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Users' Guide

for Assessing Rule of Law in Public Administration

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The Folke Bernadotte Academy (FBA) is the Swedish government agency for peace, security and development, and has the overall mission to support international peace and crisis management operations. The FBA is part of Sweden's contribution to international peace and security, and its efforts to improve the lives of people living in conditions of poverty and repression.

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Table of contents

The six rule of law principles are derived from international and human rights law in addition to national laws, established practice, legal precedent and jurisprudence: legality, accessibility, the right to be heard, the right to appeal, transparency and accountability.

This Users' Guide for assessing rule of law in public administration (hereinafter the Users' Guide) helps policymakers and assistance providers identify specific challenges, strengths and weaknesses related to the rule of law in the service delivered by a specific public agency to its end users. The Users' Guide is a self-assessment tool that has been developed with a particular focus on local governance of service delivery and on public service providers with a high degree of interaction with and decision-making that affects the rights and interests of individuals.

The self-assessment allows an analysis of the degree of respect for the principles of the rule of law in public administration. The self-assessment is based on six commonly accepted rule of law principles that are fundamental to effective, transparent and accountable public sector governance and service delivery.

The six rule of law principles are derived from international and human rights law in addition to national laws, established practice, legal precedent and jurisprudence: **legality, accessibility, the right to be heard, the right to appeal, transparency** and **accountability**. The self-assessment enables the identification and categorisation of the findings and results as structural, institutional and access-related challenges, and serves as the basis for practical recommendations and the formulation of specific follow-up strategies.

Ensuring accountability in public administration strengthens participation in decision-making processes © UN Photo by Eskinder Debebe

The self-assessment is in three parts. The first part is a **questionnaire that allows a formal mapping of laws and regulations, and a description of the institutional environment** in which a particular administrative agency operates. The second part is a **perception-based questionnaire that examines the specific challenges civil servants at the administrative agency face** with regard to, for example, providing timely and accessible services or responding to queries on time, as well as the functioning of accountability mechanisms in their working environment. The third part of the self-assessment is a **perception-based survey targeted at the service users of the administrative agency or those who are affected by the decisions taken by the agency**. The questions are similar to those which the civil servants answer, that is, to what extent users think that the administration treats different groups of citizens, regardless of their sex/ethnicity/religion or other social status equally, whether it is easy to contact the agency and argue your case before a decision is taken, and whether they think that appealing against a decision or complaining about the administrative agency is likely to be successful.

The main focus of the tool is on **key qualitative rights and justice issues for the individual** in relation to public administration. The self-assessment, and the six rule of law principles on which it is based, emphasises the **demand side of public administration**, that is, the services that individual service users consider essential and the aspects they consider problematic, in addition to the issues that civil servants see as the most challenging.

The self-assessment is designed to be **flexible and relatively inexpensive to use**, and can be rolled out in a matter of months. It can be applied to a single administrative agency at the local level, providing one particular service – for example, land registration – or to several administrative agencies at the regional or national level. The self-assessment can also be adapted to many contexts and assessment purposes in relation to public administration, for example, in order to quickly assess rule of law-related challenges in newly established administrative agencies, or to create baseline data for longer term quality control and assurance. The different questionnaires can be used separately or in combination to these ends.

The Users' Guide was piloted in 2011 in Quezon City, the Philippines, on issues related to the urban poverty, and in 2011–2012 in Lviv and Feodosiya, Ukraine, on housing issues. The final pilot was conducted in 2012 in Freetown, Sierra Leone, on the issuance of identity cards.

These pilots confirmed the feasibility of the Users' Guide and provided important feedback on possible improvements. For a more detailed description of the background to the self-assessment, the process of piloting the Users' Guide and an overview of rule of law and public administration generally, and specifically for the importance of safeguarding individual rights and interests, see the *Guidance Note on Assessing Rule of Law in Public Administration*.

The tool is open to further refinement. Users are welcome to send feedback and suggestions to: Richard Zajac Sannerholm, Folke Bernadotte Academy (richard.zajac-sannerholm@fba.se); Shane Quinn, Folke Bernadotte Academy (shane.quinn@fba.se); and Patrick Keuleers, United Nations Development Programme, Bureau for Policy and Programme Support (patrick.keuleers@undp.org).

In order to properly understand public administration, this Users' Guide combines the views and perspectives of civil servants and service users on the six rule of law principles, and situates these perspectives in a broader analysis of the legal and regulatory environment.

Public administration and the rule of law

The Users' Guide recognises that the way in which public administration is structured, regulated and supervised differs between countries. The Users' Guide also recognises that **people have different expectations and face different rule of law problems in relation to public administrative agencies**, depending on where they live, their gender or ethnicity and their level of general knowledge and awareness, and based on their previous interactions with the agency or public administration in general.

Civil servants also experience different challenges depending on the level of resource allocation and the regulatory environment, the clarity of instructions and mandates, access to technical support and solutions, their training and qualifications, and the complexity of the services they are entrusted to provide. Thus, in order to properly understand public administration, this Users' Guide combines the views and perspectives of civil servants and service users on the six rule of law principles, and situates these perspectives in a broader analysis of the legal and regulatory environment.

Public administration

For the purpose of this Users' Guide, public administration is understood as the **agencies and actions of the executive branch of the state at the central, regional** (districts, counties, etc.) **and local levels** (municipalities, cities, towns, etc.).

The specific focus of the self-assessment is not, generally, on civil service management, policy formulation or financial management, but on the service delivery functions of public administrative agencies and the **chain of actions and decisions taken by an agency that affects the rights, liberties or interests of individuals**.

Public administrative agencies that provide services and interact directly with individuals can include, for example, tax authorities, civic registration offices, land cadastral agencies, the public bodies responsible for the issuance of licences for commercial activity, urban planning entities and agencies making decisions on matters related to health benefits, education, social benefits, and so on. Public administration service providers thus cover broad and often contentious areas closely related to economic development, security and justice.

Within these agencies and in relation to these broad areas of responsibility, it is the frontline staff members, including supervisors and managers, who are of specific interest in the self-assessment. This means that the focus is on those civil servants who receive petitions and requests for services, as well as complaints and appeals, and those directly involved in investigating and deciding on cases that affect the rights and interests of service users.

One Stop Shop, Ukraine © Ivano Frankivsk

The six rule of law principles that form the basis of the self-assessment

Rule of Law

The Users' Guide for self-assessment takes as its point of departure the definition of the rule of law suggested in the 2012 strategic report by the United Nations Secretary-General, *Delivering Justice: A Programme of Action to Strengthen the Rule of Law at the National and International levels*. The rule of law is understood as a principle of governance related to human rights and democracy, and as an indispensable component of economic development, poverty reduction and peace and security.

This Users' Guide in particular seizes on the many references in international law and standard-setting practice (treaties, practice, recommendations and doctrine) to a common or similar set of rule of law principles for good administration or good governance, including standard-setting practices at the national level.

The six rule of law principles identified for this Users' Guide thus reflect good practices from national jurisdictions around the world, both civil and common law, as expressed in constitutional provisions, case law, or specific administrative law and administrative procedure law regulations.

OVERVIEW OF THE SIX KEY RULE OF LAW PRINCIPLES IN PUBLIC ADMINISTRATION

Legality	The principle requires that public administrative agencies abide by the law, and that all their decisions and content have a basis in law. This includes the equal treatment of different groups of citizens, including women and men. In certain settings, a broad spectrum of laws can exist, and enforcing these laws on a consistent basis can present difficulties.
Accessibility	The principle means that everyone should have access to public administratiion and a duty on public authorities to accept and deal with different groups of citizens' requests and questions properly. The principle also requires practical access for women and men, such as sufficient opening hours or easy means of communication, for example, that an agency uses a language that can be understood by the general public.
Right to be heard	Right to be heard means that the public authorities must hear an individual before taking a decision that affects his or her rights and interests. It also means that a person should have an opportunity to submit facts, arguments or evidence before a decision is taken. The right to be heard means that public authorities must inform the persons concerned of their decision, as well as a duty to take a decision within a reasonable time.
Transparency	The principle of transparency ensures that the work of public authorities and civil servants is conducted openly. Public authorities have a duty to provide information about their work and to ensure access to laws, acts and administrative documents on request.The right to information should only be restricted by the limitations necessary in a democratic society for the protection of legitimate public interests or privacy.
Right to appeal	The right to appeal allows the individual to seek redress against administrative decisions, through internal review processes, or judicial review by the ordinary courts or specialized administrative courts. The right to appeal is also dependent on substantive aspects, such as a duty on administrative agencies to communicate their decisions as well as the reasons for their decisions to concerned parties, and provide an indication of where and how to appeal.
Accountability	The principle of accountability ensures that public officials and administrative agencies are held to account for wrongful actions and to improve the way in which an agency conducts its work. The principle further ensures that public officials are held liable as well as responsible for their actions. In order to guarantee accountability, mechanisms such as disciplinary measures, internal reviews, internal audits, ethics boards and external supervision are often involved.

