

## Online Appendix

**Table OA1: Criteria for coding constitutional compliance**

| Rule                                          | <i>De jure</i> criterion                                                                                                                              | <i>De facto</i> criterion (compliance)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>De facto</i> criterion (non-compliance)                                                                                                                                                                                                                  |
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| (cc_prop) Property rights and the rule of law |                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                             |
| Property rights                               | [PROPRGHT] Does the constitution provide for a right to own property? <u>OR</u> [INTPROP] Does the constitution protect intellectual property rights? | [v2clprptym] Most men enjoy most private property rights but a small minority does not. <u>AND</u> [v2clprptyw] Most women enjoy most private property rights but a small minority does not.                                                                                                                                                                                                                                                                                                                                       | More than half of men enjoy most private property rights, yet a smaller share of men have much more restricted rights. <u>OR</u> More than half of women enjoy most private property rights, yet a smaller share of women have much more restricted rights. |
| Judicial independence                         | [JUDIND] Does the constitution contain an explicit declaration regarding the independence of the central judicial organ(s)?                           | [v2juhcind] When the high court in the judicial system is ruling in cases that are salient to the government, how often would you say that it makes decisions that merely reflect government wishes regardless of its sincere view of the legal record? – “Seldom” <u>AND</u> [v2juncind] When judges not on the high court are ruling in cases that are salient to the government, how often would you say that their decisions merely reflect government wishes regardless of their sincere view of the legal record? – “Seldom” | Coding “About half of the time” in either case.                                                                                                                                                                                                             |
| Equality before the law                       | [EQUAL] Does the constitution refer to                                                                                                                | [v2clacjstm] Secure and effective access to justice for men is usually observed. <u>AND</u>                                                                                                                                                                                                                                                                                                                                                                                                                                        | Secure and effective access to justice for men is inconsistently observed. Minor problems                                                                                                                                                                   |

|                             |                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                             | equality before the law, the equal rights of men, or non-discrimination?                                                             | [v2clacjstw] Secure and effective access to justice for women is usually observed. <u>AND</u> [v2clacjust] Poor people enjoy slightly fewer civil liberties than rich people. <u>AND</u> [v2clsocgrp] Members of some social groups enjoy slightly fewer civil liberties than the general population.                                                                                                                                                                  | characterize most cases or occur rather unevenly across different parts of the country. <u>OR</u> Secure and effective access to justice for women is inconsistently observed. Minor problems characterize most cases or occur rather unevenly across different parts of the country. <u>OR</u> Poor people enjoy moderately fewer civil liberties than rich people. <u>OR</u> Members of some social groups enjoy moderately fewer civil liberties than the general population. |
| Rule of law                 | [RULELAW] Does the constitution contain a general statement regarding rule of law, legality, or Rechtsstaat (the German equivalent)? | [v2cltrnslw] Transparency and predictability are fairly strong. The laws of the land are usually created and enforced in a non-arbitrary fashion.                                                                                                                                                                                                                                                                                                                      | Transparency and predictability are somewhat limited. The laws of the land are mostly created in a non-arbitrary fashion but enforcement is rather arbitrary in some parts of the country.                                                                                                                                                                                                                                                                                       |
| (cc_polit) Political rights |                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Freedom of association      | [ASSOC] Does the constitution provide for freedom of association?                                                                    | [v2cseeorgs] Minimal control. Whether or not the government licenses CSOs, there exist constitutional provisions that allow the government to ban organizations or movements that have a history of anti-democratic action in the past (e.g. the banning of neo-fascist or communist organizations in the Federal Republic of Germany). Such banning takes place under strict rule of law and conditions of judicial independence. <u>AND</u> [v2csreprss] Weakly. The | Moderate control. Whether the government ban on independent CSOs is partial or full, some prohibited organizations manage to play an active political role. Despite its ban on organizations of this sort, the government does not or cannot repress them, due to either its weakness or political expedience. <u>OR</u> Moderately. In addition to material sanctions outlined in response 3 below, the government also engages in minor legal harassment                       |

