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Public Trust in Latin American Courts

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PUBLIC TRUST IN LATIN AMERICAN COURTS

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Master's Program in Political Science

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2021

Dedication

To my parents, and my sisters.

To my Abuelito Rogelio (†), I will always remember you.

PUBLIC TRUST IN LATIN AMERICAN COURTS

by

REBECA RIVAS, B.A

THESIS

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Abstract

Public trust in governmental institutions is essential for maintaining democracies and legitimacy. Without public trust to support them, courts remain vulnerable to executive and legislative attempts to curb their behavior and risk non-compliance to their decisions. While courts in the United States enjoy relatively high levels of public confidence, courts in Latin American countries generally do not. This study aims to determine the level of trust in Latin American judiciaries and identify the factors that impact public trust in Latin American high courts.

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Chapter 1

Introduction

Public trust is essential for the stability of democracy. Levi (1998) and Kroknes (2013) argue that citizens are more likely to comply with norms if they perceive the government as credible. Thus, to produce and achieve political outcomes, trust must be present. “High political trust signals that the institutions function properly and effectively, and helps to keep democracy alive” (Listhaug and Ringdal 2008). Easton (1965) and Driscoll (2018) agree that political institutions need the public’s trust to be operative. They argue that understanding trust is vital in every society, and courts should treat people with respect and fairness. If there are low levels of political trust, it weakens government effectiveness and legitimacy. For instance, Kalenhalter (2013) finds that reduced trust in institutions and governance systems may damage the government system’s foundations. Norris (1999) mentions that if there is no political confidence, it could threaten the government’s legitimacy and the chance that citizens undermine the government’s authority increases.

Easton (1965, 1975) explains that there are two dimensions of support: specific support and diffuse support. Specific support is what the authorities do and how they do it. It refers to people’s satisfaction with perceived outcomes and performance of political authorities. Specific support, in other words, is defined as containing two elements: it is directed toward political authorities and is an evaluation of the performance of those authorities (Buhlmann and Kunz 2011; Gibson and Caldeira 2009).

Diffuse support refers to what a political object means or represents for the members of the system, and not to what the object does. Easton (1965) defines diffuse support as “the reservoir of favorable attitudes and good will that would help members to accept and tolerate

outputs that are damaging to their wants” (273). Diffuse support, then, is related to generalized attitudes and attachments to the objects of the political system. Miller and Listhaug (1990) refer to diffuse support as the belief that a political system or institution will deliver based on an expectation of the citizens’ demands, which means that people’s perceptions and opinions about government performance reflect their evaluations of specific personalities, institutions, and policies. Diffuse support is achieved over time through consistent positive court output and commitment to democratic values. There are two components to diffuse support: trust and legitimacy (Buhlmann and Kunz 2011; Easton 1965, 1975; Gibson and Caldeira 2009). Their relationship can be self-reinforcing where increased levels of trust between citizens and the judicial system, leading to increased legitimacy (Tyler and Huo 2002).

Many scholars agree that the public’s diffuse support is of unique importance for courts because these institutions cannot directly enforce their decisions. If courts lack institutional legitimacy, then “courts do not have enough leeway to decide against public opinion where necessary,” such a protecting political minorities (Bühlmann and Kunz 2011). The lack of public support for the judiciary creates strategic conditions that facilitate political attacks against courts (Castagnola and Perez-Linan 2011). For example, in Venezuela there was a court-packing law signed by Chavez in 2004, gave the governing coalition the power to remove judges from the court without the two-thirds majority vote required under the constitution, thereby undermining the country's democracy. Since then, the judicial institution has deteriorated, but conditions have grown sharply worse in recent years due to a concentration of power in the executive and harsher crackdowns on the opposition. These attacks on courts render them unable to constrain executive and legislative institutions to maintain democratic processes effectively.

Indeed, Latin American courts typically have low trust despite the fact that the constitutions of every Latin American country guarantee the autonomy of the judiciaries. Low public trust may be due to issues where “these provisions are not always applied in practice due to several reasons, such as power-grabbing by the executive, the constant interference of political interest groups or pressure from public opinion in certain matters” (Donoso 2006, 277). Several authors have sought to explain the causes of trust by relating it to judicial performance. Salzman and Ramsey (2013, 76) demonstrate that there are countries where courts do not “largely perform as intended,” where Latin American countries have a particular problem in providing goods and order. Oko (2009, 190) contends that the areas of most considerable significance to public dissatisfaction in Latin America are “(1) corruption, which represents a major challenge to the performance of political institutions. As such, (2) human rights abuses; these features, particularly in terms of corruption and human rights abuses, remain prominent in some countries and (3) the government’s lack of sensitivity to the needs and welfare of its citizens.” Thus, if the authorities are not capable of responding to the challenges of an economic crisis this may undermine citizen’s trust. For years, some Latin American countries has been in an economic crisis and the frustration amongst the citizens is rising, including Venezuela.

Beyond, judicial independence and performance, the current research on political trust has identified several factors that influence confidence in political institutions in general. Scholars typically tend to emphasize how various political and economic indicators—increased corruption, poor institutional legitimacy, low national wealth, and socioeconomic inequality—are negatively associated with political trust (Alesina et al. 2003; Boateng 2016; Karakoç 2013; Keefer and Knack 2000; Segovia 2008; Zmerli and Castillo 2015). For example, a common

finding within the political context illustrates how corruption reduces citizens' trust in political institutions (Newton 2007).

Beyond national level conditions, individual characteristics can also impact a person's level of trust in their governmental institutions. In order to achieve favorable evaluation from the citizens the courts must treat everyone in a similar manner irrespective of race, socioeconomic status, and gender because it may affect their confidence levels in all institutions if they were treated differently. Also, when citizens perceive and experience corruption with government authorities, they lose confidence in the political system because they operate under the belief that bribery supersedes the law (Lavallé et al. 2008).

There has been a large of comparative research on explaining the factors of trust at the individual level and some focusing only at the national level. Yet, the factors that most determine public trust in Latin American judiciaries remain underspecified. In this research, I build upon national and individual level models by synthesizing them into a multilevel model. This model helps us have a complete understanding of the support for courts, particularly in Latin American nations where political instability and executive overreach have been recurring problems. This paper thus contributes to our knowledge of what limits or enables public support for courts, particularly in Latin American nations where political instability and executive overreach have been recurring problems.

