

Rule of law...and access to justice

What is the rule of law?

Why is it important

How can we help those in government, the judiciary and legal sector, civil society and ordinary citizens to understand.

Can you have the rule of law if you don't really know what the laws are?

Rex Lex or Lex Rex?

Samuel Rutherford used the term Lex Rex in 1644. Thomas Paine wrote in his pamphlet “Common Sense” that “in America the law is king.”

- Why should the law be king?**
- What happens when the king is law?**

What are laws and how are they made?

- Families..villages..regions..kingdoms...colonial holdings..
- Now in Myanmar...citizens vote, parliament, judges, police, prosecutors, staff etc
- All of these need to understand the law.

Certain, Fair, Effective

- **Certainty and clarity**
- **A feeling of fairness**
- **Smooth functioning of systems.**

The problem of words and law

- “The finger pointing at the moon is not the moon.”
- You need complexity to be accurate but the more complex you get the less can be understood by ordinary people and non-specialists.

ACCESS TO JUSTICE

- **Supply**
- **Demand**

- **Who are the actors?**
- **What do they need to know?**

Supply

- Quality of the laws
 - Performance of Judiciary, Prosecutors, Police, Court Administration etc.
 - Accreditation
 - Legal Education
 - Monitoring
 - Accountability
- Etc etc

Demand:

- **Empowering those using the legal system**
- Appropriate information
- Access to lawyers, paralegals etc to advise and represent
- Quality of the lawyers, paralegals, students etc.
- Simple language tools
- Audio visual tools

How to gain knowledge of the law?

- **Law as power...**
- Complex
- Hard to find
- Designed for accuracy
- Hard to understand
- Interact with other laws
- **CONFUSING!!!**

USERS: Supply side:

- Members of Parliament
- Government representatives
- Judges
- Prosecutors
- Police
- Court staff
- Government

USERS: Demand side

- Lawyers
- Legal aid lawyers
- Paralegals, students etc,
- Representatives of civil groups
- Village chiefs etc
- Individuals who have a problem with the law

DEVELOPING SIMPLE LEGAL TOOLS:

- Decide who is the user.
- What is the appropriate language
- How much detail they need to know
- What form will have the greatest impact.

- **KEEP IT SIMPLE !!!**

Develop appropriate tools

- Books
- Chapter summaries
- Pamphlets
- Posters
- Films
- Radio programs
- TV advertisements

Examples of effective products

- Do not try to reach all groups with one product
- Different products for different users
- Simple
- Easy to use
- Includes the most important information
- Includes guidance to get more detail if needed
- Attractive layout or form
- Not everything should be written!