It is a fundamental part of the methodology that the administrative agency owns, leads and participates in all the stages of the self-assessment process.

Self-assessment and external expertise

It is a fundamental part of the methodology that the administrative agency owns, leads and participates in all the stages of the self-assessment process. **To conduct the self-assessment successfully it is also important that the administrative agency consults and cooperates with external experts**.

The capacity, time and resources required to undertake the self-assessment are not generally readily available within administrative agencies, in particular at the local level. In addition, an external actor helps to guarantee the integrity and independence of the assessment process and the findings of the study.

For practical and cultural reasons, and in order to avoid perceptions of bias, it is important that the external expert, in close cooperation with the administrative agency, conduct the agency and the service user survey questionnaires, and the formal mapping. Similarly, the external expert should be primarily responsible for managing the data analysis, report writing and presentation of the results.

The scope of facilitation from external experts will depend on the purpose and the extent of the self-assessment (one or several public service providers). **The relationship between the administrative agency and the external expert should be clearly outlined**. (For sample terms of reference see Appendix 7.)

External experts could be individual contractors and consultants. External facilitation might also be in the form of institutional cooperation between the administrative agency and a non-governmental organisation with research and analysis capacity, or academic bodies and institutes working in the areas of public administration and good governance. It would be useful if the external expert had prior experience of conducting similar research as well as access to multidisciplinary capacity such as the use of statistics, law or sociology.

Easy access to be heard and appeal through the judicial system is key to respecting the rule of law in public administration © UN Photo

Self-assessment in six steps

The process of assessment is conducted in six steps beginning with **inception**. This is followed by the implementation of a **formal mapping of laws, regulations and procedures that apply to the administrative agency**. The third step is the implementation of the **agency and user surveys**. The surveys are followed by **data analysis and a preliminary report**. The final step is the **presentation and identification of follow-up strategies**, consisting of feedback, quality control and the presentation of findings and results.

After each step of the process, it is advisable that the external expert produce a brief progress report and share this with the advisory committee and any other stakeholders involved in the process. This will be used to guide the project in order to ensure timely and substantive outcomes as well as transparency throughout the self-assessment.

TABLE 1 SELF-ASSESSMENT TIMEFRAME AND ACTIONS

Step	Objective	Action	Time
Inception Institutional and Context Analysis (ICA)[xxx] and Risk Assessment[xxxi]	Identify participating agencies, get an understanding of the political economy of the sector by means of an ICA exercise, establish ownership and lead processes and agree on scope and objectives of the assessment.	Prepare practical and logistical arrangements (procurement if necessary). Establish an Advisory Committee and identify an external expert.	2–3 weeks
Formal mapping	Understand the legal and institutional framework applicable to the participating agency.	Conduct the formal mapping in close cooperation with external expert and legal experts at the participating agency.	2–4 weeks
Agency staff survey	Map perceptions of civil servants at the participating agency on rule of law strengths and challenges[xxxii]	Administer the *agency survey* including a pre-test survey with adapted questions to suit the context (if necessary).	2–3 weeks
User survey	Map perceptions of users of the participating agency.[xxxiii]	Administer the *user survey* including a pre-test survey with adapted questions to suit the context (if necessary). Employ profiling for selection to ensure the survey targets actual users of the agency's service.	4–6 weeks
Data analysis. triangulation and report writing	Identify and categorise main findings	Prepare *preliminary* report and hold a stakeholder seminar.	4–6 weeks
Presentation and dissemination of results	Disseminate the findings to target groups and broad audience, including national/local authorities, NGOs, international organisations etc. Prior to this activity, ensure that a validation process takes place with assessment stakeholders to guarantee credibility of results	Publish and disseminate *final report* and organise follow-up events with key stakeholders	2 weeks
Follow up actions (training, policy and administrative reforms, etc.)	Address the capacity gaps and institutional bottlenecks that have been identified in the self-assessment process	Political and administrative action at the municipal level, lobbying and advocacy at higher levels for reforms that improve the mandate and or competency level of local government.	

Step 1. Inception

The objective of this step is to make the **initial preparations for the self-assessment**. This includes **identifying the administrative agency, agencies or units within agencies that should be part of the self-assessment**.

Target groups within the administrative agency, that is, the frontline staff, managers, supervisors and other relevant positions, should also be identified.

It is important that staff members at the agency actively participate in the overall process of assessment, and feel comfortable with the objectives of the assessment and with the survey questionnaires. Before going forward with these steps, however, an Institutional Context Analysis (ICA)[1] should be conducted (incl. a brief risk assessment).

Identify agency coordinator and external expert

A designated agency coordinator should be appointed to liaise with the external expert. When acting as a liaison, the agency coordinator should take part in all relevant meetings and receive regular updates from the external expert.

An external expert should be identified and contracted as soon as possible in order to facilitate during the assessment process (see Appendix 7 for sample terms of reference). The external expert could be a university, an NGO with research capacity, or an individual contractor or consultant.

Establish an Advisory Committee

The inception stage should also identify members of an Advisory Committee. (See Appendix 7 for sample terms of reference). The Advisory Committee is an informal grouping and has oversight of the process, although the national facilitator together with the host agency is the main driver of the self-assessment and its implementation.

Inception outcomes

1) **The agency or agencies participating in the self-assessment are identified. The areas of service delivery included in the self-assessment, and the relevant target group of staff are specified in as much detail as possible.**
2) **Purpose and scope is determined and a general timeframe established.**
3) **An agency coordinator is appointed to liaise with the external expert and the Advisory Committee, and report back to the managerial level of the administrative agency.**
4) **An external expert is identified and contracted to facilitate the self-assessment.**
5) **An Advisory Committee has been formed and has held its first meeting.**
6) **A brief progress report on the inception step has been written by the external expert and submitted to the Advisory Committee.**

INCEPTION DOS AND DON'TS

Select a research team that has the requisite multidisciplinary competencies to conduct the assessment. The team should have a thorough understanding of the strategic goals and the workings of the specific public administration system as well as its legal environment and developmental issues.

Seek a formal directive from the responsible ministries and/or other agencies (e.g. mayor's office or city council) and be sure to keep them informed throughout the process. In certain cases, this may even be mandatory to ensure the legitimacy of the assessment results.

Where possible, involve CSOs in the assessment process on the basis of specific selection criteria. This enhances transparency and accountability and allows a participatory approach to be adopted from the start of the assessment.

Conduct a profiling of respondents. Respondents' profiles will help to contextualise the responses. The data will also help explain the level of respondents' understanding of the principles of the rule of law and their relevance to service provision.

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1   Use should be made of the UNDP Guidance Note on the Institutional and Context Analysis. (2012)

Step 2. Formal mapping

The second step in the assessment process, **formal mapping, establishes basic data on the legal and administrative system in general by identifying relevant national laws and regulations, local government codes, executive orders and memos for the specific public agency participating in the self-assessment.**

The above list is not exhaustive, as the **formal mapping** should be tailored to focus on a specific entry point for the self-assessment – for example, housing, social protection or civil registration, to name but a few subject areas.

Sufficient time should be allocated to the **formal mapping** at the national, district, municipal and/or city levels. Conducting a comprehensive mapping of *all* existing laws could be cumbersome and too general in its application. **Only those laws and regulations directly relevant to the agency and its functions, as determined during the inception step, should be included** in the formal mapping. (See Appendix 1 for a sample questionnaire on formal mapping.) Special attention should also be paid to identify laws and regulations that may be discriminatory towards vulnerable groups such as women and children, or in other way excludes other groups of citizens.