This thesis is organized such that Chapter 2 presents the theory, methodology, and analysis of national-level factors that impact public trust in Latin American courts. Chapter 3 offers an analysis of individual-level factors on trust on courts in Latin America, and Chapter 4 offers a hierarchical model to better evaluate the fully-specified model that combines the

previous individual-level and national-level factors. Chapter 5 summarizes the main results and offers some concluding remarks and policy implications for Latin American courts.

Chapter 2

How National Factors Impact Trust in Latin American Courts

The national political, social, and economic environment can directly impact citizen trust in governmental institutions, including trust in the nation's courts. Because public trust is largely derived from the alignment of citizen expectations and government performance, government performance is critical to developing public trust. A key factor that indicates good government performance is national wealth or economic development, where poor economic conditions are typically assumed to be due to poor governance. Other key factors are political institutions and features can impact trust as well, such as regime type, judicial independence, education, and corruption. These features directly impact citizen expectations and the ability of these institutions to fulfill their obligations effectively. As such, this chapter examines these national level factors that can impact trust in Latin American courts.

2.1 Theory

Judicial Independence

There has been a host of research that highlight the importance of judicial independence and its crucial impact on public confidence. (Buhlmann and Kunz 2011; Djink Vos 2018; Easton 1965, 1975; Gibson and Caldeira 2009). Judicial independence refers to the extent that courts and judicial actors are insulated from external political pressures. As such, judicial independence allows for court impartiality. That is, judicial independence as insulation from pressure from external sources ensures that judicial decisions are not influenced by political interests so that decisions are based only upon the law.

There are two types of judicial independence: *de jure* and *de facto* judicial independence. *De jure* judicial independence refers to institutional features that could allow for or reduce the

influence of non-judicial actors on judicial processes. For example, *de jure* independence includes the scope of jurisdiction, constitutional or statutory powers, the rules on impeachment or removal, the appointment process, the size of the court, tenure stability and budgetary autonomy (Taylor 2014). These institutional features and processes are often codified into statutes or constitutions to ensure this protection from outside interests, such as through the appointment of judges based upon professional qualification and not according to party preferences (Buhlmann and Kunz 2011; Feld and Voigt 2003), lack of institutional mechanisms that could be used to manipulate the court by actors with an interest in the output of a given process, (Buhlmann and Kunz 2011), and separating the judiciary from the other branches of the government. These institutional reduces the ability of external actors to impact or manipulate court decisions.

De facto judicial independence refers to influences that could impact the court beyond direct institutional mechanism, such as threats of retaliation, judge career options upon leaving the bench, public support for courts or decisions, divided government and electoral turnover, the possibility for clear oversight of decisions, the public legitimacy of courts, the potential of interference to affect other cases on the docket, the likelihood of non-compliance, and shocks in the policy domain (Taylor 2014).

Many scholars would agree that both types of judicial independence are essential for the proper functioning of courts. Citizens lose trust in judicial systems when it is not doing the expected job fairly, impartially, quickly, and comprehensively. This loss of trust has significant consequences, where courts that lack the public trust and support are more vulnerable to attempts by political actors to undermine judicial independence, checks and balances, and the rule of law (Arato 2016). Thus, the judiciary's strength and the stability of democracy itself depend on the

individuals' confidence in the judicial system. Judicial independence enables courts to make impartial, rule-based law, which allows courts to function effectively and in alignment with citizen expectations of appropriate judicial roles. Thus, judicial independence is expected to improve public trust, as summarized in the hypothesis below.

H1: The higher the degree of judicial independence in a given country, the more likely national courts enjoy public trust.

Democracy

Increased experiences of democratic transition have sought to produce stable and consolidated democratic regimes. Democracies have important institutional features that directly link with public trust (Linz and Stepan 1996; Shin 2007). People have higher levels of trust in democracies than in other regime types because democracies fundamentally provide for mechanisms through which citizens can directly and indirectly contribute to the functions and goals of the governing regime. Democratic mechanisms—like electoral voting, lobbying, protesting, and organizing—facilitate the alignment of citizen goals and priorities with that of the government. Whenever political elites or regimes deviate too far from citizen interests, citizens have mechanisms to either pressure their re-alignment or remove incumbents in favor of elites who commit to citizen interests. This alignment and influence of citizens in the governing process increases public trust in political institutions generally, including the courts. For example, Boateng (2020) finds that countries that enjoy greater democracy also enjoy greater levels of public confidence in their respective judicial systems. Hence, I evaluate the following hypothesis:

H2: Higher levels of democracy within a given country will lead to higher levels of public trust in courts.

Education Level

There has been a large of research studies on linking education level and public trust. More educated citizens are associated with higher levels of trust relative to citizenry with lower levels of education since more education allows for greater understanding and participation in politics and political institutions. Yet, the effects of education may also depend upon the regime type and presence of corruption. For instance, Hakhverdian and Mayne (2012) show that trust and education are positively correlated in non-corrupt countries and negatively correlated in corrupt countries. By adding this variable will help to understand how the interaction between education, trust, corruption as the level of democracy in a country change. This means that citizens will express high or low trust based on their evaluation of the performance of political actors and institutions from this reasoning, the following hypothesis can be deducted:

H3: Countries with citizens obtaining higher levels of education will experience higher levels of trust in courts.

Corruption

Corruption has increased in Latin America and has been considered a serious problem that hinders the government performances and reduces public trust (Weyland 1989; Seligson 2001). While earlier research on corruption argued that it was necessary or functional the maintenance of a political system (Huntington 1968), most recent scholarship finds that corruption is negatively associated with public trust. Boateng (2015) finds that low corruption levels are related to high levels of generalized trust, and Seligson (2002) and Urribarri (2011) find that corruption negatively influences generalized trust. Della Porta (2000) explains that corruption reduces trust in a regime's ability to respond to citizens' concerns, where corruption is a destructive force that undermines institutional quality and performance. In other words,

corruption reduces institutional effectiveness and removes government alignment with citizen interests and expectations. This misalignment and reduction of effectiveness and quality causes citizens to reduce their trust in political institutions generally, including the courts. Hence,

H4: Higher levels of corruption within a given country reduces public trust in courts.

