



AMERICAN BAR ASSOCIATION

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Statement by Carolyn B. Lamm, President of the American Bar Association, Submitted to the Subcommittee on State, Foreign Operations and Related Programs, Committee on Appropriations, U.S. House of Representatives - March 26, 2010

Chairman Leahy, Ranking Member Gregg and Members of the Subcommittee:

My name is Carolyn B. Lamm, and I am pleased to submit this statement to the Subcommittee in my capacity as President of the American Bar Association (ABA). The American Bar Association Rule of Law Initiative is a mission-driven, nonprofit public service program grounded in the belief that rule of law promotion is the most effective long-term antidote to the most pressing problems facing the world today, including poverty, conflict, endemic corruption and disregard for human rights. With approximately 400,000 members, the ABA is the largest voluntary professional membership organization in the world. To advance the rule of law worldwide, the ABA implements programs to increase public understanding of and respect for the rule of law; work for just laws, including human rights, and a fair legal process; assure meaningful access to justice for all persons; and preserve the independence of the legal profession and the judiciary.

On behalf of the ABA and the ABA Rule of Law Initiative (ABA ROLI), I respectfully request that the Subcommittee for fiscal year 2011: direct continued funding for programs in Europe and Eurasia at not less than fiscal year 2010 levels for each country for which ABA ROLI (through our Central European and Eurasian Law Initiative program) has a program or presence; direct expanded funding for ABA ROLI programs funded by the U.S. Agency for International Development and the Department of State in Africa, Asia, Europe and Eurasia, Latin America and the Caribbean, and the Middle East and North Africa; and recommend that ABA ROLI programs continue to be funded through cooperative agreements.

CORE PRINCIPLES AND FOCAL AREAS

ABA ROLI's work is guided by five core principles: (1) a highly **consultative** approach that is responsive to the requests and priorities of our local partners; (2) a **comparative** approach that draws upon U.S. and international legal norms; (3) provision of **neutral** and **apolitical**

technical assistance and advice; (4) an emphasis on **building local institutional capacity**; and (5) **thought leadership** that draws on both ABA ROLI's extensive overseas field experience and on the resources and convening power of the ABA and its members in the United States and abroad. While ABA ROLI implements technical assistance programs in an array of substantive areas, including commercial and property law reform, our efforts are concentrated in seven focal areas:

1. **Access to justice and human rights**. Our programs increase access to legal services by establishing legal aid and law school clinics, developing public defender programs and supporting structural changes in justice systems that increase citizen access to the courts and other forms of dispute resolution. We also work to increase awareness of international human rights standards and humanitarian law, as well as train legal professionals to seek redress for human rights violations in domestic, regional and international courts. For example, in **Moldova**, we helped establish a network of traveling lawyers that over the past ten years have provided *pro bono* legal services to more than 17,000 Moldovans in rural areas. Our program in **Burundi** provides legal assistance and counseling referrals to former child soldiers and expands the legal system's capacity to better address their reintegration into society. In **Panama**, we are promoting a culture of lawfulness through human rights training for police plus legal advocacy and investigative skills training for judges, police and attorneys. In the **Philippines**, ABA ROLI leads efforts to combat extrajudicial killings through ground-breaking, multi-sector symposia and forensics trainings for prosecutors.

2. **Anti-corruption and public integrity**. ABA programs focus on drafting and implementing public integrity standards and freedom of information laws, developing national action plans, conducting public education campaigns on the corrosive impact of corruption, and encouraging the public to combat corruption through mechanisms such as anonymous hotlines. In **Asia**, ABA ROLI supports multiple regional anti-corruption programs in partnership with the U.S. Department of State and the World Bank, the United Nations, and the Asia-Pacific Economic Cooperation (APEC). In **Russia**, we are working to develop anti-corruption strategies while educating local officials, media and youth on corruption issues, and in **Lebanon** we supported the establishment of the National Network for the Right to Access Information, which developed and advocated for legislation on access to information and whistleblower protections. In **Morocco**, the ABA has recently begun supporting the national new anti-corruption commission, *Instance Centrale de la Prevention de la Corruption*, to develop a national anti-corruption strategy. Our work in **Serbia** has included providing technical assistance to the national prosecutors' and judges' associations and working to codify professional codes of conduct and disciplinary provisions. In **Ukraine**, we are

implementing an anti-corruption initiative to improve the coordination among the government, donors, nongovernmental organizations and other members of civil society.

3. **Criminal law reform and anti-human trafficking.** Our programs train criminal justice professionals, including judges, prosecutors and police, to combat crimes such as human trafficking, money laundering and cybercrime, while helping to reform key criminal law legislation, including criminal procedure codes (CPCs). The ABA has partnered with the **Bahraini** prosecutor's office in enhancing the examination process and in assessing the capacity of its forensics laboratory. In **Nigeria**, we have helped develop a strategy to prosecute human traffickers and have trained the nation's police and magistrates to combat this heinous crime. ABA ROLI is helping to increase criminal defendants' rights and to improve the fairness and enforceability of criminal justice procedures in **China**. To assist justice professionals in **Ecuador**, we have conducted a series of trainings to support the government in implementing its revised criminal procedure code. In **Georgia**, we are helping to prepare defense lawyers for the adversarial system that will be implemented under new codes. In **Tajikistan**, the ABA is helping to revise the CPC and is supporting equal access to legal information for defense attorneys.

