrity and privacy date training on new legislative instruments in your area of work?									1.3) To what extent do you think that the administration will not give out sensitive or private information	%	%	%	%	%	%			
5.4) To what extent do you have established procedures for recording, filing and archiving data and correspondence?									5.4) To what extent do you think administrative agencies record, file and archive data according to established procedures?									

Principle 6. Accountability

Agency Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer	Agency respondent comments	Analytical comments & observations	User Survey questions	To a very small extent	To a small extent	To a moderate extent	To a large extent	To a very large extent	Don't know/declined to answer	User respondent comments	Analytical comments & observations	Concluding analytical comments and observations
6.1) To what extent is your work influenced by decisions and instructions from supervisory agencies (e.g. Ombudsman, Procurator etc)?	%	%	%	%	%	%			6.1) To what extent do you think that supervisory agencies influence the work of administrative authorities (e.g. Ombudsman, Procurator, etc)?	%	%	%	%	%	%			
6.2) To what extent do you have instructions on what to do when you suspect that someone within the agency violates the law when performing official functions?	%	%	%	%	%	%			6.2) To what extent do you think civil servants have instructions on how to deal with situations when someone is suspected of violating the law when performing official functions?	%	%	%	%	%	%			
6.3) To what extent do you think a civil servant could accept a bribe without being detected and punished?									6.3) To what extent do you think that a civil servant could accept a bribe without being detected and punished?	%	%	%	%	%	%			
6.4) To what extent do you experience situations where someone offers you a bribe?									6.4) To what extent do you think it civil servants are offered bribes?									

6.5) To what extent do you have instructions for how to deal with complaints against your agency and staff?										6.5) To what extent do you think complaints against the administrative agencies are taken seriously?									
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Appendix 5 Model report outline

1. Executive summary
 - a. Describing the main findings and suggested areas of reform and ways ahead
2. Introduction
 - a. If the report takes the form of an official document the introduction should be written by someone from the host agency or agencies participating in the measurement. In other cases the lead person from the assessment team could write the introduction.
 - b. The introduction should include a short discussion on how and why the process was initiated, the selection of administrative agencies and/or processes. The introduction should also clearly state the aim of the RoL measurement as one of constructive dialogue aimed at addressing the professional challenges civil servants face, and the everyday concerns of the users. Support, commitments and endorsements from national authorities should be particularly emphasised.
3. Country background and information
4. Narrative of the main findings in relation to the six RoL-principles
5. Presentation graphics (charts, tables, etc)
6. Methods and data collection
 - a. It is not necessary to provide a detailed description of the methods for data collection. Instead, this section should describe the Mapping of Agencies, Structures and Processes, Agency and User Surveys in a short and comprehensible way. Delimitations, constraints and challenges to the data collection methods should also be outlined.
7. Suggestions for areas of reform and ways ahead

Appendix 6 Survey sampling strategy

To be developed in cooperation with statisticians

The sampling strategy should be adapted to the objectives and context of assessment, and balanced with the resources available, for example, whether the objective is to measure rule of law in one or several administrative agencies, process or services, or whether only the *Formal Mapping* and *Agency Survey* are employed. However, irrespective of the assessment objectives and application of the tool, the sample size, stratification, selection of respondents etc., should be based on accepted statistical method. The box below discusses some general considerations and principles in the development of sampling strategies.

Steps	Agency Survey	User Survey
Decide on sample size	<p>Sample size of respondents depends on the number of agencies participating in the assessment:</p> <p>a) If the group of civil servants (the population of interests) is small in size, the <i>Agency Survey</i> shall include as many as possible,</p> <p>b) If the population of interests is large, a random sample may be used.</p>	<p>Sample size of respondents depends on the population of interests and the availability, and access to, public records and archives of users of administrative agencies, processes or services. Public records have the advantage that they are often centralized, providing the opportunity of drawing jurisdiction-wide sample. For small populations, it is recommended to study the whole population. Only when the population is large or middle-sized should the Assessment Team draw a sample.</p> <p>a) If records and archives of administrative agencies cannot be used or accessed, (e.g. for ethical or legal restrictions), then service providers' records may be used (e.g. attorneys, paralegals, legal clinics, public defenders' officers)</p> <p>b) If it is not possible to use public or service providers' records, a large sample of the general population may be used</p> <p>It is possible to combine a large sample with "on-the-spot" samples outside the agencies participating in the measurement. Another strategy could be to draw a sample from a part of the population in which it could be expected that the problem is sufficiently frequent.</p>
Decide on stratification and administrative or sector divisions of the country	<p>Ensure geographical representation if several agencies are participating in the assessment to reflect socio-economic, cultural or political divisions in the country.</p>	<p>The level of level of stratification depends on the size of the country and the resources available for the assessment, but the division should be guided by the need to include a sizable proportion of the country. Stratification may be based on administrative divisions (e.g. regions, provinces, districts, municipalities and towns). Some of the variables for selecting sampling divisions include:</p> <p>a) Conflict and crisis intensity,</p> <p>b) Geographical representation,</p> <p>c) Rural/urban.</p>
Select respondents	<p>Use employment records of civil servants if the population size is large. Focus on junior to mid-level civil servants as respondents.</p>	<p>The choice of method depends on the availability of information providing a list of inhabited settlements in different regions of the country (e.g. cities, towns, villages, refugee camps, etc) and census records. This determines whether street interviews or household interviews are used. Irrespective of the approach to data collection, standard methodological considerations for the selection of respondents should be followed.</p>