Economic development

Trust is also a function of the economic performance of governments. Holmber (1997) shows that economic conditions are important in explaining trends of trust in government in Sweden, and Listhaug and Wiberg (1995) show that confidence in government is negatively related to unemployment in Western Europe (see also Lipset and Schneider 1987; Bok 1997; Putnam, Pharr, and Dalton 2000; Newton 2006). Other research similarly shows that, at least in developed democracies, levels of trust are higher among those respondents that consider that the economy is doing well, either for the society or their own pockets (Putnam, Pharr and Dalton 2000; Orren 1997; Levi 1998; Lipset and Schneider 1987; Segovia 2008). Citizen financial satisfaction is significantly and positively related to trust as well (Kelly 2003; Espinal et al. 2006). Economic conditions serve as a proxy to citizens to evaluate how well the governing regime and institutions are performing.

For this reason, better economic conditions make people more supportive of the government generally, and more trusting. Alternatively, poor economic conditions may undermine public support for the government because it reflects government inefficiency, mismanagement, and/or poor ability to govern. As part of the political regime, courts are expected to experience the same effects as these governing institutions generally.

I thus include the following hypothesis:

H5: Increases in GDP per capita within a given country leads to higher levels of public trust in courts.

I also include unemployment rate as an indicator of economic conditions, because several researchers find that increased unemployment correlates with reduced political trust (Buhlmann and Kunz 2011; Earle 2009; Midthjell 2010; Roth et al. 2011). Research on the effects of increased unemployment also finds that in many countries, where unemployment levels have increased, experience reduced trust in politicians, political parties, and political institutions (Listhaug and Wiberg 1995). From this it is possible to assume that in countries where the unemployment rate is high, levels of political trust are low. because citizen are dissatisfied with government's capability to manage the national economy and respond to economic crisis. Hence, I examine the following hypothesis:

H6: Lower levels of unemployment leads to increased public trust in courts.

2.2 Methods

I utilize the latest data available from the University of Gothenburg's Quality of Government (2021) and Linzer and Staton's (2015) judicial independence dataset to examine the influence of national level indicators on trust in the Latin American court systems. Specifically, I use this data to analyze Latin American countries Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

Dependent Variable

My dependent variable is confidence in courts of law. Quality of Governance uses a 11 scale measure the trust in the legal system are in the judiciary, *please tell me on a score of 0-10*

how much you personally trust legal system, on a scale of 0 to 10, with 0 representing low and 10 representing high.

Independent Variable

To capture judicial independence, I use Linzer and Staton (2015)'s latent variable of judicial independence as my main independent variable. The variable is bound between 0–1, where 1 represents the highest levels of judicial independence, and ranges from 0.012–0.995 in the data.

To measure the level of democracy, I use the Liberal Democracy Index from the Varieties of Democracy project, which assesses the protection of civil liberties, the presence of rule of law and an independent judiciary, as well as effective checks and balances (Coppedge et al., 2021). I use this variable to subset my data into democracies and non-democracies. This way I can evaluate the effects of each of my independent variables across regime type.

I measure education as the total enrollment in secondary education, regardless of age, expressed as a percentage of the population official secondary education.

For the economy, I use GDP per capita and unemployment are taken by World Data Bank.

Finally, I include a variable for corruption using the Corruption Index developed by Transparency International, which ranks countries in terms of the degree to which corruption is perceived to exist among public officials and politicians, as determined by expert surveys (Transparency International 2016). The Corruption index measures “the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as ‘capture’ of the state by elites and private interests” (Kaufmann, Kraay and Mastruzzi 2007:

4). This data source ranks a country based on its level of corruption from 0 (highly corrupt) to 100 (no corruption).

Before running my model, I evaluate the correlation matrix of my variables. The results for the correlation between the country-level variables and public confidence in the courts are shown in Table 1, and I provide descriptive statistics in Table 2. Democracy, GDP per capita, and institutional corruption had positive correlations for public confidence in courts. In addition, unemployment correlates with confidence in courts and it is expected to that with high unemployment rate reduces trust. As can be observed, there is a very strong, relationship between corruption and judicial trust variables as was expected, indicating that trust in political institutions is higher when corruption is low.

The level of corruption, then, seems to be the most significant factor associated to political trust. On the democracy level, seems to be positively related to the level of political trust. In fact, countries with “better” democracies tend to present higher levels of political trust than those countries with lower scores and it generally support the hypotheses formulated earlier, with additional unexpected findings regarding the association between the level of democracy and the correlation between level of democracy and education. These descriptive results show that I should have no problem with multicollinearity issues, as shown in Table 1.

Table 1: Correlation Matrix between confidence in court at the national-level variables

	1	2	3	4	5	6	7
1. Confidence of the Judiciary	1						
2. Level of Democracy	.05**	1					
3. Corruption	-.27**	.35**	1				
4. Judicial Independence	.07	-.04	.11	1			
5. Education rate	.53***	.10	-.37**	.26**	1		
6. GDP per Capita	.08	.06	.10	.25**	.32	1	
7. Unemployment Rate	.06**	.08	-.15	.06**	.17	.23	1

Notes: * $p < .05$, ** $p < .01$,

Table 2: Descriptive statistics for study variables

<i>National level</i>	N- countries	Mean	Std. Dev	Min	Max
Judicial Independence	19	0.52	0.32	0	1
Level of democracy	19	8.54	1.01	1.91	7.99
Education Level	19	85.85	29.40	11	158.4
Corruption index	19	1.63	1.56	14.00	84.00
GDP per Capita	19	28.94	17.80	1.05	83.56
Unemployment rate	19	2.55	3.29	2.50	19.60

2.3 Results and Discussions

I run two fixed effects regression models to evaluate my hypotheses since I have panel data. The first model is a fixed effects model for democracies only, and the second model is a fixed effects model for non-democracies to capture the differential effects across regimes. Table 3 shows the results for both models.

