



## A RULE OF LAW BASED RESPONSE TO THE COVID-19 PANDEMIC

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As an intergovernmental organisation dedicated to promoting the rule of law and access to justice in every region of the world, the International Development Law Organization (IDLO) firmly believes that good governance and the rule of law is central to managing the COVID-19 crisis and promoting recovery in all countries.

### A Global Crisis

In past weeks, governments, parliaments, international institutions and the global public have come to recognise that COVID-19 is the most severe disruption the world has faced in recent memory. It is likely to profoundly alter economic, social and political conditions, though the full extent is still difficult to foresee.

We have witnessed the effect of the pandemic on some of the most economically developed countries in the world, overwhelming their hospitals and health care systems, upending their economies and exacting a heavy toll in human suffering. If we do not act urgently to contain its spread and provide mitigating support, its impact on countries with weaker institutional capacity and on those who already live in conditions of extreme injustice, inequality and insecurity is likely to be even more devastating.

This is why IDLO strongly supports the Secretary-General's Global Humanitarian Response Plan for COVID-19, the urgent appeals for action by the World Health Organization (WHO) and the UN Office for the Coordination of Humanitarian Affairs (OCHA), and the calls by the High Commissioner for Human Rights and the High Commissioner for Refugees for adherence to international human rights and humanitarian norms and values.

We are encouraged by the many examples around the globe where governance at all levels – local, national, regional and global – is stepping up to support the capacity of its people, especially the most vulnerable, to protect themselves and their communities from the ravages of the COVID-19 pandemic and to save lives.

### What the Rule of Law can Contribute

The rule of law and the justice sector are concrete enablers of the response to COVID-19 in at least three important ways:

*First*, an **effective legal framework** – including public health laws consistent with the WHO’s International Health Regulations (IHR) – allows carefully tailored government actions to decree emergency measures that protect people from infection and disease, while respecting their civil, political, economic and social rights.

Our joint report with WHO and other partners, [Advancing the Right to Health: The Vital Role of Law](#), demonstrates the contribution of the law in enabling speedy and effective responses to public health emergencies, including those caused by the infectious diseases like COVID-19.

Where laws and regulations provide insufficient or disproportionately excessive powers, or where they may be entirely lacking, parliaments and other institutions must be supported and guided by international instruments such as the IHR and international human rights law to enable effective action.

*Second*, the rule of law can be a **lifeline for society’s most vulnerable in times of crisis**. When freedom of movement is restricted and resources are scarce, feelings of stress, anxiety and alienation can exacerbate exclusion, discrimination and social fissures and have a disproportionate impact on people living in extreme poverty, women and girls, the elderly, children, people with disabilities, migrants, refugees and displaced persons, prisoners, and those living in situations of conflict and insecurity.

IDLO views with great concern the numerous reports of increasing domestic violence, in particular violence against women, due to the added strains of confinement and quarantine, as well as financial distress. An integral part of good governance particularly in crisis situations, should be the presence of institutions to help couples and families, and to prevent and respond to outbreaks of domestic violence.

At times like the present, when the ability to access services and the fair distribution of public resources can make a difference between life and death, justice institutions must be available to protect the rights of the least powerful among us.

*Third*, rule of law provides **concrete pathways for post-emergency recovery**. The recovery phase must provide remedies to address the continuing health and socio-economic consequences of the pandemic and must build and strengthen conditions to support the resilience of communities against future crises.

This will require greater investments in public institutions and inclusive and participatory policymaking to help communities to come together and maintain social cohesion in the aftermath of this pandemic. Countries and communities around the world in situations of conflict or fragility are particularly vulnerable to the social stresses being brought by the pandemic and must be supported to develop stronger governance systems including justice sector institutions through locally owned and context specific interventions.

For these reasons, the rule of law is critical to the capacity of governments to respond to emergencies, to lay the groundwork for recovery, and to help communities build resilience against future shocks.

Like all other parts of public life, the administration of justice and access to legal remedies and dispute resolution have been severely disrupted by the COVID-19 pandemic. The capacities of legal systems even in the most developed countries have been affected, with courts in some places slowing their ability to process cases or even shutting down.

Yet, we are also witnessing many examples of imaginative solutions to ensure continued access to justice: institutions of justice at the highest level holding open-air hearings with social distancing; courts using telephone or internet video services to conduct some proceedings; the judiciary and administrative bodies prioritising the most important and time-sensitive cases.

If restrictions on movement and assembly persist, these temporary measures will need to be strengthened. IDLO's [work](#) in e-justice programming and developing the capacity of justice institutions to digitalise their information and procedures, provides lessons and practical methods to continue to deliver justice, while safeguarding transparency and accountability.

### **IDLO's Response**

While our rule of law and justice programmes continue at the global level and through our country offices in every region of the world, IDLO like others is assessing the impact of the COVID-19 pandemic in our partner countries and adapting our interventions accordingly. Our efforts will focus on three main areas:

- strengthening the legal and policy framework for managing COVID-19 and its aftermath;
- mitigating the impact of the crisis on justice systems and justice seekers with a specific focus on those most vulnerable, particularly women and marginalised groups;
- advocating for the critical need to maintain the rule of law, to help countries to strengthen their governance and institutions, and to support and invest in a culture of justice to protect the rights and dignity of people everywhere.

The 2030 Agenda for Sustainable Development – particularly Sustainable Development Goal 16 as an enabler of peace, justice, inclusion, and all of the other SDGs – should remain at the centre of our efforts, including in response to the pandemic. The values and principles enshrined in the 2030 Agenda remain highly relevant in the current environment and provide a roadmap to overcome the present crisis and to ensure a just, equitable and sustainable recovery.

In collaboration with our Member Parties, programme countries, the United Nations and other partners, we are determined to carry on our critical support for rule of law and justice and to find innovative ways to work together in overcoming COVID-19 while moving purposefully toward more resilient, peaceful, just and inclusive societies.

*The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.*