Appendix 7 Guidelines for enumerators

To be developed in cooperation with statisticians

The draft questionnaires are attached in this Tool and Guide (Appendix 2 and 3). The questionnaire consists of questions concerning the respondents’ views, opinions and perceptions as a civil servant or as a “user” of administrative agencies, services or processes. All questions are equally important and should be given equal attention and presented in the same manner.

Each questionnaire is divided into six parts dealing with the principles of legality; accessibility; right to be heard; right to appeal; transparency; and accountability. The respondents are presented with the following choice options: (1) to a very small extent; (2) to a small extent; (3) to a moderate extent; (4) to a large extent; (5) to a very large extent. The respondents may also choose to answer “don’t know” or decline to answer the question.

For each question there is also box for recording comments received from the respondents, for example, when the respondent wishes to clarify further or emphasise some particular dimension of the question or answer. There is similarly a box for taking down comments and observations by the enumerator, for example on uncertainties and irregularities, direct observations, or other issues impacting on the method or data.

Steps	Agency Survey guidelines	User Survey guidelines
<i>Approaching respondents</i>	<p>Introductory remarks are found in relation to the <i>Agency</i> and <i>User</i> Survey questionnaires respectively:</p> <ul style="list-style-type: none"> a) Approach the respondent in a way that is non-threatening, and as nice and friendly as possible. b) Be fully transparent in explaining the purpose of the survey and elaborate on any issue related to the survey that the respondent is interested in c) Ensure that the respondent is comfortable with the situation and fully understands the purpose of the interview. d) Stress anonymity of the respondent e) Do not show the questionnaire to the respondent to avoid guidance on the individual questions. 	<p>Introductory remarks are found in relation to the <i>Agency</i> and <i>User</i> Survey questionnaires respectively:</p> <ul style="list-style-type: none"> a) Approach the respondent in a way that is non-threatening, and as nice and friendly as possible. b) Be fully transparent in explaining the purpose of the survey and elaborate on any issue related to the survey that the respondent is interested in c) Ensure that the respondent is comfortable with the situation and fully understands the purpose of the interview. d) Stress anonymity of the respondent e) Do not show the questionnaire to the respondent to avoid guidance on the individual questions. f) If a potential respondent declines to participate in the survey, approach the immediate next person/household and note down the location and sex of the person declining.
<i>Location and logistics</i>	<p>Interviews will most likely be conducted at the agency participating in the assessment. Ensure that there is a secluded room for conducting interviews within the building, or alternatively in a nearby facility.</p>	<p>Enumerators will each cover a separate geographical area in each of the areas selected (as determined by the Sampling Survey Strategy developed by the Assessment Team). Enumerators should cover 10-12 respondents per day on average.</p>
<i>Conducting the interview</i>	<ul style="list-style-type: none"> a) Start with the general and introductory questions b) The questions should be asked exactly as formulated in the questionnaire. 	<ul style="list-style-type: none"> a) Start with the general and introductory questions b) The questions should be asked exactly as formulated in the questionnaire.

	<p>c) If the respondent does not understand the question, the question can only be read only <u>one</u> more time.</p> <p>d) If the respondent still does not understand, make a comment (in the box analytical comments and observations) and move to the next question.</p>	<p>c) If the respondent does not understand the question, the question can only be read only <u>one</u> more time.</p> <p>d) If the respondent still does not understand, make a comment (in the box analytical comments and observations) and move to the next question.</p>
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