Table 3: OLS regression results for Trust in Latin American Courts (National-Level)

Variables	Fixed	Fixed
	effects	effects
	Democracies	Non-Democracies
Judicial Independence	.034** (.009)	.100 (.169)
Education	.063** (.024)	0.36 (.021)
Corruption Index	.065*** (.008)	.028** (.012)
GDP per Capita	.049** (.035)	.057** (.017)
Unemployment	0.033* (.026)	.124* (.043)
Constant	.306** (.070)	.452** (.069)
Adjusted R2	.366	.449
N	11,542	10, 235

Notes: * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$; Standard errors in parentheses

This table shows that in the democratic countries, education has a greater positive effect on democracies than it does in less democratic ones, we can say that in the case of education and trust. I can also see that the relationship is strong and positive in democracies, although it becomes weaker as the level of democracy declines, and it will eventually turn negative, and will exhibit negative effects in non-democratic countries. In contrast, for non-democratic countries, will be lower among the more educated, and higher among the less educated, so in this case, more highly educated citizens will have less trust on the legal system.

Based on the results the judicial independence shows a positive impact on a individuals' confidence in the justice system. This result leads me to affirm my first hypothesis, *H1: The higher the degree of judicial independence in a given country, the more likely national courts enjoy public trust.* meaning that citizens who lives in a country that has an independent judiciary will express high level of trust compare to citizens who lives in a country where the judiciary is not independent.

I also find that economic development matters too because trust is achieved when there is high level of economic development, for corruption demonstrates that in effect is an important factor and has a bigger effect than any other variable.

The results show the impact of corruption on trust in institutions. As can be observed, the coefficient is positive and highly significant on both models (non-democracies and democracies) this indicates that political trust is higher when there is less corruption, and is lower when there is more corruption in each country. By testing corruption between non- democracies and democracies permits me to compare the means effects of corruption in both models. In effect, the coefficient for the variable measuring control of corruption is positive, indicating more trust

when there is lower corruption, and highly significant, and we can also say citizens in highly corrupt countries were less likely to have greater confidence in the court systems.

The effects of corruption and economic development on trust remain highly significant in this model, indicating that they do have an independent effect on judicial trust. I see that GDP per capita is significant in both models meaning that the higher level of GDP a country has, the higher the levels of political trust will be. GDP per capita gives a country's standard average of living, and can be seen as an indicator on welfare. If GDP goes down, the standard average goes down as well, and naturally citizens trust and satisfaction in political institutions goes down, this confirms my hypothesis.

Furthermore, I find a negative relationship and highly significant on the unemployment variable which this leads me to reject *H6: Lower levels of unemployment is associated with increased public trust*. The unemployment level has increased so significantly that it should affect levels of trust. It is expected that an increase in unemployment will reduce trust. Also, in countries where the financial crisis has caused a significant increase in unemployment, it is expected that this has affected trust in a negative way.

This chapter examined national-level factors that impact public trust in Latin American courts and are summarized as follows. First, judicial independence does promote trust when the judicial system is more independent of external political forces, the greater that an individual will have higher level of confidence in the judicial system.

In addition, this chapter contributes to the understanding of the relationship between economic development and trust I can conclude that performance and how government handles the economy is important for the citizens because if there is a financial crisis, and the government does not handle the economic situation this will provide higher discontent from the

public. Lastly, corruption is the strongest predictor of trust in institutions among Latin American countries hinders government's performance leading to low levels of trust.

Chapter 3

Individual Determinants of Trust in Latin American Courts

In addition to national political environments, individual characteristics can also impact a person's level trust in courts. Individual experiences and positionality within society can impact their expectations and evaluation of political institutions, including courts. Thus, this chapter examines the individual-level determinants that impact public trust in Latin American courts.

3.1 Theory

Education

One of the factors that impacts individual level of trust is education. Many authors have argued that the less educated people have higher confidence in their judicial institutions than highly educated individuals (Boateng 2015; Leventhal 1980; Lissak and Sheppard 1983; Segovia 2008; Sheppard and Lewicki 1987; Tyler 2000). Specifically, the authors observed that people who have a high school education were more likely to have higher confidence in the judiciary than those with more than high school education. In other words, highly educated individuals perceive the courts less favorably than less educated persons. According to Putnam (2000), social capital increases trust in authorities because it increases citizens' awareness of and knowledge of how institutions work and, in essence, would enable them to influence the institutions' operational policies. For courts, for instance, gaining adequate knowledge in the operations of the judiciary will not only enhance positive attitudes people hold toward the courts but will also enable the citizens to develop an informed expectation of the justice system and, accordingly, will know what exactly they can expect from the courts. Hence, in non-democratic states, increased education levels are likely to reduce courts' support because individuals are

increasingly aware of how the court processes and outcomes differ from their ideal or normative roles.

H1: Individuals with higher levels of education will express lower confidence in courts relative to individuals with less education.

Corruption

Corruption causes distrust among citizens, thus leading to the problem of institutional legitimacy. For example, Anderson and Tverdova (2003) contend that people who perceive a higher level of corruption evaluate them negatively, meaning corruption exacerbates discontent with the political system's performance. Seligson (2002) similarly demonstrates with four Latin American countries that people's corruption experiences are negatively correlated with diffuse support. From this perspective, there is a negative relationship between judicial trust and corruption: the lower the level of corruption (or perception of corruption), the higher the level of political trust.

For example, Sabet (2012) focuses on examining the factors contributing to citizens' reduced trust in Mexico's police. He demonstrated that direct bribery is a major cause of reducing trust. In contrast to Boateng (2016) finds that citizens' experiences of police corruption will have a negative effect on their trust in the police. Tankebe (2010) tested corruption on the police and observed that citizens who experienced corruption directly would express less trust. Their studies have shown that both forms of experience negatively influence citizens' evaluations of the police: one, the actual performance, which involves citizens encountering institutional corruption, in this case, the courts. The second form, indirect experience indirect is the knowledge about individuals' personal experiences with the corruption.

Corruption is one of the biggest threats against effective protection of rights since people depend on independent and impartial courts when claiming individual rights breaches. Courts have an enormous responsibility with their monopoly to resolve all conflicts of judicial nature, and corrupt courts cannot take that responsibility. “The judiciary is the ultimate upholder of individual rights, and it is therefore supposed to fight corruption, not be a part of it” (Folkesson 2010). I expect that a justice system with widespread corruption cannot fulfill its essential constitutional role as the branch of government entrusted with political oversight, upholding the rule of law, and protecting individual rights, thus lowers public trust in the institution.

