

Rule of Law Toolkit

Frequently Asked Questions

What is the Rule of Law?

The Rule of Law is a principle of fundamental fairness in the creation and enforcement of laws. In order for laws and legal systems to be fundamentally fair, they must meaningfully protect individuals' basic human rights and freedoms. Laws must be applied and enforced equally to all persons, including government officials, without discrimination.

Are there gradations of the Rule of Law?

There are many components to the rule of law, including fair laws, unbiased judges, and transparent legislative processes. Countries must strive to attain each component, although some may take longer than others to attain. Societies and people are continually changing, and thus obstacles to the rule of law continually arise. Maintaining the rule of law is a perpetual goal; both the government and the public are responsible for monitoring and ensuring sustained adherence to rule of law principles.

What are the basic elements of the Rule of Law?

The rule of law consists of: laws that protect individual rights and that are applied equally and fairly; competent and independent judges, legislators, and prosecutors; and qualified and well-trained lawyers. In addition, all persons have

meaningful and equal access to the court system and to quality legal services.

How is the Rule of Law supported?

Many Arab countries have endorsed international agreements that obligate and encourage their governments to take specific actions to promote the rule of law, such as establishing an independent judiciary and enacting national legislation that protects human rights. However, for the rule of law to prevail, citizens must be adequately educated and mindful of their responsibility to monitor and hold the government accountable.

How can the Rule of Law be promoted?

Given the particular challenges facing the MENA, regional rule of law programs emphasize improving the independence of the judiciary; educating citizens about their rights and how to best protect their rights; and increasing access to quality legal services.

What are barriers to the Rule of Law?

The largest barriers to the rule of law are corruption, biased administration of justice and legislative authority, lack of citizens' awareness of their rights, lack of equal access to justice for all members of society, and lack of professionalism and adequate education of lawyers and judges.