Specifically, the information sought in this step serves to establish whether there are **formal safeguards guaranteeing the principles of the rule of law in the work of the public agency**. This relates in particular to services that determine the rights and entitlements of individuals.

The **formal mapping** should enable the agency to gain a better understanding of its legal environment and explain any possible differences in the responses generated by **the agency** and **the service user surveys**.

The **formal mapping** should be conducted in successive steps, in which laws, regulations, instructions, decrees, and so on, are first compiled and then narrowed down to reflect the role and function of the specific public agency. **It is advisable to select a specific function – or frontline unit – within the public agency in order capture the agency-citizen interface clearly**.

If the selected function of an agency is housing, for example, then it will be necessary to agree on a specific entry point for the self-assessment, for example, maintenance, a citizen resource centre or housing associations, and collate the array of laws relevant to this area according to the agency's mandate. If

the self-assessment is mainly aimed at the local level, it might not be necessary to include all the national housing laws in the **formal mapping**, beyond central constitutional provisions and other central legal frameworks.

The formal mapping is not a survey so it is not necessary to interview the staff from the agency or staff from other agencies at this stage. Instead, if interviews are used they should be targeted and be conducted only with those staff who work directly with the selected entry point, for instance, housing, social protection or civil registration, as well as the agency's legal support services.

As a way of ensuring the core rule of law focus of the self-assessment, **legal experts from the agency or administrative legal support services can be invited to sit on the Advisory Committee** (see Inception above).

The sample questionnaire focuses on the six rule of law principles for public administration: legality, accessibility, the right to be heard, transparency, the right to appeal and accountability. **The questions probe both general legal topics, such as the existence of key laws and other normative instruments, and specific institutional aspects, for example, whether there are established procedures for regularly updating civil servants on new legislative initiatives**.

Where relevant, the questions on whether there are certain laws, institutions or other regulatory instruments should be

FORMAL MAPPING DOS AND DON'TS

Adhere as closely as possible to the mandate of the agency being assessed and the service it provides to service users. In some cases, national laws will be relevant, but this step should not be used to conduct a general legal analysis of a country's national and regional laws.

If there is a lack of written records, data should be collected first through consultations with the host agency legal officer or support desk and next from legal professionals.

Avoid highlighting challenges or issues of coordination between agencies in this step, even if some laws and codes overlap with how other agencies are governed, such as civil registration and immigration.

complemented by space to add comments. This adds a qualitative element and is important in order to **contextualise the results from the formal mapping**. Such comments might include, for example, whether a specific law or regulation is about to be changed, or if it is under review by a court and the decision might change its application.

The **formal mapping** must be finalised before embarking on the **agency** and **user surveys**. The results of the **formal mapping** may be used to contextualise the survey questions and to make them more relevant and targeted to the agency's specific functions. (See the sample report outline in Appendix 1 for an overview of the formal mapping as an integral part of the self-assessment results.)

Formal mapping outcomes

1) The sample questionnaire at Appendix 1 has been adjusted to the specific context of self-assessment, including decisions on specific entry-points for the assessment.
2) The necessary legal expertise has been obtained either from legal staff at the administrative agency or from outside.
3) Comments on the laws, regulations and institutions from the comment boxes have been compiled and analysed.
4) A brief progress report written by the external expert, summarising the findings of the formal mapping, has been submitted to the Advisory Committee.

Step 3. Agency staff survey

The third step, the **agency staff survey, contrasts the data from the formal mapping with civil servants' views and opinions** on the rule of law-related challenges at the agency conducting the self-assessment.

The survey is perception-based and asks civil servants questions on the six rule of law principles, for example, whether they are informed about new laws and regulations, if it is difficult to handle requests from users within established timeframes, and how well complaints and appeals are handled at the administrative agency (see Appendix 2 for a sample questionnaire for agency staff). The **agency staff survey is conducted through face-to-face interviews** to allow for more effective information gathering.

Customising the agency staff survey

Before initiating the survey, the survey **questions must be customised and adapted**. This means adjusting the questions to the specific public agency's functions and services. The results of the formal mapping can serve as first entry points for customising the agency staff questions.

Sample questions will need refinement and context adjustment to adequately cover the roles and responsibilities of the agency staff participating in the self-assessment (e.g. frontline staff, supervisors, decision makers). In addition, an equal division between women and men should be promoted among the participating agency staff. The primary set of rule of law principles and correlating questions presented in Appendix 2 should be reviewed by the external expert in cooperation with the agency coordinator. **It might also be necessary to reduce the number of questions, add questions of local relevance or adjust the options for scoring the questions to reflect local conditions or issues**. The reworking of the questions has the potential to either greatly enhance the value of the exercise or introduce bias. **Great care and deliberation must be exercised in this process**. Customisation also means translating the questionnaire where necessary.

After customisation, **the survey should be pre-tested**, which gives the external expert and the public agency an opportunity to further adapt the questions in the survey. A focus group of civil servants could be employed to ensure proper customisation of the questionnaire. Ideally, the civil servants in the focus group should not participate as respondents to the questionnaire at a later stage in order to avoid issues of bias.

The agency staff survey questions focus on the six principles, which are to be used as a guideline for writing a cumulative rule of law analysis.

Four measurement units are used in the questionnaire: *not at all, a small extent, a large extent* and a very large extent. The measurement unit, *don't know*, is a silent option not given to the respondent but used by the interviewer where the respondent cannot answer a question. This one to four scale may encounter challenges depending on the cultural and linguistic nuances in each context. **It is advisable to consult a statistics expert or sociologist when customising the survey measurement units.**

The external expert should, in the brief progress report summarising the agency staff survey, take careful note of how the questionnaire was customised and adapted.

Agency staff survey outcomes

1) **Questionnaire is adjusted and customised according to the purpose and scope of the self-assessment and on the basis of data from the formal mapping.**
2) **Questionnaire is translated, where necessary.**
3) **The customised and adjusted questionnaire is pre-tested using focus group discussions.**
4) **A brief progress report written by the external expert summarises the agency staff survey step and is submitted to the Advisory Committee.**

AGENCY SURVEY DOS AND DON'TS

Assess job descriptions within the agency. Ensure that frontline and other related staff form the bulk of those interviewed.

Cluster sampling should be used for the survey of agency personnel in most cases. For example, if the agency is not too large, all its employees should be surveyed.

Conduct the interviews with the personnel at the workplace, in a specially designated room where employees can be invited for face-to-face interviews. This allows the employees the time and privacy to adequately answer the survey, avoids bias and prevents managers from influencing the responses. Do not offer the employees the choice of self-administering the survey, as they may not prioritise it and may have a number of questions on the content.

The importance of the assessment and the approach to conducting the survey with the help of enumerators should be well anchored within the management of the agency or agency unit being assessed. Otherwise, the initial planned number of staff participating may decrease owing to the prioritisation of other agency-related work.

Step 4. User survey

The objective of step four is to contrast the **formal mapping** and agency staff survey results with the views and expectations on rule of law issues of the **users of the public administration's services**.

Views and expectations matter in their own right, but citizens also take actions based on their perceptions of problems and opportunities. It is therefore important to **probe gaps between the laws on the books and the law in reality**, for instance, how laws are applied and enforced according to the functions and mandate of the administrative agency undertaking the self-assessment.

Customising the user survey

Before initiating the user survey, the **questions must be customised**. Sample questions will need refinement and context adjustment to adequately reflect the interactions, level of awareness and

expectations citizens have of a specific public agency. **Results from the formal mapping and agency staff survey can be used as entry points for the customisation of user questions**.

The sample questionnaire for the user survey (see Appendix 3) gives examples of questions divided into the six rule of law principles, but **there may be a need to reduce the number of questions, add questions of local relevance, or adjust the options for scoring the questions to reflect local conditions or issues**.

The reworking of the questions has the potential to either greatly enhance the value of the exercise or introduce bias. Great care and deliberation must be exercised in this process. **Above all, it is necessary to ensure that the questions are in an appropriate language and level of detail in order to be properly understood by service user respondents**.