H2: Individuals who have experienced or perceived corruption have reduced support for courts.

Demographics

Over the years, many compelling arguments and empirical findings have put forward a significant relationship between trust and demographic characteristics of individual (Boateng 2016; Leventhal 1980; Lissak and Sheppard 1983; Sheppard and Lewicki 1987; Smithey 2019; Tyler 2000). Smithey (2019) notes that several individual characteristics, such as education, political knowledge, interpersonal trust, and income are associated with higher trust levels in legal institutions. Demographics variables, such as age and gender, have also been explored by prior research. I include gender because individuals may have different confidence levels if that person were treated differently because of gender.

Latin America continues to be the region with high levels of gender inequality. The CIDH (*Comision Interamericana de Derechos Humanos*) has observed that violence, discrimination, and difficulties in accessing justice affect women differently are particularly exposed to the impairment of their rights. It has been found that the obstacles they face can be

particularly critical. They suffer from various combined forms of discrimination because they are women, their ethnic or racial origin, or their socio-economic condition. Then if women are systematically discriminated against in the system, they are more likely to express lower levels of trust. Hence, I generate the following hypothesis:

H3: Women will express lower confidence in the justice system than men.

Many studies have examined the influence of age on individuals' attitudes toward the judiciary and have found a positive relationship between age and perception of the courts (Boateng 2015; Brown and Benedict 2002; Bridenball and Jesilow 2008; Chemak et al. 2001; Cheurprakobkit 2000; Hurst and Frank 2000; Marenin 1983; Merry et al. 2012; Miller 2017). Boateng (2015) finds that older persons have higher confidence in the police compared to younger persons. This indirectly supports the conclusion that younger persons view the institution less favorably (Murphy and Worrall 1999; Boateng 2015). Cheistensen and Laegried (2005) examine how trust varies in the Norwegian government among different groups of citizens and found older people generally have more trust in governmental institutions than younger people. In which I formulate the following hypothesis:

H4: As age increases, so does confidence in the justice system.

Finally, I evaluate the role of media exposure on public trust. Media plays a vital role in projecting images of the general government public, which can either support the assumption that the judicial system is functional or become a critical source of questioning its effectiveness and accountability. For example, some studies claim that the media's harsh criticism of the government undermines public trust in the government (Curry and Corral-Camacho 2008; Steffensmeier and Demuth 2000). It is my expectation that:

H5: Citizens with higher level of media exposure will have decreased judicial trust.

3.2 Methods

Individual-level data were obtained from the fifth wave of Latin American Public Opinion Project (LAPOP) from Vanderbilt University 2018 dataset. LAPOP assessed people's attitudes toward democracy, governance, economic conditions, and related issues from a cross-national perspective to facilitate discussions across cultures. Specifically, I use this data to analyze individual-level responses in Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

Dependent variable

My dependent variable is confidence in courts of law. One question asked respondents to rate their degree of trust, *to what extent do you trust the justice system?* LAPOP uses seven category questions to measure how confident the respondents are in the judiciary on a scale of 0 to 6, with 0 representing low confidence and 6 representing high confidence.

Independent variables

Education measures the amount of formal education that the respondent received. The variable was measured as 0=No formal education, 1= middle school, 2= GED or high school, 3= higher national diploma, 4= Bachelors, and 5 = Graduate /professional degree.

The second independent variable is corruption, measured as respondent's answer to the question: *Did you have to pay a bribe to the courts in the last twelve months? (0= no, 1 = yes)*. This measure thus captures direct experiences with judicial corruption. I also include a measure for indirect corruption perceptions, where individuals may believe courts are corrupt without any direct experience. For indirect corruption, I use respondents' answer to the question: *having accounted for your experiences, or what you have heard, how generalizable do you think*

corruption is among public officials? Very = 3, Somewhat = 2, Not very = 1, Not generalizable = 0.”

Additionally, I include institutional support, which is a single-item response measure that asks the survey respondent the extent to which he or she has respect for the country’s political institutions generally. The respondents rate their confidence level on a scale from 0 to 6; a score of 0 indicates the lowest level of confidence, and 6 represents the highest.

I also add a human rights variable, asking the respondent to what extent they say the current court system protects human rights (0 to 6) and a rule of law variable, measured by whether the authorities should always respect the law? (1= yes, 0 = no). These variables allow me to measure more than just general satisfaction with the way the justice system is handled but the specifics problems like corruption respecting human rights and supporting the rule of law that speaks for perceived fairness of the legal system.

I coded gender Male = 1 Female = 0. Age is a count variable corresponding to the respondent’s age when the survey was administered. Age ranges from 16 to 97 in the sample.

The income variables are personal and annual household income were measured in terms of respondents’ annual household income. Respondents were asked to indicate their household’s income per year (0= less than 5,000, 1 = 5,000 to 10,000, 2 = 10,001 to 15,000, and 3 = more than 15,000). Any respondent who earns 10,000 or below was considered a low-income earner.

Also, I include employment variable. Respondents were asked during *this time period where you employed or not*, coded 1 for employed respondents and 0 for unemployed respondents. I expect that employed respondents will have higher confidence in the justice system.

I also account for media exposure was measured by a single 4-point item asking respondents to indicate the extent to which they hear news about the courts through the mass media. The response categories included 0= never, (1) rarely, (2) sometimes, (3) almost constantly, and (4) always.

The bivariate correlations among variables were examined. As shown in Table 4, public confidence in the courts was significantly and positively correlated with human rights, support of rule of law, gender, perceived corruption, and income. This positive relationship suggests that these characteristics result in increased levels of confidence in the courts when no variable is controlled. However, media exposure had negative confidence in the courts.