4. **Judicial reform.** The ABA promotes greater independence, accountability and transparency in judicial systems, assists in drafting and enacting codes of judicial ethics, promotes judicial education and training, and helps enhance court administration and efficiency. Recent programs include developing pilot e-learning courses for the **Algeria** judicial training school. In **Armenia**, we are working with the judges' association and helping to revise the Judicial Code, the Code of Judicial Conduct and the selection process of appointing judges, in accordance with international standards. The ABA ROLI program in **Liberia** supports the new judicial training institute, and it partners with the Supreme Court of Liberia to train judges and magistrates. Our **Morocco** program supported the country's judicial association (the *Hassania*) in developing and adopting a Charter of Judicial Ethics, and thereby inspiring other justice sector actors to pursue similar steps. In the **Philippines**, we recently worked with the Supreme Court to establish small claims courts, relieving case backlog and providing more accessible means to settle legal disputes.

5. **Legal education reform and civic education.** The ABA promotes legal education reform by assisting law schools to introduce new courses and practical training methods that better meet the needs of tomorrow's legal professionals. We also promote a rule of law culture through civic education campaigns on citizens' rights. In partnership with ABA ROLI, local law faculties published **Cambodia's** first-ever law journal. Working with five universities in **Jordan**, ABA

ROLI has helped develop alternatives to traditional legal education methods, including interactive teaching methods, moot court and legal writing competitions, summer practicums and externships. Our programs in **Kyrgyzstan** trained law students to present civic education classes to secondary school students, and in **Qatar** we developed a rule of law website for school children. In **Liberia** ABA ROLI continues to build the capacity of the country's only law school.

6. **Legal profession reform.** Our work includes assisting in the development and administration of bar examinations, developing codes of legal ethics and strengthening bar associations to serve as advocates for, and protectors of, the rule of law. The ABA also enhances continuing legal education (CLE) programs to ensure adequate mastery of existing and newly-enacted laws. In **Egypt**, ABA ROLI supports the professional development of new lawyers through an intensive CLE program, while in **Russia**, our programs strengthen the administration of CLE by partnering with the Federal Chamber of Advocates.

7. **Women's rights.** The ABA focuses on assisting both government and non-governmental entities in addressing women's rights issues such as women's access to justice, the role of women in the legal profession, domestic violence and gender-based violence (GBV) in conflict and post-conflict situations. For example, we have made unprecedented strides against systematic rape and other forms of GBV in the war-torn **Democratic Republic of Congo (DRC)**, where we operate four *pro bono* legal aid clinics and a mobile court program. ABA ROLI successfully advocated for the adoption of the first domestic violence legislations in **Georgia** and **Moldova**, and in **China** we provided technical support for local pilot initiatives to implement the country's first domestic violence protection orders. In **Azerbaijan**, we supported the establishment of the first women's bar association and continue to provide them with legal technical assistance, and in **Kosovo** we assisted in the creation of the first women law students' association. In **Bangladesh** and **Russia**, we have trained cadres of social advocates and traveling lawyers who provide legal counseling and quasi-legal assistance to women when the services of professional attorneys are unavailable or unaffordable. Additionally, through a new, innovative program in **Tajikistan**, the ABA promotes gender equality in rural communities through traveling theater productions to raise awareness of women's legal rights.

The ABA ROLI's overseas work is supported by legal research and assessments. For example, we conduct in-depth reviews of draft legislation, produce resource guides and manuals and develop and implement a wide range of assessment tools. Our reports are relied upon by decision makers at the U.S. Department of State, USAID, the U.S. Department of Justice, the World

Bank and other prominent institutions, helping shape policy and programming decisions about where and how future foreign technical legal assistance is most needed or would be most effective. Along with the latest iterations of our more than 50 sector indices (e.g., on judicial reform, prosecutorial reform and legal profession reform) for over 20 countries, current research includes development of a technical assistance guide on judicial integrity reform with the United Nations Office of Drugs and Crime, a published assessment of Mexico's anti-human trafficking efforts, development of an assessment tool on pretrial detention and sentencing for implementation in **Armenia** and development of an assessment tool on access to justice for implementation in **Mali, Guinea, the Philippines and Indonesia.**

METHODS OF ASSISTANCE

ABA ROLI's technical assistance efforts are carried out primarily by members of the American legal profession, some of whom serve on a *pro bono* basis for periods of up to two or more years. Leveraging this commitment of expertise and time, these individuals work in tandem with host country legal professionals in 40 countries where we have programming. While our main emphasis is on providing technical assistance through overseas offices, the ABA takes pride in providing "thought leadership" as exemplified by ABA ROLI's research and assessment tools and technical assistance guides. In addition to partnering with host country institutions, the ABA also works collaboratively with a variety of foreign and multilateral institutions, such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the United Nations.

CONCLUSION

Targeted foreign assistance that enhances legal systems and institutions to be grounded in the rule of law, and that does so by building sustainable local capacity, is a critical component of U.S. foreign, economic and national security policy to foster democracy and sustainable development. Programs such as those of ABA ROLI are a highly cost-effective mechanism for advancing the rule of law and democracy abroad. As such, these programs advance U.S. interests around the globe. A robust and ever-developing rule of law is the single best foundation for stability and prosperity both in the United States and abroad. The ABA, with the support of our approximately 400,000 members worldwide, is privileged to be called upon to assist in its promotion. We would be pleased to provide further information and to respond to any questions the Subcommittee may have.