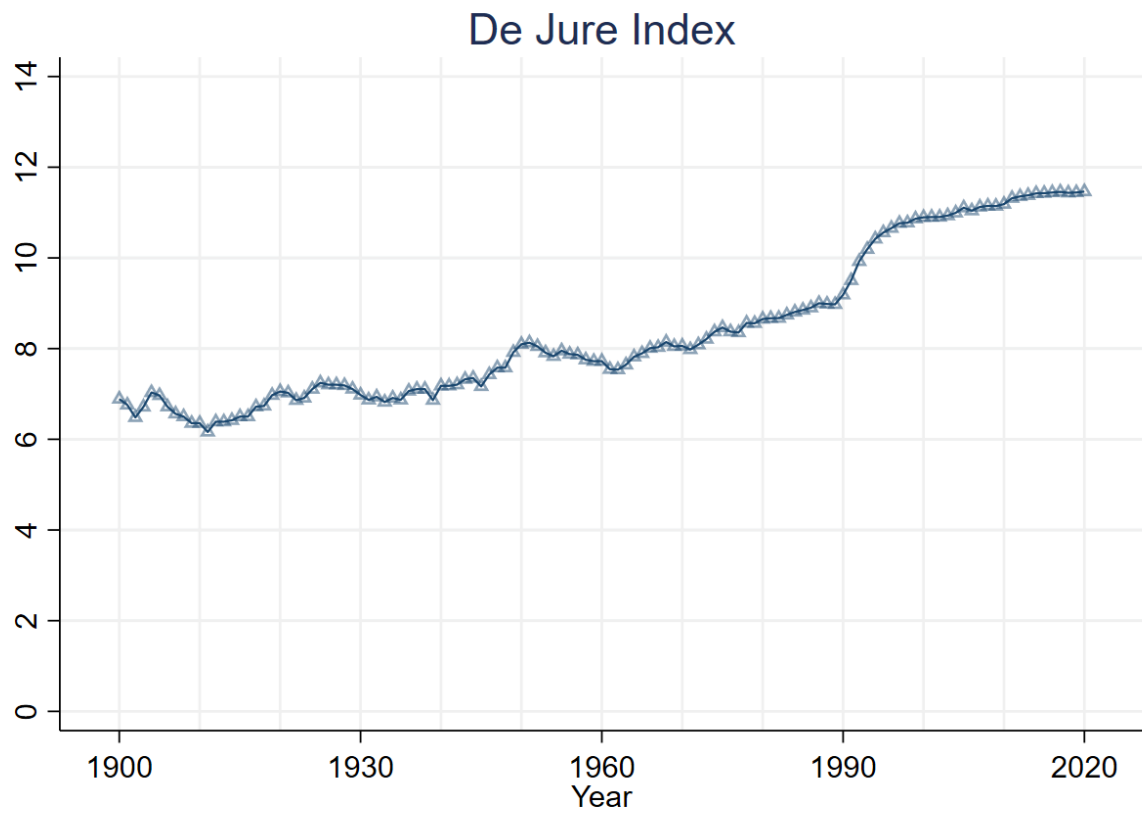
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|                         |                                                                                 | government uses material sanctions (fines, firings, denial of social services) to deter oppositional CSOs from acting or expressing themselves. They may also use burdensome registration or incorporation procedures to slow the formation of new civil society organizations and sidetrack them from engagement. The government may also organize Government Organized Movements or NGOs (GONGOs) to crowd out independent organizations. One example would be Singapore in the post-Yew phase or Putin's Russia. | (detentions, short-term incarceration) to dissuade CSOs from acting or expressing themselves. The government may also restrict the scope of their actions through measures that restrict association of civil society organizations with each other or political parties, bar civil society organizations from taking certain actions, or block international contacts. Examples include post-Martial Law Poland, Brazil in the early 1980s, the late Franco period in Spain. |
| Freedom of assembly     | [ASSEM] Does the constitution provide for freedom of assembly?                  | [v2caassemb] To what extent do state authorities respect and protect the right of peaceful assembly? – “Mostly. State authorities generally allow peaceful assemblies, but in rare cases arbitrarily deny citizens the right to assemble peacefully.”                                                                                                                                                                                                                                                               | “Sometimes. State authorities sometimes allow peaceful assemblies, but often arbitrarily deny citizens the right to assemble peacefully.”                                                                                                                                                                                                                                                                                                                                     |
| Right to form parties   | [PARTRGHT] Does the constitution provide for a right to form political parties? | [v2psparban] Are any parties banned? – “Yes. But only a few parties are banned.” <u>AND</u> [v2psbars] How restrictive are the barriers to forming a party? – “There are modest barriers (e.g. party leaders face occasional political harassment by authorities).” <u>AND</u> [v2psoppaut] Most significant opposition parties are autonomous and independent of the ruling regime.                                                                                                                                | “Yes. Many parties are banned.” <u>OR</u> “There are significant obstacles (e.g. party leaders face high levels of regular political harassment by authorities).” <u>OR</u> “At least some opposition parties are autonomous and independent of the ruling regime.”                                                                                                                                                                                                           |
| (cc_civil) Civil rights |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Freedom of media        | [CENSOR] Does the constitution prohibit                                         | [v2mecenefm] Does the government directly or indirectly attempt to censor the print or broadcast media? – “Attempts to censor are                                                                                                                                                                                                                                                                                                                                                                                   | “Attempts to censor are direct but limited to especially sensitive issues.” <u>OR</u> “Some journalists who offend powerful actors are                                                                                                                                                                                                                                                                                                                                        |