Table 4: Correlation Matrix between confidence in courts at the Individual-level variables

	1	2	3	4	5	6	7	8	9	10	11
1. Confidence in the Judiciary	1										
2. Support Rule of Law	-.01	.1									
3. Perceived fairness	.01*	-.35	1								
4. Perceived corruption	-.05**	.24*	-.13	1							
5. Human Rights	.45**	.60*	.33	-.28	1						
6. Education	-.04**	-.26	.21	-.28	-.07	1					
7. Gender	.07**	.19	-.11	-.04	-.11	-.05	1				
8. Age	-.08	-.27	.09	.08	-.09	-.09	-.12	1			
9. Income	.09**	.25	.43	.17	.02	-.07	.19	.17	1		
10. Employment	.54**	.50	.20	.08	-.07	-.45	.06	-.01	-.01	1	
11. Media Exposure	.25*	.34*	.12*	-.21	-.56	.11	.17**	.30	.24	.05*	1

Notes: * $p < .05$, ** $p < .01$, *** $p < .001$

Table 5 presents the individual respondents' characteristics, about 51% of the respondents were females and most of the respondents were employed. In terms of education, most respondents had attained secondary education, followed by below secondary (60%) and (40%) for post-secondary. Majority of the respondents (47 percent) mentioned that, they sometimes are exposed to media. This is followed by 18 percent of the respondents who almost always hear news about the courts through the media, and 19 percent indicated always. Nevertheless, few respondents (11 percent) either almost never or never hear news about the court system through the media. Finally, respondents were asked to indicate whether they agree or disagree that the legal system are corrupt. Most of the respondents strongly agreed that the judicial system is corrupt, indicating that that corruption is a severe problem for judicial trust.

Table 5: Descriptive statistics for study variables (Individual level)

Variable	N	Mean	Std. Dev
Outcome variable			
DV- Trust in the judiciary	45,356	2.97	1.70
Independent Variables			
<i>Individual Level</i>			
Support Rule of Law	44,476	1.81	.89
Perceived fairness	42,982	1.35	.14
Per. corruption	40,298	2.32	.20
Human Rights	45,356	3.89	.90
Education	44,856	2.63	1.56
Senior HS or Below	45,356	60	

More than HS	45,356	40	
Gender			
Female	44,770	.51	.50
Age (16- 97)	45,356	39	14.38
Income	38,091	5.63	2.13
Employed	45,356	2.14	1.71
Media exposure	44,853	.85	1.63
Never		5.7	
Rarely		5.1	
Sometimes		47.9	
Almost		22.2	

3.3 Results and discussions

Table 6 presents the results of OLS regression with country fixed effects to account the effects of several individual predictors on trust in the courts.

Table 6: OLS regression results for trust in Latin American Courts (individual level)

	Fixed Effects
Independent Variables	
Support Rule of Law	-0.170 (0.065)
Perceived fairness	-0.016 (0.020)
Perceived corruption	-0.04* (0.033)
Human Rights	0.056** (0.021)
Education	0.001** (0.001)
Gender	-0.012** (0.009)
Age	0.027** (0.042)
Income	-0.027 (0.008)
Employed	.038** (.014)
Media exposure	0.103 (0.065)
Constant	1.724***
N	45,356
Adj R2	.78

Notes: * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$; standard errors in parentheses

The model significantly explains the variance in trust in the judiciary. The rule of law has a positive but insignificant effect on public trust in Latin American courts. Persons who possessed high education were more likely to express higher trust in the courts than those who possessed high school education or less this leads to reject my hypothesis. Perceived corruption negatively and significantly impact on citizen's trust in the legal system citizens who have been victims of corruption are likely to trust less, and the more times they have been victims the lower is their trust.

In addition, employment, gender, age, and human rights all had statistical significance with trust in the legal system. Holding constant the rest of variables, males in Latin America show higher levels of trust in courts than women, this leads me to confirm my hypothesis, *H3: Women will express lower confidence in the justice system than men.* A possible explanation would be that many women who have faced legal proceedings for gender violence say that they did not feel believed and understood by the courts. I also see that older people trust more in courts than those who are younger. Lastly, for employed respondents exhibited positive and significant levels of trust in the courts confirms that employed respondents will be more likely to trust the judiciary than those without employment.

The results presented in this chapter are consistent and important determinants of trust in Latin American courts at the individual level. Now in order to have a further understanding on the determinants of judicial trust, in Latin America, I need to combine the national-levels with individual level variables. Thus, a multilevel technique will help to understand and explain the levels of trust in Latin America.

Chapter 4

Public Trust in Latin American Courts: A Hierarchical Linear Model

The previous two chapters aimed to examine the country-level and the individual-level correlations of trust in Latin American courts. Following Hakherdian and Mayne (2012), this chapter aims to build a model that could include both levels of analysis: the national and individual-level correlations of trust and their interactions in Latin American courts. The multilevel model allows concurrent consideration of causal mechanisms, both the individual and environmental, calculates the standard errors at the group level (Gelman and Hill 2007; Raliev 2011).

4.1 Data and methods

In order to complete this exploration on the determinants of political trust in Latin America, is to combine the effect of country-levels measures of corruption together with individual-level variables in order to assess the relevance of each one in a single model. There has been a lot of research that presents several options are available to solve this problem, and the most appropriate is to develop a model that would explicitly consider hierarchical or multilevel structures, and that allows me to measure the effect of different variables to explain variations from both levels (Boateng 2016; Raudenbush and Bryk 2002; Goldstein 1999; Segovia 2008; Steenbergen and Jones 2002).

First, I run an ANOVA analysis to evaluate whether there is sufficient variation in the levels of trust both at the individual and national-levels of analysis. The one-way ANOVA, the one-way analysis of variance (ANOVA) is used to determine whether the mean of a dependent variable is the same in two or more unrelated, independent groups (Laerd Statistics). If there is a considerable variation occurring both at the individual and national levels, then a hierarchical

could model those variations. Equations 1, 2, and 3 show how this model is set up, and then I present in Table 7 the results of the ANOVA analysis for Latin American courts.

The level-1 or individual-level model is shown in equation (1) below:

$$Y_{ij} = \beta_{0j} + r_{ij}$$

This his model characterizes levels of judicial trust for each individual with just an intercept β_{0j} , which in this case is the country mean. In other words, the level of judicial trust for a given individual, i , within a given country, j , is equal to the mean level of judicial trust for that country plus an error term, r_{ij} .

At level-2 or in this case national -level, each country's mean judicial trust, β_{0j} , is represented as a function of the grand mean –that is, the mean across individuals and countries-, γ_{00} , plus a random error, u_{0j} . The level-2 or national-level model is shown in equation (2) below:

$$\beta_{0j} = \gamma_{00} + u_{0j}$$

This yields a combined model, also often referred to as a mixed model with fixed effect γ_{00} , and random effects u_{0j} and r_{ij} . This is shown in equation (3) below:

$$Y_{ij} = \gamma_{00} + u_{0j} + r_{ij}$$

Table 7 presents the results of the ANOVA model. The results presented show that the weighted least squares estimate for the grand mean judicial trust is 2.03, with a corresponding standard error of 0.05 ($p = 0.000$).

