



Impact of Covid-19 on the Rule of Law:
Rule-making and Access to Justice in Times of Crisis

MENA-OECD Working Group on Regulatory Reform and the Rule of Law

 22 June 2020, online

| Summary note



MENA-OECD
Centre



MENA - OECD
Governance Programme

Context and Objectives of the Meeting

In light of the COVID-19 crisis, emergency rulemaking and difficulties to make justice available are raising several questions in compliance with the Rule of Law principles. Tackling the COVID-19 global health emergency and its economic and social impact involves legislations and regulatory decisions at almost every stage and in nearly every area. Such decisions, in turn, involve



limitations to movement and to the regular functioning of justice and protection services, which may impair the capacity of the most vulnerable groups to access them, as well as endanger fundamental due process rights and guarantees. While in times of crisis, it becomes hard to anticipate and identify the impacts of these emergency regulations, good practices and recommendations on regulatory policy and governance remain crucial to ensure the respect of the rule of law principles.

In this context, the webinar, organised by the MENA-OECD Governance Programme, was an opportunity for public officials, policy makers, multilateral agencies, experts and international partners to identify key recommendations and lessons learnt about policy making in time of crisis, with a focus on ensuring access to justice and effective legislative techniques. The overarching goal of the webinar was to complement the MENA-OECD Governance programme work on legislation, Good Governance and the Rule of Law.

The webinar brought together more than 80 participants from 23 MENA and OECD countries and multilateral agencies. The webinar generated a peer-to-peer dialogue about the impact of the COVID-19 pandemic outbreak on the Rule of Law in their countries. It also enabled them to exchange lessons learned to stay compliant with the Rule of Law in such times of emergency. The webinar was opened by the Co-Chairs of the Working Group on Regulatory Reform and the Rule of Law, H.E Ms. Anabela Pedrosa, State Secretary for Justice of Portugal and Mr. Nabil Ajroud, Legal Advisor of the Tunisian Government, as well as M. Maurizio MENSI, Executive Director of the MENA-OECD Training Centre - Caserta and Ms. Miriam ALLAM, Head of the MENA-OECD Governance Programme. It was closed by H.E. Ambassador Antonio BERNARDINI, Permanent Representative of Italy to the OECD and co-chair of the MENA-OECD Governance Programme.



Key Takeways of the Meeting

Participants highlighted that:

- Governments need to anticipate and identify the impacts of the emergency regulations and to conduct post-implementation reviews to ensure transparency and integrity in times of crisis;
- To tackle the fast evolving impacts of the crisis, the exchange of good practices and peer-to-peer learning are essential;
- Governments need to enhance innovation and technology to ensure procedural simplifications and accessibility of justice services for all during the crisis;
- Efforts are also needed to make data available and accessible to ensure evidence-based policy making in times of crisis;
- Adopting a people-centred approach within the justice sector and identifying tools other than new technology (i.e. Alternative Disputes Resolution) are key factors to guarantee equal access to justice for all especially for the most vulnerable;
- Inclusive and transparent coordination within the judicial authority are crucial to ensure efficient justice delivery during crisis;
- Upholding the rule of law needs to be a priority to ensure effective reconciliation and recovery in the MENA region, particularly in the countries that are already facing severe crisis and exacerbating problems affecting their justice institutions.

Next Steps

- The meeting discussion will provide strategic guidance to the MENA-OECD Governance Programme, as it will feed into the new mandate of the Programme for 2021-2025 to be able to deliver on countries' respective needs and priorities;
- Delegates confirmed their commitment to pursue the dialogue on the Covid-19 impact on the Rule of Law and will provide the Working group with data on measures adopted during the crisis;
- Delegates encouraged the OECD to mobilise resources and prepare a regional MENA report on Covid-19 impact on the Rule of Law.

For more information

- [OECD Note on Regulatory Quality and COVID-19](#)
- [MENA-OECD Working Group on Regulatory Reform and Rule of Law](#)
- [Regional Charter for Regulatory Quality](#)