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|                     | censorship? <u>OR</u> [PRESS] Does the constitution provide for freedom of the press?                                                                                              | indirect and limited to especially sensitive issues.” <u>AND</u> [v2meharjrn] It is rare for any journalist to be harassed for offending powerful actors, and if this were to happen, those responsible for the harassment would be identified and punished.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | forced to stop but others manage to continue practicing journalism freely for long periods of time.”                                                                                                                                                                                                                                                                                                                                                              |
| Freedom of speech   | [EXPRESS] Does the constitution provide for freedom of expression or speech? <u>OR</u> [OPINION] Does the constitution provide for freedom of opinion, thought, and/or conscience? | [v2cldiscm] Mostly respected. There are minor restraints on the freedom of expression in the private sphere, predominantly limited to a few isolated cases or only linked to soft sanctions. But as a rule there is no intervention or harassment if men make political statements. <u>AND</u> [v2cldiscw] Mostly respected. There are minor restraints on the freedom of expression in the private sphere, predominantly limited to a few isolated cases or only linked to soft sanctions. But as a rule there is no intervention or harassment if women make political statements. <u>AND</u> [v2clacfree] Mostly respected by public authorities. There are few limitations on academic freedom and freedom of cultural expression, and resulting sanctions tend to be infrequent and soft. | Somewhat respected. Expressions of political opinions by men are occasionally exposed to intervention and harassment. <u>OR</u> Somewhat respected. Expressions of political opinions by women are occasionally exposed to intervention and harassment. <u>OR</u> Somewhat respected by public authorities. Academic freedom and freedom of cultural expression are practiced routinely, but strong criticism of the government is sometimes met with repression. |
| Freedom of movement | [FREEMOVE] Does the constitution provide for freedom of movement?                                                                                                                  | [v2clfmov] Mostly respected by public authorities. Limitations on freedom of movement and residence are not directed at political opponents but minor restrictions exist. For example, exit visas may be required and citizens may be prohibited from traveling outside the country when accompanied by other members of their family. <u>AND</u> [v2cldmovem]                                                                                                                                                                                                                                                                                                                                                                                                                                 | Somewhat respected by the public authorities. The right to travel for leading political opponents or particular social groups is occasionally restricted but ordinary citizens only met minor restrictions. <u>OR</u> Most men enjoy some freedom of movement but a sizeable minority does not. Alternatively all men enjoy partial freedom of movement. <u>OR</u> Most women                                                                                     |