Table 7: One -way ANOVA

				Approx.	
Fixed Effect	Coefficient	Std. Error	T- ratio	d.f	p-value
Mean Judicial Trust	2.03	0.05	28.613	5	0
			Variance	Chi	
Random Effect -	Std. Dev	Component	df	Square	p-value
Individual Level	0.35	0.06	5	663.76	0
National Level	0.57	.38			

I tested formally whether the estimated value of the variance is significantly greater than zero. If not, then it may be sensible to assume that all countries have the same mean. This test statistic has a large sample χ^2 distribution with J-1 degrees of freedom under the null hypothesis. In our case, the test statistic takes on a value of 663.76 with 5 degrees of freedom. The null hypothesis is highly implausible ($p = 0.000$), indicating that significant variation does exist among countries in their levels of trust, meaning that the multilevel model of judicial trust data should not be ignored.

Now that I know that judicial trust can and should be explained by the individual- as well as country-level factors, I can account for the variance in judicial trust. Equation 4 shows the individual-level model to be estimated:

$$Y_{ij} = \beta_0j + \beta_1j \text{ Inst. S }_{ij} + \beta_2j \text{ RespectHR }_{ij} + \beta_3j \text{ Education }_{ij} + \beta_4j \text{ s. Rule }_{ij} + \beta_5j \text{ Per.Fair }_{ij} + \beta_6j \text{ Per. Corrupt }_{ij} + \beta_7j \text{ Gender }_{ij} + \beta_8j \text{ Age }_{ij} + \beta_9j \text{ Income }_{ij} + \beta_{10j} \text{ Media }_{ij} + \beta_{11j} \text{ Employed }_{ij} + r_{ij}$$

Y_{ij} is the level of judicial trust (dependent variable) for an individual i within a country (nation) j ; β_0j is the average level of trust for a given country; β_{xj} are the effects of the individual variables in the outcome, and r_{ij} is the error term.

The country-level model includes B_0j is the mean average of trust for country j ; γ is the effects of the country-level variables included in the model, and u_0j is the error term. In this model, intercepts for different countries are allowed to vary as a function of the variables included, plus an error term. In other words, individuals' members of different countries will present different levels of trust depending not only on their perceptions of performance (or the other variables included in the individual-level model). Those levels of trust will also vary on specific characteristics of their countries.

The full model can be seen in equation (6) below:

$$Y_{ij} = \gamma_{00} + \gamma_{01}JIt_j + \gamma_{02}Dem_j + \gamma_{03}EDU_j + \gamma_{04}Umemployment_j + \gamma_{05}GDP_j + \gamma_{06}Corrupt_j + \gamma_{10} Per. Fair_{ij} + \gamma_{20} Per. Corrupt_{ij} + \gamma_{30} Respect HR_{ij} + \gamma_{40} Education_{ij} + \gamma_{50} Inst. S_{ij} + \gamma_{60} Gender_{ij} + \gamma_{70} Age_{ij} + \gamma_{80} Income_{ij} + u_0j + r_{ij}$$

4.2 Multilevel Results and discussion

The analysis results are Model 1 in Table 8, which includes all the individual-level variables as well as the national level measures together.

Table 8: Multilevel Regression results for Public Trust in Latin American Courts

	Model 1
Constant	2.012** (0.198)
<i>Individual Level</i>	
Support Rule of Law	0.10** (.004)
Perceived fairness	.023 (.021)
Perceived corruption	-.112** (0.023)
Human Rights	.011** (.018)
Education	-.018** (0.26)
Gender	.021 (.027)
Ethnicity	.049 (.018)
Age	.001 (.001)
Income	.055** (.018)
Employed	0.24** (.003)

Media exposure	-.111** (.052)
<i>National Level</i>	
Level of democracy	.142** (.014)
Judicial Independence	.68** (.019)
Education Level	-.032 (.002)
Corruption Index	-.093** (.060)
GDP per Capita	.077** (.017)
Unemployment Rate	.059** (.019)
<hr/>	
N (individuals)	45,356
N (country)	19
Adjusted R2	.32
<hr/>	

*Notes: *p<.05, **p<.01, ***p<.001 Standard errors in parenthesis*

I find significant relationships between perceived performance of the justice system and support for the rule of law. The greater someone's trust in courts, the more likely they are to feel obligated to follow the law. Also, we observe a great effect of the variables measuring perceptions of trustworthiness. This effect, moreover, is in the direction that we predicted: people perceiving the courts as trustworthy do present higher levels of trust than those who consider them untrustworthy. The variables show positive and significant coefficients that go in the expected direction. In other words, the results show that controlling for other factors, citizens

who trust others, who support institutions, and who consider supporting democracy tend to display, as expected, higher levels of judicial trust.

Finally, media exposure was equally significant, and with a negative coefficient citizen who frequently experience with the legal system through the media have lower trust in the courts. Although age, gender, and ethnicity had no effect on this model.

The income variable is significant and indicating that personal perception of the state in the economy is an important component in level of judicial trust. The measure indicates, as expected, that the more satisfied citizens are with the state of the economy, the higher political trust he or she has. The results from this model also illustrate, as expected, that when including this measure, only one of the macroeconomic measures has a significant effect. It can be argued that this is because individual's perception about the state of the economy is formed by the actual situation.

In effect, the coefficients are positive (indicating an increase of trust for those on the winning side) and highly significant in every case. The variables measuring institutional fairness and competence appear to be the most important ones in this model. The coefficients are positive in all cases, indicating that trust in courts increases as respondents express a better evaluation of judicial performance and fairness. On the other side, trust is considerably lower when the courts are considered unfair and incompetent in their actions. Overall, the coefficients are highly significant in each case.