Like the agency staff survey, **customisation of the user survey can also include translating the questionnaire if necessary. After customisation, the survey should be pre-tested** to give the external expert and the public agency an opportunity to further adapt the questions in the survey, and to specifically gauge how well the questions are understood and the type of answers they generate. **Focus groups can be used for this purpose**.

Conducting the user survey

The **user survey is implemented in face-to-face interviews. A profiling of the respondents is required to determine active and passive users and what the margin of error will be by dividing up respondents into these respective groups** (see Appendix 5 on sampling survey strategy). The number of respondents depends on the scope of the self-assessment undertaken, the number of agency users, and the number of agencies participating in the self-assessment. Smaller scale assessments should include a minimum of 500 respondents in order to minimise margins of error. **Statistical consultation may be needed when estimating the best sample size for user respondents**.

Records and decided cases should be used to select a random sample of respondents. If records are not reliable or accessible for other reasons, interviews with users at the frontline (i.e. agency service centre) should be conducted in order to reach 'real' users. **If interviewing on the streets, the 'snowball' approach may be used where existing study subjects recruit future subjects from among their acquaintances or colleagues**. As the sample size is increased, enough data will be collected to be useful for the research. **Random sampling is a last resort** if profiling proves to be too difficult. Samples can be drawn from a part of the population where it may be expected a significant number have been in contact with the particular agency.

USER SURVEY DOS AND DON'TS

Adapt and test the language, grammar and cultural aspects of the Users' Guide to each setting. For example, the term 'rule of law' can mean 'legality' or 'strict adherence to the law' in Ukrainian and Russian and is largely associated with criminal justice.

It is recommended to use the purpose sampling method for the user survey. This means that respondents are selected using a screening or filter questions, such as: Have you ever used the service provided by the housing department? Conduct the interviews at the agency where the service is provided or at a resource centre to ensure maximum contact with relevant users.

With a sample size of 500 people, about 10–12 interviewers are needed. Before starting, it is necessary to conduct special training with the interviewers and prepare documents, such as questionnaires, instructions for interviewers, route sheets and identification cards.

Consider using the Focus Group Discussion (FGD) approach to supplement the data or information generated by the structured survey instrument. This approach can provide deeper insights and interpretation of the survey responses, and validate the data produced by the survey.

It is useful to identify users/respondents outside of those endorsed or identified by the agency being assessed. Other respondents would allow greater inclusiveness and reduce bias, should there be any, on the part of the agency.

Conduct a pre-test of the survey. A pre-test of the survey questionnaire is optional but it can help to identify how the questions may be tweaked or improved before conducting the full-scale survey.

During the process of identifying respondents, or determining methods for reaching respondents, it is important to strive for an equal division between women and men in order to gain valuable data on possible discriminatory differences perceived by the service users. The respondents are asked questions from a structured questionnaire focusing on the six principles of the rule of law (see Appendix 3 for a sample questionnaire for user survey).

The same four measurement categories used in the agency staff survey are employed for the user survey: *not at all, a small extent, a large extent, a very large extent*. **Similarly**, the category *don't know* is a silent option not given to the respondent but used by the interviewer where the respondent cannot answer a question.

Training of enumerators

The external expert should **organise a workshop to train enumerators**. Training should cover the methodology and objectives of the assessment, how to ask questions and survey techniques.

To ensure a high quality survey, all the different aspects must work and inaccuracies be avoided to the largest extent possible. This is particularly important when the data collection is based on interviews, since errors can occur at every stage of a survey. Interviewers must be informed about possible errors and how to minimise them.

The **external expert will be responsible for training and guiding the enumerators**. The tasks will include assigning locations for interviews, planning and organising the data collection work, supplying enumerators with all the necessary field materials, visiting the enumerators to monitor progress, resolving data collection problems, receiving completed questionnaires, and ensuring that the questionnaires have been completed correctly.

User survey outcomes

1) The questionnaire is adjusted and customised according to the purpose and scope of the self-assessment and on the basis of data from the formal mapping and agency staff survey.
2) The user questionnaire is translated, where necessary.
3) Focus groups are conducted to ensure an appropriate level of detail and language in the questions for service users.
4) Respondent size decided and respondents identified or methods for reaching respondents determined.
5) External expert has trained and prepared the enumerators.
6) Face-to-face interviews conducted.
7) A brief progress report summarising the user survey step is written by external expert and submitted to advisory committee.

Step 5. Analysis and report writing

The analysis and report writing aim to ensure that the final result is an easy to understand report, highlighting the main findings and suggesting concrete and actionable recommendations as well as potential follow-up strategies. The report should not only emphasise the shortcomings of the agency, but also identify strengths on which to build any planned policy reform.

The external expert has the main responsibility for analysing the data from the formal mapping, agency staff and service user survey, and for drafting a preliminary report. The external expert should liaise with the agency coordinator during the report writing process to ensure agreed final results according to the report outline (see Appendix 4 for a sample report outline).

The data collected from the surveys can be described numerically as well as graphically, using different background variables such as gender, age, education and year of employment (see Appendix 2 and 3 for background variables in relation to each survey).

Using background variables, tables and charts

The choice of background variables to present in the preliminary report has to be made with regard to the context and assessment purpose, and the data generated. It might be more interesting to follow one variable, or to compare two variables, for example, how men and women answered the same question on access to the administrative agency.

Similarly, it might be interesting to compare years of work experience and the ability to decide on matters within the given timeframe for civil servants at the administrative agency.

The exact content of the report depends on the purpose and scope of the assessment process, but should contain the **main findings and conclusions in an easy to understand format**. It is important that graphs, figures and other visual illustrations of the data are clearly described and explained in a narrative context, and not presented without proper analysis of what they mean or how to interpret them.

Complete tables, that is, including all the questions in a theme, are best presented in an appendix rather than directly in the text of the report. Use smaller, selected samples of tables to illustrate or emphasise a finding, and refer back to the appendix where the complete table can be found.

It might also be interesting to "stack" all variables in order to identify problems in relation to different areas. This presents an overview of principles and variables.

An alternative is to "double stack" variables, for example, by examining the group that answered "not at all". In order to make the table easy to read it is useful to present background variables and the questions based on "to a small extent", as the following example illustrates.

After the tables of background variables have been created, a cross tabulation can be made. This is done in order to compare how variables are distributed among subgroups, and to examine the relation between variables. Such tables are often referred to as contingency tables or pivot tables. Below is an example of cross tabulation.

When using cross tabulation it is important to distinguish between dependent and independent variables. In the table on the next page, for example, of the group that has answered that they have access to laws and regulations "to a small extent", 45.3 per cent also answered "not at all" about their ability to respond to queries and requests from persons within a reasonable time.

Example of how to double stack background variables with survey questions

User survey Answering category: to a small extent	Q1.2 ... name of agency] follow the law	Q1.3 ...civil servants at [name of agency] have access to laws, regulations and instructions to guide their work	Q1.4 ...civil servants at [name of agency] are sufficiently trained on the laws and procedures that guide their work.	Q1.5 ...civil servants at [name of agency] would decide in a case in which he/she or a friend or relative are directly concerned.	Q1.6 ... treats everybody the same way
Age groups					
–24 years					
25–44 years					
45 + years					
Sex					
Men					
Women					
Sex and age groups					
Men –24 years					
Men 25–44 years					
Men 45 + years					
Women –24 years					
Women 25–44 years					
Women 45 + years					

Example of cross tabulation

	1.2 Access	Not at all	Small extent	Large extent	Very large extent	Don't know
2.2 Respond in reasonable time						
Not at all			45.3			
Small extent						
Large extent						
Very large extent						
Percentage		100.0	100.0	100.0	100.0	100.0