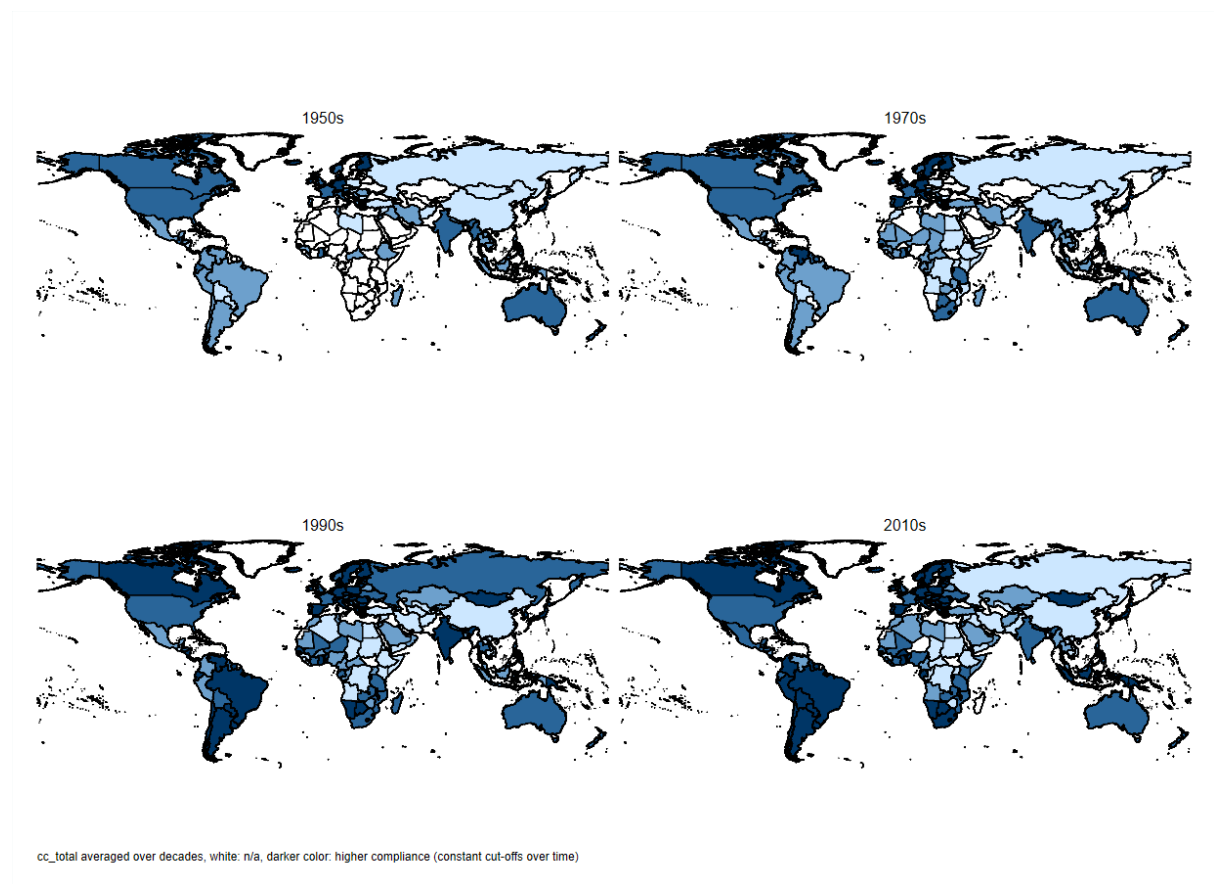
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|                         |                                                                                           | Most men enjoy full freedom of movement but a small minority does not. <u>AND</u> [v2cldmovew] Most women enjoy full freedom of movement but a small minority does not.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | enjoy some freedom of movement but a sizeable minority does not. Alternatively all women enjoy partial freedom of movement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Religious freedom       | [FREEREL] Does the constitution provide for freedom of religion?                          | [v2clrelig] Mostly respected by public authorities. There are minor restrictions on the freedom of religion, predominantly limited to a few isolated cases. Minority religions face denial of registration, hindrance of foreign missionaries from entering the country, restrictions against proselytizing, or hindrance to access to or construction of places of worship. <u>AND</u> [v2csrlgsep] Weakly. The government uses material sanctions (fines, firings, denial of social services) to deter oppositional religious organizations from acting or expressing themselves. They may also use burdensome registration or incorporation procedures to slow the formation of new religious civil society organizations and sidetrack them from engagement. The government may also organize parallel religious organizations to crowd out independent religious organizations. | Somewhat respected by public authorities. Autonomous organized religious practices exist and are officially recognized. Yet, minor religious communities are repressed, prohibited, or systematically disabled, and/or instances of discrimination or intimidation of individuals or groups due to their religion occur occasionally. <u>OR</u> Moderately. In addition to material sanctions outlined in 3 below, the government also engages in minor legal harassment (detentions, short-term incarceration) to dissuade religious organizations from acting or expressing themselves. The government may also restrict the scope of their actions through measures that restrict association of religious civil society organizations with each other or political parties, bar religious civil society organizations from taking certain actions, or block international contacts. |
| (cc_basic) Basic rights |                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Right to life           | [LIFE] Does the constitution provide for a right to life? <u>OR</u> [CAPPUN] How does the | [v2clkill] Mostly respected by public authorities. Political killings are practiced in a few isolated cases but they are not incited or approved by top leaders of government.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Somewhat respected by public authorities. Political killings are practiced occasionally but they are typically not incited and approved by top leaders of government.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|                        | constitution treat the use of capital punishment? (universally prohibited/ prohibited except in the case of war)                           |                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Prohibition of slavery | [SLAVE] Does the constitution prohibit slavery, servitude, or forced labor? (universally prohibited/ prohibited except in the case of war) | [v2clslavem] Male servitude or other kinds of forced labor is infrequent and only found in the criminal underground. It is actively and sincerely opposed by the public authorities. <u>AND</u> [v2clslavef] Female servitude or other kinds of forced labor is infrequent and only found in the criminal underground. It is actively and sincerely opposed by the public authorities. | Male servitude or other kinds of forced labor exists but is not widespread and usually actively opposed by public authorities, or only tolerated in some particular areas or among particular social groups. <u>OR</u> Female servitude or other kinds of forced labor exists but is not widespread and usually actively opposed by public authorities, or only tolerated in some particular areas or among particular social groups. |
| Prohibition of torture | [TORTURE] Does the constitution prohibit torture? (universally prohibited / prohibited except in the case of war)                          | [v2cltort] Mostly respected by public authorities. Torture is practiced in a few isolated cases but is not incited or approved by top government leaders.                                                                                                                                                                                                                              | Somewhat. Torture is practiced occasionally but is typically not approved by top leaders of government.                                                                                                                                                                                                                                                                                                                               |

