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## Brand South Africa

### Research - Internal Analysis

### 2022 Rule of Law Index

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#### 1. Executive Summary

The Rule of Law Index is an annual report prepared by the World Justice Project (WJP). The release of the 2022 WJP makes it the latest report in an annual series measuring the rule of law in 140 economies based on the experiences and perceptions of the general public and in-country legal practitioners, including experts worldwide.

Important to note is that the rule of law is internationally recognized as a system that is foundational to justice, peace, effective democracy, respect for human rights, and sustainable development. Moreover, the idea behind effective and transformational rule of law is the ability to influence people's daily lives and the aid for communities, and countries to organize themselves collectively towards addressing challenges and to progress.

Findings in the 2022 Rule of Law Index indicate that coherence to the rule of law fell in 61% of the benchmarked countries over the past year. The noted declines are less widespread and extreme than the declines in 2021 when COVID shutdowns dramatically disrupted justice systems and curtailed civic liberties. Therefore, the declines are notable and concerning when reflecting on the scores for seven of the Index's eight factors falling in the majority of countries for the second year in a row.

A silver-lining noted in the report is that some countries regained their lost ground after the recent elections and changes in administration, showing that authoritarian tendencies can be reserved.

As one of the fastest developing countries in the world, South Africa ranks 54/140 in the 2022 Rule of Law Index, positioning itself in the “upper-middle income” category.

### 2. Key Global Findings

As highlighted in the previous section of the analysis note, findings in the 2022 Rule of Law Index indicate that coherence to the rule of law fell in 61% of the benchmarked countries over the past year. Important to note at a global scale, for the first time the report covers new topics that have emerged as relevant for ensuring the rule of law, such as public service media and an overview of the implementation of judgments of the European Court of Human Rights.

The snapshot below presents the top five countries in the 2022 Rule of Law Index:

Country/Jurisdiction	Overall Score*	Global Rank
Denmark	0.90	1
Norway	0.89	2
Finland	0.87	3
Sweden	0.86	4
Netherlands	0.83	5

As presented in the snapshot above compared to the 2021 report, the first four countries still maintain their ranking respectively. However, the Netherlands joins the top five in the 2022, replacing Germany which held the fifth position in 2021.

Noting the previously mentioned declines and equally, the potential of countries progressing in relation to rule of law. There is still much work to be done to strengthen the rule of law worldwide and to prevent the arbitrary exercise of power.

### 3. Key Findings on South Africa

South Africa’s Constitution is regarded as one of the most progressive documents in the world. The country’s rule of law is embedded in Chapter 1, Section 1 (c) of the Constitution which stipulates that the country is founded on the “supremacy of the Constitution and the rule of law”.

South Africa ranks 54/140 in the 2022 Rule of Law Index compared to 52/139 in the 2021 report. Although the country’s rule of law ranking declined by two points in 2022, it still finds itself in the “upper-middle income” category.

The table below presents South Africa’s performance in the 2022 and 2021 Rule of Law Index:

South Africa’s Overall Ranking and pillars performance in the 2022 and 2021 Index		
Overall Ranking	54/140	53/139
1. Constraints on Government Powers	40	40
2. Absence of Corruption	64	65
3. Open Government	33	32
4. Fundamental Rights	47	45
5. Order and Security	119	118
6. Regulatory Enforcement	56	55
7. Civil Justice	48	47
8. Criminal Justice	56	53

Sources: 2022 Rule of Law Index & 2021 Rule of Law Index

Reflecting on the rankings presented above. South Africa’s performance declined in 6/8 indicators which led the country to decline in its overall ranking. Only the “Absence of Corruption” indicator increased with 1 point from 65/139 in 2021 to 64/140 in 2022, and “Constraints of Government Powers” remained the same in both 2022 and 2021.

Although the “Open Government” indicator is among the rankings that declined, it still remains the best performing indicator followed by “Constraints on Government Powers”, and “Fundamental Rights occupying the third position. Civic Justice ranks 4<sup>th</sup>, making the four mentioned indicators part of the top 50 ranks.

“Criminal Justice” and “Regulatory Framework” both ranks 56/140, followed by “Absence of Corruption” at 64/140 as the second last worst performing indicator. “Order and Security” ranks the worst at 119/140 for the country.

From the rankings presented above, it is evident that South Africa needs to work its way up to be on par with the recognition of its Constitution around the world. However, there are efforts being made by the government and the country’s judiciary to re-position the country’s standing in relation to the rule of law. A debatable scenario is when the judiciary held the country’s former President Jacob Zuma accountable for being in contempt of court.

The made by the country's Constitutional Court to have the former President jailed has been celebrated as a victory for the rule of law and confirmation of South Africa's robust democracy and independent judiciary. As perceived by many, his jailing sent a clear message that no one is above the law.

Moreover, comparing South Africa with its counterparts in the African continent. The country's democracy is more intact and has more durable institutions with more transparency. South Africa ranks 5/34 countries in sub-Saharan Africa, maintaining the same position as last year.

**References:**

World Justice Project. 2022. Rule of Law Index. <https://worldjusticeproject.org/rule-of-law-index/downloads/Index-2022.pdf>

World Justice Project. 2021. Rule of Law Index. <https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-2021.pdf>