- Agency Survey
- User Survey
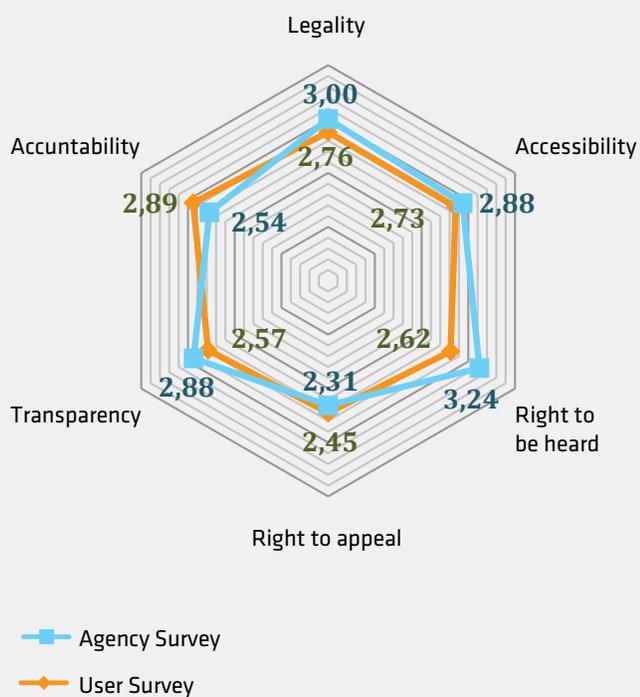
Cumulative description and analysis of strengths and challenges

The analysis of rule of law challenges, and the strengths and weaknesses of the administrative agency undertaking the self-assessment should take into account the six different principles individually, but also **provide a comprehensive description of challenges and opportunities as a whole in a narrative, drawing on the formal mapping, agency staff survey and service user survey cumulatively.** This means making an overall assessment in the report of the rule of law challenges and opportunities for the administrative agency.

Describing rule of law strengths and challenges holistically requires that the external expert **cumulatively assesses responses and data from the formal mapping, agency staff survey and user survey**, including comments made at the formal mapping, and comments by respondents to the surveys. The report does not have to cover all the data that is reported, but should focus specifically on contentious issues, for example, where there are divergent views between agency staff and users on a certain principle, high response rates (i.e. on not at all), or differences identified based on the background variables. Attention should also be paid to information about possible discriminatory administrative laws and regulations or practices regarding gender, ethnicity, religion or any other social status in public service delivery.

Holistic assessment of rule of law strengths and challenges

Legality				
Accessibility				
Right to be heard	Formal mapping	Agency staff survey	User survey	
Transparency				
Right to appeal				
Accountability				

Rule of law strengths and weaknesses of the administrative agency conducting the self-assessment
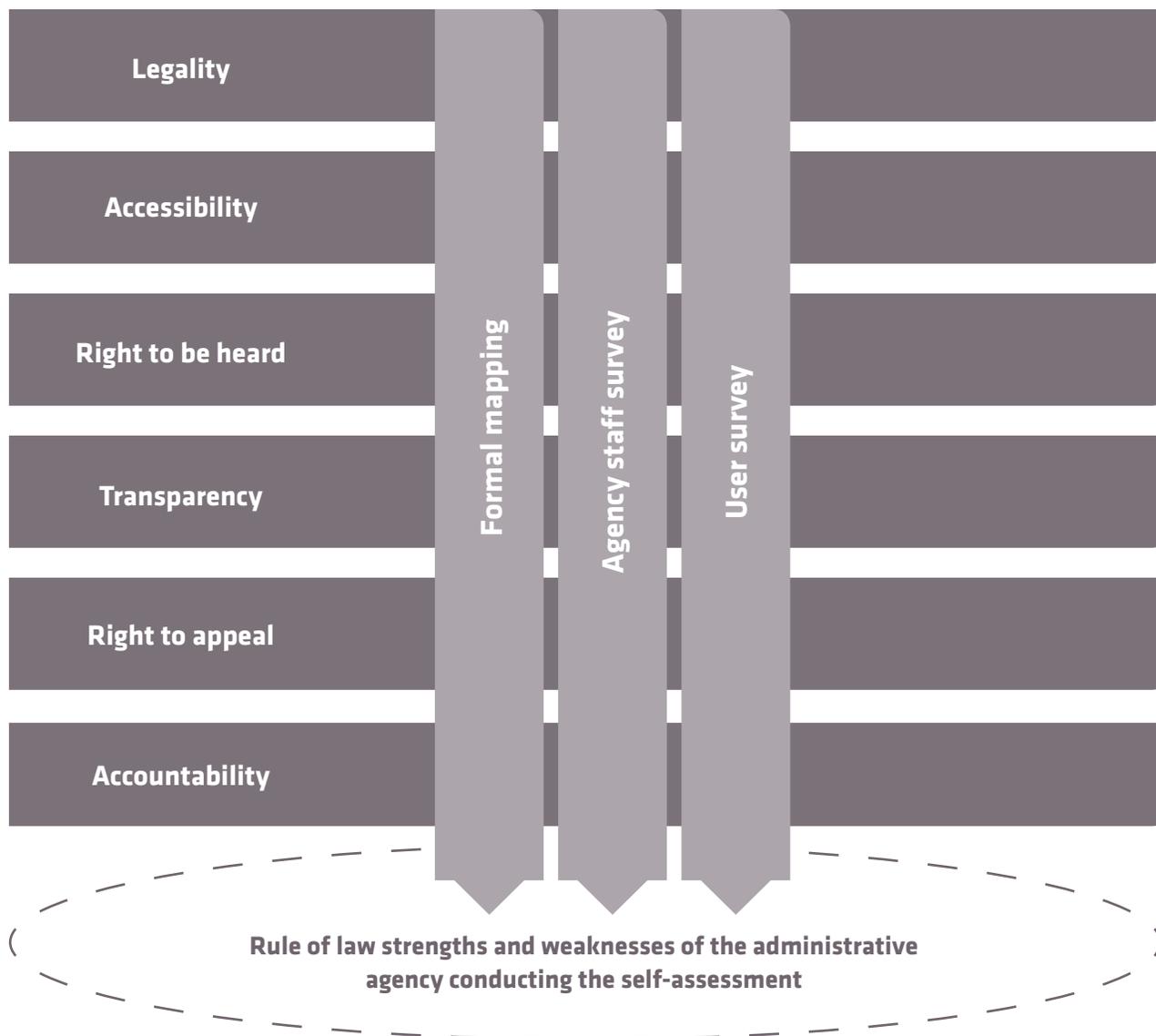
Recommendations and follow-up actions

The recommendations and follow-up actions should identify **problems and challenges that require different approaches**. This could mean, for example: (a) **structural challenge**s, such as a lack of understanding of laws, the complexity of laws, contradictions in the laws, and limited training on or low level of access to laws; (b) **institutional challenges**, such as few formal mechanisms for complaints, weak institutional structures for ensuring accountability and transparency, limited physical access; or (c) **capacity-related challenges**, such as a lack of understanding of how to access the services provided by the administrative agency,

difficulties in understanding written procedures and difficulties acting within established time-frames.

Follow-up activities might include efforts aimed at producing updated policies or legislation, improving implementation of existing policies and laws, building the capacities of agency staff, increasing accountability mechanisms, and improving outreach and communication with users.

It is important that the report distinguishes between problems which the agency can address on its own, and problems that

require the involvement of any other multi-level stakeholders participating in the self-assessment. Often, specifically at the local governance level, an administrative agency's service provision is dictated by laws, regulations and institutional mechanisms at the regional and central level of state. Highlighting difficulties related to regional or national level control and guidance can serve advocacy purposes.

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Analysis and report writing outcomes

1) Collation of data and analysis using SPSS or a similar program.
2) Charts, graphs and tables produced, with descriptive text and analysis explaining their meaning.
3) Preliminary report drafted and submitted to agency coordinator for review and comments.
4) Recommendations and follow-up actions drafted and included in the report.
5) A brief progress report on the reporting and analysis step written by the external expert and submitted to the Advisory Committee.

Step 6. Presentation and dissemination of results

After the analysis and the completion of a draft report, the **external expert will communicate with the agency coordinator to discuss the major findings, and to seek input, comments and suggestions from key stakeholders such as agency managers, unit heads and members of the Advisory Committee**.

With a draft report in hand, the participating agency together with the external expert should organize a stakeholder workshop.

The comments and additional information received from these stakeholders can be inserted into the final version of the report. **The agency management, together with the external expert, can co-chair the stakeholder workshop**.

Communication between the external expert and members of the Advisory Committee will improve the analysis of the results and generate advice and policy on how to present the results, as well as additional strategies for dissemination.
It may not be possible to invite all the stakeholders to the workshop. Those invited should reflect a gender balanced representation and a varied sample of stakeholders.
A reasonable number of non-governmental stakeholders must be included so that no single interest dominates the workshop.

