Chairwoman Granger, Ranking Member Lowey and Members of the Subcommittee:

My name is Bill Robinson and I am pleased to submit this statement to the Subcommittee in my capacity as President of the American Bar Association. We appreciate this opportunity to highlight the importance of fiscal year 2013 funding for rule of law assistance.

Establishing legal structures and institutions based on the rule of law is a necessary prerequisite to creating durable democratic societies and successful market-based economies. As we know, democratic regimes are also less likely to engage in terrorist activity and spawn costly and tragic regional conflict. In addition, U.S. business interests are hesitant to invest in countries that lack sufficient legal protections and independent courts to fairly resolve business disputes. Therefore, programs to promote the rule of law internationally are valuable and cost-effective investments of U.S. taxpayer dollars that enhance both the national security and economic prosperity of our nation. They are also consonant with our values as a nation.

The ABA works to promote the rule of law internationally through a variety of mechanisms, including by providing legal technical assistance to nations around the world through the ABA Rule of Law Initiative (ABA ROLI). ABA ROLI recently celebrated more than two decades of promoting the rule of law in more than 80 countries worldwide. Founded shortly after the fall of the Berlin Wall, its early efforts focused on assisting Eastern European countries to draft constitutions and laws. The program also helped embolden judges, prosecutors, lawyers and legal educators to take the lead in establishing – or in some cases re-establishing – the rule of law after decades of communism and repression. Today, many of those countries are valued partners of the United States and are members of the European Union.

ABA ROLI has dramatically expanded in size and reach since its inception in 1990. Today, with nearly 700 staff, pro bono volunteers and other personnel in offices in Washington, DC and in roughly 50 countries in every region of the world, ABA ROLI is strengthening the rule of law and promoting good governance in countries closely allied with the United States, such as Jordan, Liberia, Mexico and the Philippines, as well as countries in which our relations are more complex, such as China, Ethiopia, Russia and Tajikistan. Through these programs, the ABA has a framework in place to respond to requests for assistance from every region of the world and can provide expertise in virtually every area of law, including, but not limited to, such
areas as women’s rights, anti-human trafficking and anti-corruption, judicial reform, prosecutorial and defense bar reform, commercial law development, and access to justice and human rights.

The following is a summary of some of the international legal technical assistance programs implemented by ABA ROLI:

**Africa:** ABA ROLI has played a critical role in combating impunity for rape and other forms of sexual and gender-based violence (SGBV) in the Democratic Republic of Congo (DRC). Operating in 25 towns throughout eastern DRC, ABA ROLI assists SGBV survivors in securing legal, psychological and medical aid. It facilitates the investigation and prosecution of SGBV cases by addressing infrastructure and technological barriers, and it enhances civilian protection in remote areas using early warning systems. ABA ROLI promotes female representation in the legal profession through scholarships and internships and provides technical assistance on prison system reforms to better protect the rights of prisoners and detainees. To date, ABA ROLI has helped provide legal services to more than 6,000 women and girls; more than 715 military and civilian cases have gone to trial, with over 400 convictions and sentences up to 25 years. All this has begun to reduce the culture of impunity in this troubled region.

Since 2006, ABA ROLI has contributed to legal reform in Liberia through the establishment of the first and only judicial training institute, by helping to strengthen the country’s only law school and by making legal information publicly available for the first time through the creation of an online library that provides free access to Liberian laws, Supreme Court decisions and legal instruments. Today, ABA ROLI implements a pre-trial detention program in Liberia for those who have been languishing in Monrovia’s Central Prison, helping to reduce the massive prison backlog while advancing human rights in the penal system. In northern Mali, ABA ROLI is helping to reduce descent-based slavery. The program combines legal and socioeconomic assistance for victims, strengthens the capacity of justice sector actors to investigate and try slavery cases and facilitates a process to draft legislation defining and criminalizing slavery.

In Ethiopia, ABA ROLI has helped build the capacity of partner law schools and government institutions to implement an ambitious nationwide legal education reform initiative to improve the quality of legal education and the practical skills of newly educated lawyers. Most recently, ABA ROLI has also begun to operate a program in Uganda to help devise a coordinated response to human trafficking. Working closely with representatives from national and regional governmental institutions, police, civil society organizations and victim support organizations, ABA ROLI will facilitate the creation of national anti-human trafficking protocols that will coordinate the work of police, immigration officials, government ministries and members of civil society.

**Asia:** In the Philippines, ABA ROLI has assisted in improving court efficiency through a first-ever small claims court program that now exists in each of the country’s 1,137 courts of first instance. Recognized as a success by the World Bank, this program has reduced from five years to three months the average time of case disposition, will dramatically reduce the national civil court case backlog, and paved the way for increased micro finance and increased lending to women and other small business entrepreneurs. In Vietnam, ABA ROLI has helped promote professionalism within the bar and addressed critical issues such as fair trial standards. In Nepal,
ABA ROLI has worked to increase the capacity of the government to introduce forensic evidence to combat impunity for massive human rights violations. Regionally, ABA ROLI has worked with member states of Asia-Pacific Economic Cooperation (APEC) to develop effective systems and laws to address corruption and support the work of APEC’s Anti-Corruption and Transparency Experts’ Task Force.

