



# Commonwealth Secretariat

## Briefing Note – Rule of Law

### **The challenge**

The Commonwealth Secretariat is committed to providing assistance to member countries in building strong institutions charged with maintaining the rule of law. The work of the Secretariat in the promotion of the rule of law is inextricably linked to development. The main challenges are to:

- Develop institutional structures and programmes to ensure citizens have access to justice and legal information.
- Address lack of capacity, and corruption in the justice system.
- Develop guidelines on legislative drafting and deal with the perennial shortage of drafters in developing Commonwealth countries.
- Facilitate international co-operation in combating transnational crime, terrorism and corruption.
- Develop mechanisms to combat counterfeiting, piracy, human trafficking and seize the proceeds of these crimes.

### **The Commonwealth strategy**

- To set up training programmes to enhance the ability of legislative drafters in member states.
- To provide judicial training, implement judicial reforms and combat corruption in the judiciary.
- The adoption of a framework to promote the smooth running of the relationship between parliament, the judiciary and the executive.
- To organise outreach programmes for the training of community leaders to provide help and advice on rights to all in their community.

### **The practical response**

We have organised workshops aimed at building expertise and the ability of member states combating corruption.

In collaboration with the Australasian Legal Information Institute (AustLII), the Secretariat is launching the first-ever criminal law resource webpage with free access to legal materials.

We also conduct training courses on legislative drafting, resulting in an increase in the number of new laws that are written – and hence strengthening democracy and the

rule of law in Commonwealth member states. Legislative drafters have been trained in Africa and the Caribbean and course material developed for the Pacific region.

The Secretariat's Criminal Law Section has launched a comprehensive criminal prosecution training programme for senior and middle level prosecutors, and a new initiative on 'Strengthening the Criminal Justice System'.

We provide training to magistrates, court personnel and legal drafters in order to improve the efficiency of courts and the judicial process.

And, a revised Commonwealth Plan of Action on Terrorism (CPAT) by the Commonwealth Committee on Terrorism was endorsed in September 2009.

### **Ministerial meetings and other highlights**

Commonwealth law ministers meet every three years to develop legal policies, model legislation and set standards to which member states can aim for.

### **Other Commonwealth players and their work**

The Commonwealth Lawyers Association works to promote and maintain the rule of law throughout the Commonwealth. The Commonwealth Magistrates' and Judges' Association aims at promoting the independence of the judiciary, advancing legal education, preventing crime and disseminating information on matters of legal interest to member states. The Commonwealth Legal Education Association promotes high standards of, and raises awareness about, legal education and research. The Commonwealth Parliamentary Association seeks to promote the advancement of parliamentary democracy and improve knowledge of democratic governance.

### **Relations/co-operation with other bodies involved in the sector**

The Commonwealth Secretariat works with, among others, the International Committee of the Red Cross, the United Nations, European Union, US Department of Justice, and the Pacific Islands Legal Information Institute.

Two organisations providing an opportunity to engage with countries that have different legal traditions from the Commonwealth countries are the International Institute for the Unification of Private Law, and the Secretariat of Hague Conference on Private International Law.