Presentation and dissemination of results outcomes

1) **Agency coordinator and Advisory Committee consulted for feedback and suggestions on the draft report.**
2) **Stakeholder workshop conducted and views collected from agency staff, non-governmental organisations, other administrative agencies and interested parties.**
3) **Report is updated and finalised.**
4) **Report is disseminated to concerned parties, and communicated to agency staff, the media and non-governmental organizations.**

PRESENTATION AND DISSEMINATION OF RESULTS DOS AND DON'TS

The results and conclusions should be presented at different levels to ensure a systemic approach, for example: (a) discussion of the results with the management of the agency; (b) presentation and discussion of the report at a meeting of the Advisory Committee; and (c) presentation of the final report at a session of the city council/meeting of all departments of the municipality.

As part of (c) above, a draft action plan should be developed to address the problems / challenges of applying the rule of law to the service delivery within the municipality and / or the city council, including the short-term objective of developing specific actions that improve the rule of law in service delivery and, in the long-term, introduce the self-assessment Users' Guide into the local government performance assessment system.

The plan should be comprehensive and be approved at the relevant decision-making level to ensure the necessary **buy-in (order of the mayor, city council session, etc.).**

Appendix

1 | Sample questionnaire for formal mapping

This questionnaire describes the laws, normative instruments, institutions and processes relevant to public administration in general and the participating agency or 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 a general description of 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.

In the right margin of the questionnaire is a box for comments. Comments can include, for example, information on 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 the Official Gazette or similar), case number and status when referring to laws or other normative instruments. Review and ask questions on documents such as:

A. legal documents (e.g. constitution, laws, regulations, decrees and instructions, judicial rulings and administrative decisions and acts, internal orders of the administrative agency);

B. statistics (e.g. number of civil servants, number of claims, petitions and representations received by administrative agencies, (including gender-specific statistics));

C. reports from supervisory bodies (e.g. supreme audit institutions and annual reports from ombudsmen institutions).

General information

1. Name of the agency:

2. Year of establishment:

3. Administrative or jurisdictional status of the agency (e.g. national, district, local/city/municipal):

4. Principal areas of responsibility of the agency:

5. Geographical location of the agency:

Principle 1: Legality

Questions	Yes	No	Comments
(1) Is there a clear hierarchy between the laws and regulations guiding the work of [name of the agency]?			
(2) Are there established procedures at [name of the agency] ensuring that civil servants receive updates and amendments on the laws and normative instruments that govern their area of competence?			
(3) Can unlawful administrative decisions by [name of the agency] be withdrawn?			
(4) Are there laws or other normative instruments on how the [name of the agency] decides in matters of administrative discretion?			
(5) Are there laws or other normative instruments on conflict of interest?			
(6) Are there established procedures at [name of the agency] for ensuring equality before the law, regardless of sex/ethnicity/religion or other social status?			

Principle 2: Accessibility

Questions	Yes	No	Comments
(7) Are there laws or other normative instruments defining who can initiate an administrative procedure at [name of the agency]?			
(8) Are there laws or other normative instruments regulating different groups of citizens' access to [name of the agency]?			
(9) Are there laws or other normative instruments specifying that [name of the agency] has to be open to the public during a certain period of time?			
(10) Are there laws or other normative instruments on the proper use of language when [name of the agency] communicates with citizens (e.g. appropriate, clear and understandable)?			
(11) Are there laws or other normative instruments requiring [name of the agency] to examine petitions even if they do not respect formal standards for petitions?			

	Yes	No	Comments
(12) Are there laws or other normative instruments stating that costs for administrative services at the [name of the agency] have to be reasonable, e.g. covering only expenses?			
(13) Are there fees and other administrative costs related to the service provision of [name of the agency]?			
(14) Are there laws or other normative instruments allowing for requests or petitions to the [name of the agency] in minority languages?			
(15) Are there laws or other normative instruments requiring [name of the agency] to assist citizens in cases of obvious mistakes (e.g. when a request is sent to the wrong agency)?			

Principle 3: Right to be heard

Questions	Yes	No	Comments
(16) Are there laws or other normative instruments requiring the [name of the agency] to hear concerned persons before taking a decision?			
(17) Are there certain decisions at the [name of the agency] that specifically require the participation of concerned persons?			
(18) Are there laws or other normative instruments providing a duty for the [name of the agency] to inform concerned persons about new facts added to their case?			
(19) Are there laws or other normative instruments regulating how the agency should communicate with a person?			
(20) Are there established procedures within the [name of the agency] on how to communicate with a large group of people affected by its decisions?			
(21) Are there established procedures allowing persons to communicate orally with the [name of the agency] about administrative procedures?			
(22) Are there laws or other normative instruments stipulating maximum time lines for when the [name of the agency] has to take a decision?			
(23) Are there laws or other normative instruments that the [name of the agency] must consider all relevant facts of a case before it takes a decision?			
(24) Are there laws or other normative instruments defining who bears the main responsibility for producing facts and evidence in administrative procedures involving the [name of the agency]?			

	Yes	No	Comments
(25) Are there laws or other normative instruments on the recording of administrative procedures of the [name of the agency]?			

Principle 4: Transparency			
Questions	**Yes**	**No**	**Comments**
(26) Are there laws or other instruments on access to information concerning laws, standards and procedures governing the work of the [name of the agency]?			
(27) Does a request for access to official documents held by the [name of the agency] have to be made in writing?			
(28) If a request to access information is denied by the [name of the agency], can that decision be appealed?			
(29) Are there any fees involved in gaining access to official documents from the [name of the agency]?			
(30) Are there laws or other normative instruments on access to information on specific applications and petitions submitted by individuals to the [name of the agency]?			
(31) Are there laws or other normative instruments concerning restrictions on access to information that concerns the privacy and integrity of persons?			
(32) Are there laws or other normative instruments requiring that all correspondence and case documents of [name of the agency] shall be recorded and archived?			

Principle 5: Right to appeal			
Questions	**Yes**	**No**	**Comments**
(33) Are there laws or other normative instruments defining who may appeal a decision by the [name of the agency]?			
(34) Are there laws or other normative instruments on how the [name of the agency] should formulate its decisions (e.g. precise, adequate and understandable)?			
(35) Are there laws or other normative instruments on when the [name of the agency] has to notify its decision to a concerned person (e.g. without undue delay)?			

	Yes	No	Comments
(36) Are appeals of the agency's decisions first reviewed by the [name of the agency] itself?			
(37) Is there a separate system of courts or tribunals dealing with appeals of the [name of the agency] decisions?			
(38) Are administrative appeals procedures at the [name of the agency] mainly conducted in written form?			
(39) Are there laws or other normative instruments allowing for an individual to request an oral hearing when appealing a decision by the [name of the agency]?			
(40) Are there laws or other normative instruments allowing a person to be represented by counsel if he or she wishes in the appeals procedure?			
(41) Are there any fees or other payments required of the person appealing the [name of the agency]'s decision?			

Principle 6: Accountability

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

2 | Sample questionnaire for agency staff survey

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 the rule of law in public administration. The purpose of this assessment is to identify strengths and weaknesses in the [name of agency].

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] performs in relation to the following principles: legality, accessibility, right to be heard, transparency, right to appeal 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 background variables

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

5. Position:		
a. ___ Permanent		b. ___ Contract (short term)

6. Additional background variables

Principle 1: Legality					
Please indicate to what extent:	**Not at all**	**Small extent**	**Large extent**	**Very large extent**	**Don't know**
(1.1) You find that the rules defining the powers and mandate of the [name of the agency] and your responsibilities are understandable.					
(1.2) You encounter situations where the law provides insufficient guidance on how to decide in [example of decisions].					
(1.3) You have access to the latest laws, regulations and instructions in your area of work.					
(1.4) You receive training on new legislative instruments in your area of work.					
(1.5) You have instructions on how to deal with situations where there is a conflict of interest.					
(1.6) There are guarantees that people of different sex/ethnicity/religion or social status are treated equally by the [name of the agency].					
Additional respondent comments on legality					

Principle 2: Accessibility					
Please indicate to what extent:	**Not at all**	**Small extent**	**Large extent**	**Very large extent**	**Don't know**
(2.1) It is possible to respond to queries from persons within a reasonable time.					
(2.2) It is possible to handle queries in other languages than the official (for example, in a minority language).					
(2.3) You have instructions on how to assist citizens in cases of obvious mistakes (for example, queries sent to the wrong agency).					
(2.4) You have clear instructions on the charges for services provided by [name of the agency].					