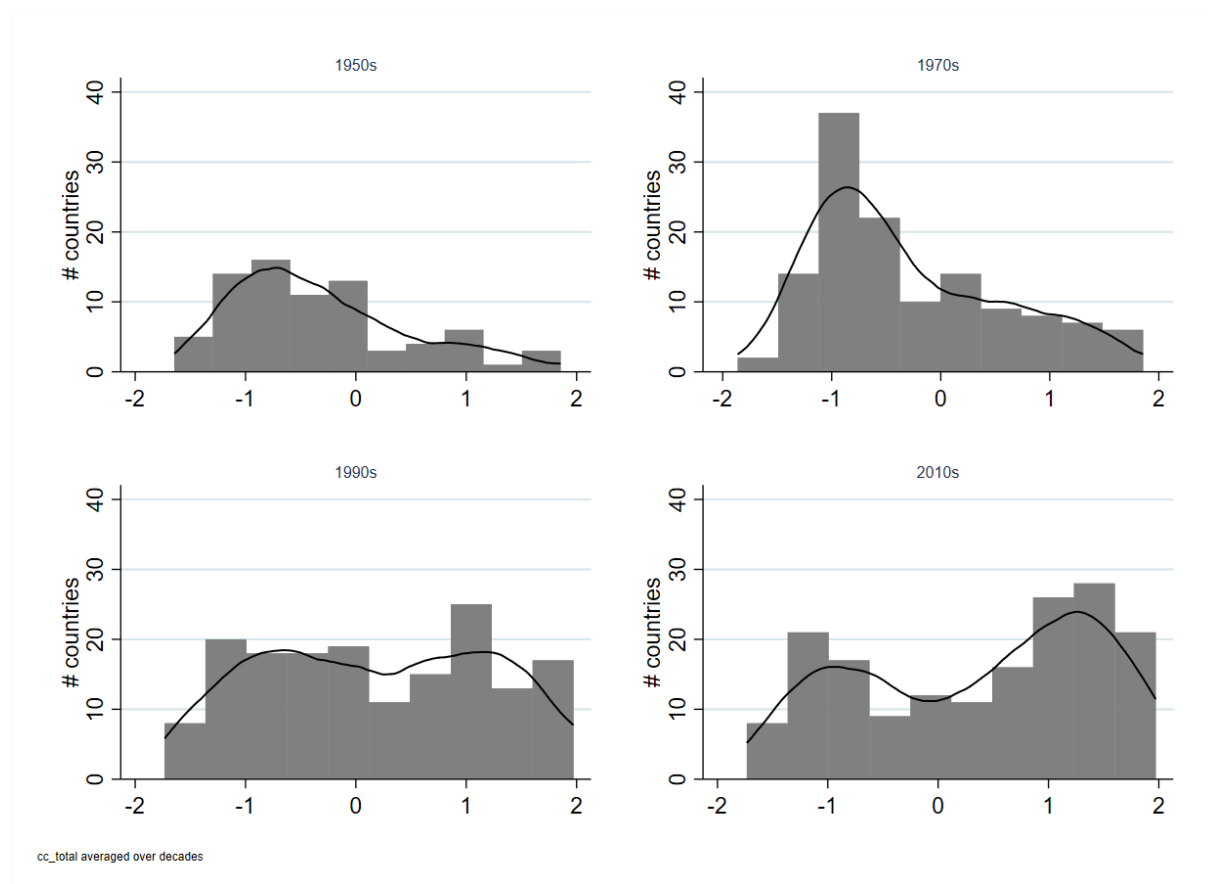
**Figure OA1: De jure constitutional rights over time**



**Figure OA2: Constitutional compliance across the world, maps**



**Figure OA3: Constitutional compliance across the world, distributions**



**Figure OA4: Constitutional compliance categories across the world**