Also, it demonstrates that the perception for corruption and respect human rights are very important and is inversely related to judicial trust and it is important for two reasons, the first one is that citizens consider that courts are fair in their treatment of people when they think that courts are competent and doing a good job when they believe that there is respect for human

rights. What's very interesting is that looking at corruption both individual and national level shows negative but statistically significant which means when individuals perceive and experience corruption will tend to reduce their confidence in the institutions compared to an individual who views corruption as a minor problem, they are more willing to grant their trust institutions.

On the level of democracy is significant meaning that citizens living in countries with greater levels of democracy tend to have higher trust in the courts than those living in countries with decreased levels of democracy. Moreover, citizens in highly corrupt countries were less likely to have greater trust in the court systems. This means that a person who lives in a country with an independent judiciary, will express high level of trust. Finally, economic performance does impact levels of trust. The unemployment level, that has a positive relationship with judicial trust thus, I can confirm that *A low level of unemployment is associated with high political trust*. This indicates that a country that experienced increase unemployment, will have citizens reduced trust.

The results obtained and shown in this chapter the determinants of judicial trust in Latin America. I have showed that judicial trust has a strong impact on the level of corruption and is consistent meaning that corruption reduces judicial trust. With respect to the results of this chapter we can conclude the following. First, we have seen that levels of trust vary both levels and using a multilevel technique helped us to understand the relationship the factors of trust in Latin American courts.

Chapter 5

Conclusions

This study aimed to examine the public trust in Latin American courts examining at the national level and individual level and combining them at a multilevel model to have full understanding the relationship between trust and the courts. We learned that trust develops when such expectations are met, and, by contrast, distrust occurs when expectations are not met. We also see that the judicial trust is crucial for the stability of a democracy.

The sole component of legitimacy of the court is confidence. It is, therefore, important to know the determinants of confidence in this case the justice system. Thus, citizens who believe that the judiciary's performance meets their expectations do not hesitate to trust the institution. However, those who believe their expectations are not met will distrust the courts.

First, the study's findings support the general assumption that citizens' trust and confidence in institutions increase as their perceptions of an institutional performance increase (Boateng 2016; Bouckaert et al. 2002; Espinal et al. 2006;). This assumption was derived from the judicial performance, which has been used to explain variations in trust in Latin American courts. Many scholars believed that individuals who think that courts perform up to acceptable standards tend to express greater levels of trust and confidence in the judicial system (Maarten Van Crean 2012; Boateng 2016). Also, they argued that those who perceive agencies to perform poorly would nevertheless have lower confidence in the institution.

Findings made in this thesis suggest that the judiciary's bad performance has reduced citizens' trust in political institutions, at least in countries where the crisis has had a severe impact. Goldsmith (2005) and Boateng (2016) have examined several factors that could undermine police trust. These factors include neglect, indifference, incompetence, venality,

extortion, discrimination, intimidation, inconsistency, and excessive use of corruption. We can clearly see that citizens who perceive and experience corruption within the courts, their levels of trust decrease significantly. Nadarevi (2020), argues that when individuals must bribe the courts with money or favors to receive a favorable outcome, it becomes increasingly difficult for them to believe that the legal system is legitimate and accountable. “If money buys justice, then what purpose does equality under the law serve?”

Finally, political trust matters. Controlling for other factors, political trust is a predictor of the levels of support for democracy and the level of political participation that people declare, which I call the attitudinal and behavioral dimensions of democracy. Political trust increases support for democracy as a political regime and increases the level of satisfaction that citizens expressed on their democracies’ workings. Thus, support at the level of institutions increases support at the level of the regime (Segovia 2008).

Trust links ordinary citizens to the institutions intended to represent them (Bianco 1994), thereby enhancing the legitimacy and effectiveness of democratic government (Gamson 1968; Braithwaite and Levi 1998; Hetherington 1998; Segovia 2008). Fair treatment is an important indicator of citizens’ attitudes toward the judicial system. It is suggested that, as the judges aim at ensuring effective performance to satisfy the public, they must also endeavor to treat citizens fairly, respectfully, and transparent.

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Appendix 1

Survey Questions

1. Confidence in the Judiciary:

To what extent do you have confidence that you can receive a fair trial? (1–7)

2. Questions related to (1) judicial independence and (2) impartial courts.

- a. Judicial independence question asks, “Is the judiciary in your country independent from political influences?”
- b. The impartial courts question “The legal framework in your country for private businesses to settle disputes and challenge the legality of government actions and/or regulations is inefficient and subject to manipulation [scored 1] or is efficient and follows a clear, neutral process [scored 7].”

3. Institutional Support:

To what point do you have respect for the political institutions of your country?
(0–6)

4. Democratic Support:

It may be that democracy has problems, but it is better than any other form of government. To what extent do you agree with this statement? (0–6)

5. Rule of Law:

In order to capture delinquents, do you believe that authorities should always respect the law? (1 = yes, 0 = no)

6. Education:

Count value in years of school completed (0–20)

7. Experience in the Judiciary

In the last year, have you had contact with the courts? “Yes” responses were then asked about corruption in the courts and given scores for responses. “No” responses were presumably given a missing value. (Missing values = 0; scored values = 1)

8. Corruption in the Judiciary:

In the last year, have you had contact with the courts? If yes, did you have to pay them a bribe? (Missing values = 0; no = 0; yes = 1)

9. Perceived Corruption in General:

Having accounted for your experiences, or what you have heard, how generalizable do you think corruption is among public officials? Very = 3, Somewhat = 2, Not very = 1, Not generalizable = 0

10. Age:

Count value in years completed (16–97)

11. Gender:

Male = 1 Female = 0

12. Media exposure:

single 4-point item asking respondents to indicate the extent to which they hear news about the courts through the mass media. The response categories included (1) never, (2) rarely, (3) sometimes, (4) almost always, and (5) always.

13. Income:

Variables are personal and annual household income for both datasets and was measured in terms of respondents’ annual household income. Respondents were asked to indicate their household’s income per year (1 = less than 5,000, 2 = 5,000 to 10,000,

3 = 10,001 to 15,000, and 4 = more than 15,000). These categories were later combined to form a dichotomous measure with 0 = 10,000 or less (included initial categories: 1 and 2) and 1 = More than 10,000 (included initial categories: 3 and 4). Any respondent who earns 10, 000 or below, was considered a low-income earner.

14. Human Rights

To what extent would you say the current government protects human rights (1-7)

Vita

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