(2.5) You have equal access to information regardless of sex/ethnicity/ religion or other social status on the services provided by [name of the agency].					

Additional respondent comments on accessibility

Principle 3: Right to be heard

Please indicate to what extent:	Not at all	Small extent	Large extent	Very large extent	Don't know
(3.1) There are established procedures for hearing a person before taking a decision that affects him or her.					
(3.2) You have established procedures for hearing persons orally or through interviews before taking a decision.					
(3.3) You have instructions on time limits for when decisions must be taken.					
(3.4) You encounter situations where it is difficult to follow time limits on when decisions must be taken.					

Additional respondent comments on the right to be heard:

Principle 4: Transparency

Please indicate to what extent:	Not at all	Small extent	Large extent	Very large extent	Don't know
(4.1) You have instructions on how to respond to persons seeking information on laws, standards and procedures that guide the work of [name of the agency].					
(4.2) You have instructions on how to ensure that the access to information is consistent for different groups of citizens, including women and men.					

	Not at all	Small extent	Large extent	Very large extent	Don't know
(4.3) You have instructions on how to deal with requests from persons seeking information about their case.					
(4.4) You have instructions on how to handle integrity and privacy data.					
(4.5) You have established procedures for archiving data.					
Additional respondent comments on transparency:					

Principle 5: Right to appeal

Please indicate to what extent:	Not at all	Small extent	Large extent	Very large extent	Don't know
(5.1) You have instructions on what your decision should include (for example, reasoning, indication of remedies).					
(5.2) You have instructions on how a person should be informed about a decision.					
(5.3) You have instructions on how to advise a person who wants to appeal against a decision by your agency.					
(5.4) You have instructions on how to deal with citizens wishing to appeal against a decision.					
Additional comments on the right to appeal:					

Principle 6: Accountability

Please indicate to what extent:	Not at all	Small extent	Large extent	Very large extent	Don't know
(6.1) Your work is influenced by decisions and instructions from supervisory agencies.					

(6.2) You have instructions on what to do when you suspect that someone within [name of the agency] has violated the law when performing his/her official functions.					
(6.3) You experience situations where someone offers you a bribe.					
(6.4) You think a civil servant at [name of the agency] could accept a bribe without being detected and punished.					
(6.5) You have instructions for how to deal with complaints against [name of the agency] or its staff.					
Additional respondent comments on accountability:					

Appendix

3 | Sample questionnaire for service user survey

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

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? We are conducting a public opinion survey on behalf of [name of the agency] and would like to ask you to participate.

The survey will take approximately 25 minutes and is about people's views, opinions and awareness of [the agency]. Your participation is important for improving the work of [name of the 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 the interview and say, 'Thank you for your time.' (Note down gender and location of the person declining).

Interviewer: _____

Date: _____ / _____ / _____ Time: _____

Location: _____

General background variables

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

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. Have you been in contact with [name of agency/agencies, if several, ask to specify]?		
a. ___Yes		b. ___ No

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

6. [If yes on question 4] what was the reason why you contacted the [name of the agency]?			
Insert	Insert	Insert	other

7. Additional background variables

Principle 1: Legality

Please indicate to what extent:	Not at all	Small extent	Large extent	Very large extent	Don't know
(1.1) You think that it is clear what [name of the agency/unit or department within the agency] can do and are allowed to do.					
(1.2) You think [name of the agency/unit or department within the agency] staff generally follow the law when performing their functions.					
(1.3) You think [name of the agency/unit or department within the agency] staff are professional in providing the service and understand their duties.					
(1.4) You think that [name of the agency/unit or department within the agency] staff would try to influence or decide a case where he/she or a close friend or family member was involved.					
1.5) You think that [name of the agency/unit or department within the agency] treats different groups of citizens, regardless of sex/ethnicity/religion or other social status, the same way in fulfilling its functions.					
Additional respondent comments on legality:					

Principle 2: Accessibility

Please indicate to what extent:	Not at all	Small extent	Large extent	Very large extent	Don't know
(2.1) You think it is possible to understand what different administrative units in the agency are responsible for.					
(2.2) You think [name of the agency/unit or department within the agency] is accessible in terms of visiting and communication.					
(2.3) You think it is possible to communicate with [name of the agency/unit or department within the agency] in other languages than the official one, that is, in a minority language					
(2.4) You think that the costs of [name of the agency/unit or department within the agency] services are affordable.					
(2.5) You think that different groups of citizens have equal access to the services provided by [name of the agency/unit or department within the agency], regardless of their sex/ethnicity/religion or other social status.					

Additional respondent comments on accessibility:

Principle 3: Right to be heard					
Please indicate to what extent:	**Not at all**	**Small extent**	**Large extent**	**Very large extent**	**Don't know**
(3.1) You think [name of the agency/unit or department within the agency] listens to your views and arguments before they take a decision that affects you.					
(3.2) You think [name of the agency/unit or department within the agency] would assist you in cases of obvious mistakes, such as if you send an inquiry to the wrong agency.					
(3.3) You think that there are time limits for when [name of the agency/ unit or department within the agency] must take decisions.					
(3.4) You think that [name of the agency/unit or department within the agency] follow time limits when taking decisions affecting your case or more generally.					

Additional respondent comments on right to be heard:

Principle 4: Transparency					
Please indicate to what extent:	**Not at all**	**Small extent**	**Large extent**	**Very large extent**	**Don't know**
(4.1) You think that you would get information, if requested, on the laws, standards and procedures that guide the work of [name of the agency/ unit or department within the agency name of the agency].					
(4.2) You think that you would get equal access to information from [name of the agency/unit or department within the agency name of the agency] regardless of your sex/ethnicity/religion or other social status.					
(4.3) You think [name of the agency/unit or department within the agency] will give out sensitive or private information.					

(4.4) You think you could get information on a case that concerns you from [name of the agency/unit or department within the agency].				

Additional respondent comments on transparency:

Principle 5: Right to appeal

Please indicate to what extent:	Not at all	Small extent	Large extent	Very large extent	Don't know
(5.1) You think [name of the agency/unit or department within the agency] must explain the reasons behind their decisions when hearing a case.					
(5.2) You think [name of the agency/unit or department within the agency] will inform you when they have taken a decision that concerns you.					
(5.3) You think you can appeal decisions by [name of the agency/unit or department within the agency] that have gone against you.					
(5.4) You think [name of the agency/unit or department within the agency] would advise you on how to appeal a decision that they have taken.					
(5.5) You think [name of the agency/unit or department within the agency] would review their own decisions in a fair and objective way.					

Additional respondent comments on right to appeal:

Principle 6: Accountability

Please indicate to what extent:	Not at all	Small extent	Large extent	Very large extent	Don't know
(6.1) You think supervisory agencies [examples of supervisory agencies, e.g. Ombudsman, National Human Rights Institutions, etc.] influence the work of [name of the agency/unit or department within the agency].					

(6.2) You think civil servants at [name of the agency/unit or department within the agency] know how to deal with situations where another civil servant is suspected of breaking the law.					
(6.3) You think civil servants at [name of the agency/unit or department within the agency] are offered bribes.					
(6.4) You think a civil servant at [name of the agency/unit or department within the agency] could accept a bribe without being detected and punished.					
(6.5) You think complaints against [name of the agency/unit or department within the agency] are taken seriously and dealt with accordingly.					
Additional respondent comments on accountability:					

Appendix

4 | Sample report outline

Example of report outline

> Foreword (written by the head of the administrative agency, mayor, head of
> municipality or similar functions)
> Executive summary
> 1. Introduction and overview
> 2. Results of the self-assessment and overall analysis
> 3. Review of selected rule of law principles/challenges and strengths
> 4. Conclusions, recommendations and follow-up actions
> Appendix (additional charts, graphs and tables)

Executive summary

Describes the main findings and outlines the main rule of law policy recommendations for the assessed area, e.g. housing, social protection, informal squatters, civic registration, in each context.

Introduction and overview

It is not necessary to provide a detailed description of the methods for data collection. Instead, this section should describe the way in which the surveys have been used, problems related to data cleaning and possible biases and overall delimitations and risks.

The introduction should include a short discussion on how and why the process was initiated, and a background description of the administrative agency or agencies. The introduction should also clearly state the aim of the rule of law assessment, and support, commitments and endorsements from departments or ministerial authorities should be particularly emphasised.

The introduction should include a brief history of public administration in the country, past and ongoing reform initiatives in the public sector, and the current state of public administration. The background should also contain information and narratives specifically relevant to the participating administrative agency.

Results of the self-assessment and overall analysis

The narrative should outline the cumulative analysis of rule of law challenges for the administrative agency or agencies. This should be an easy to understand text and format. It requires that the external expert together with the participating agency and agency coordinator weigh together the responses from the formal mapping, the agency staff survey and the user survey.

Review of selected rule of law principles: challenges and strengths

After the overall analysis, in which the rule of law as a whole for the administrative agency or agencies is described, **the report should cover individual principles**.

Not all the principles must be described and the external expert together with the administrative agency and agency coordinator should identify those areas where there are specific challenges, opportunities or disagreements between the agency, service users or the formal mapping survey.

Conclusions, recommendations and follow-up actions

This section can also outline recommendations for implementation, or the next phase if developing a potential project.

Appendix

5 | Survey sampling strategies

A survey sampling strategy could help reduce time, costs and the need for human resources, and improve the quality of the survey. The sampling strategy should, however, be adapted to the objectives and context of the assessment, and balanced with the resources available. Irrespective of the assessment objectives and application of the tool, the sample size, selection of respondents etc., should be based on accepted statistical methods. Some general considerations and principles in the development of sampling strategies are set out below.

Agency staff survey	**Decide on sample size for agency staff survey**	Sample size of respondents depends on the number of agencies participating in the self-assessment: If the group of civil servants (the population of interests) is small in size (e.g. 50–70), the **Agency survey** should include as many as possible. If the population of interests is large, a random sample may be used.
	Select respondents for the agency staff survey	Use the employment records of civil servants if the population size is large. Focus on junior to mid-level civil servants as well as respondents with direct responsibility for decision-making.
User survey	**Decide on a sample size and select respondents for user survey**	Selection of respondents depends on the size of the population of interest.
	Identify legal and ethical regulations on surveys and data collection	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.
	Identify and select respondents for the user survey	If possible, 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. If it is not possible to use records, target users directly in relation to the agency. Alternatively, use a snowball approach or a random sample. Create a sample on the basis of records, or use other approaches where records are not available. If it is a matter which appears with significant frequency, for example, the issuance of civil registration documents, a large random sample from the general population can be used. Irrespective of the approach to data collection, standard methodological considerations for the selection of respondents should be followed.

Appendix

6 | Sample guidelines for training enumerators

Preparation
- Familiarise interviewers with the survey. Go through the principles during the preparation to sort out possible questions and misunderstandings.
- Let interviewers test the interview on each other so that they get familiar with reading out the questions aloud and to see if or where someone could have problems in answering the questions.

Ensuring correct answers
- Interviewers have to be sure about the respondent's answer and must never draw his/her own conclusion about what the respondent really means.
- Interviewers are not allowed to give explanations and should avoid synonymous or probing questions. If the person still does not understand the question, they comment on that and go on to the next question. This means that there will be no answer to that question.
- If the respondent misunderstands the question interviewers can only ask him/her to listen carefully and read the question once again and accept whatever answer they get.

Location and logistics
- Interviewers should be prepared to conduct interviews at the agency (agency staff survey); and "on the spot" interviews at the agency, on the streets or other locations where a sample of users might be found (user survey).
- Interviewers should try to be alone with the respondent since he/she will give more honest answers and be able to answer without interruption or influence.
- Interviewers should cover 10-12 respondents per day on average.

Approaching respondents
- Interviewers have to be fully transparent in explaining the purpose of the survey and ensuring that the respondent is comfortable with the situation and fully understands the purpose of the interview.
- Interviewers should stress the anonymity of the respondent.

Conducting the interview
- Interviewers have to ask the questions exactly as they are formulated in the questionnaire. Interviewers have to repeat the answer alternatives after each question.
- Interviewers are not allowed to give explanations and should avoid synonymous or probing questions.
- Answer alternatives have to be repeated after every question with no exceptions. Only one alternative can be marked. If two alternatives are marked the questionnaire will be void.

Reporting
- Reporting should be done continuously to the supervisor/external expert on how the survey is going and about non-responses.

Appendix

7 | Sample terms of reference for external expert

SSA: External expert
Location:
Duration:
Start Date:

Scope of Work

To assist in coordinating and facilitating the implementation of the assessment of [name of agency/region], the [name of agency/or contracting agency if other] are looking for an external expert.

Specifically, the expert will perform the following tasks:

(A) Provide substantive advice and support to the [name of agency];

(B) Ensure necessary logistical preparations and follow up, including organisation of meetings with stakeholders to address operational and substantive issues as they arise and address needs in a timely manner;

(C) Strategically manage partnerships and cooperation between the assessment implementation team and the agency stakeholders;

(D) Produce periodic updates on the implementation of the project;

(E) Assist the [name of agency] in implementing the formal mapping, agency staff and service user surveys (i.e. customise the sample questionnaires, identify enumerators, identify training facility(ies) for enumerators, monitor the collection of data);

(F) Analyse data and draft a preliminary report;

(G) Organise and conduct a stakeholder workshop to collect feedback on the preliminary report;

(H) Draft a final report and assist dissemination activities.

Required Competencies

The selected candidate should have a good understanding of the issues and challenges associated with both public administration and rule of law reform, ideally with hands-on experience and skills in the implementation, management and coordination of related programmes. Experience with a national government entity and/or international agency working in the [name of country/region/city] is important.

In addition, the external expert should have a mix of operational and managerial competencies that will enable him/her to perform well in this challenging post and produce high-quality outputs. He/She should have:

1) Good understanding of the political nature and of the possible sensitivity around public administration reform and rule of law issues in [name of country/region/city] and the capacity to operate diplomatically and sensitively with the various national stakeholders;

2) Demonstrated ability to research and analyse complex programming issues related to public administration and the rule of law, and the ability to work in a process-oriented manner;

3) Excellent organisational and planning capacity with good time and task management skills;

4) Effective ability to interpret and define alternative solutions to emerging challenges and issues.

Required Education and Experience

• A Master's Degree or equivalent in Law, Economics, Social Sciences, Human Rights, International Development, Public Policy, Public Administration or a closely related field;

• At least 10 years of professional experience, including at least seven years of substantive experience on issues related to Public Administration and/or Rule of Law reforms;

• A proven track record of working effectively with national governments, civil society, international organizations and other stakeholders;

• Excellent written and oral communication skills in English, and a native level knowledge of [official language].

Candidates affiliated with an academic or research institution in the [name of country] are also encouraged to apply.

8 | Sample terms of reference for the Advisory Committee

Terms of Reference

SSA: Advisory Committee for pilot implementation
Location:
Duration:
Start Date:

Scope of Work

In order to facilitate the implementation of the assessment in [name of country], and to provide inputs on the conduct of the assessment exercise, an Advisory Committee will be appointed consisting of representatives from the [name of participating stakeholders].

Specifically, the Advisory Committee will perform the following tasks:
• Oversee the administrative, programmatic and logistical aspects of the process from preparation to final presentation of the report;

• Be responsible for ensuring a smooth implementation process for the duration of the assessment process by enabling speedy and thorough decision-making processes;

• Provide substantive advice and support to [name of lead expert] and other implementing partners involved in the assessment process;

• Together with [name of lead expert] and the [name of administrative agency] assist in publishing and disseminating the decision to initiate the diagnostic process through relevant media and communication channels;

• Oversee the necessary logistical preparations and follow up, including organisation of meetings with [lead expert] to address operational and substantive issues as they arise and address needs in a timely manner;

• Through their representation on the Advisory Committee, strategically manage partnerships and cooperation between the external expert and their respective agencies;

• Assist in data analysis and presentation.