In Solomon Islands, ABA ROLI is strengthening legal data collection on trafficking in persons and enhancing legal services available to trafficking victims. Similarly, ABA ROLI provided legal assistance to Mongolian victims of human trafficking. In southern Thailand, ABA ROLI promoted the use of forensic psychology in torture cases through a proxy medical evaluation tool, enabling lawyers to document evidence of torture when impartial medical examiners are not available. In Papua New Guinea, ABA ROLI is developing a methodology to assess corporate compliance with national and international human rights standards and expanding access to legal services.

**Europe and Eurasia:** In addition to its ongoing work to expand access to justice and combat corruption in Russia, ABA ROLI played a central role in reintroducing the first jury trials in that country since Tsarist times. ABA ROLI is working in partnership with the government of Ukraine and local partners to improve hate crime prosecution, increase victim protection and raise tolerance for minority populations. In Georgia, ABA ROLI is playing an instrumental role in supporting implementation of the new criminal procedure code by preparing defense attorneys to work under an adversarial system of justice and by training law professors to teach their students trial advocacy skills. ABA ROLI is also training local partners to operate under the new criminal procedure code in Macedonia. In Armenia, we helped establish and expand a public defender's office and continue to provide skills training and capacity building for it. In Azerbaijan, ABA ROLI is undertaking a program to educate bloggers and independent journalists about their rights, and it is also building the capacity of local NGOs to provide legal services to underserved populations, including disabled persons. ABA ROLI is collaborating with grassroots organizations in Bulgaria, Macedonia, Romania and Serbia to offer legal services and advocacy training to Roma communities and to provide opportunities for regional coordination and capacity building among Roma leaders.

**Central Asia:** ABA ROLI launched a community-based legal education program to combat forced labor and sex trafficking in Tajikistan. Also in Tajikistan, ABA ROLI has conducted an unprecedented country-wide training effort on the new criminal procedure code, reaching hundreds of prosecutors, law enforcement officers and defense attorneys and supporting stakeholders in compiling recommendations to improve and clarify the code after two years of practical experience. In Turkmenistan, ABA ROLI is promoting rural women’s economic empowerment through public legal education. To promote a culture of tolerance in Kyrgyzstan, ABA ROLI teaches secondary school students about the rule of law, human rights and governance, and organizes youth-led discussion groups and multi-ethnic volunteer programs that promote peaceful communities. ABA ROLI is supporting the Kyrgyzstani legal defense community by providing expertise on legislation to establish a unified bar association and supporting legal education that includes more practical skills building and clinical programs.

**Latin America and the Caribbean:** ABA ROLI is providing critical assistance to Ecuador, Mexico and Panama as these countries transition from inquisitorial criminal justice
systems to accusatorial models. In Ecuador, ABA ROLI is providing trainings on trial advocacy and investigative techniques as well as conducting trainings on judicial ethics. In Mexico, ABA ROLI is supporting the reform of bar associations and law schools, including through publication of assessments of the country’s legal education and legal profession reforms. In Panama, ABA ROLI is promoting a culture of lawfulness through training on trial advocacy and investigative techniques as well as through work with civil society and the public defender's office to strengthen their capacity to implement these reforms.

To help combat transnational organized crime in Belize and Guatemala, ABA ROLI is working with judges, prosecutors and police to develop more efficient procedures for processing criminal cases. ABA ROLI’s work in Belize also has included training and reform for juvenile justice issues. In Haiti, as the country continues to recover from the devastating January 2010 earthquake, ABA ROLI is training professionals in the national criminal justice sector on issues such as transnational crime, legal ethics, and sexual and gender-based violence.

ABA ROLI’s most recent program for Central America helps strengthen the capacity of governments to manage forensic evidence in criminal cases. Through this program, ABA ROLI is working with Belize, El Salvador, Guatemala, Honduras and Panama, training police, prosecutors, judges and criminologists and developing a model evidentiary code.

Middle East and North Africa (MENA): ABA ROLI is supporting rule of law reforms related to the historic transitions in the MENA region. For instance, ABA ROLI is helping women lawyers and judges promote women's participation and legal rights, including in the drafting of the new Tunisian constitution. ABA ROLI also is building the capacity of the legal profession by supporting the development of the Tunisian Bar Association and young lawyers association to support law-related aspects of the transition.

In Bahrain, ABA ROLI is helping the government to implement initiatives to respond to the findings of the Bahrain Independent Commission of Inquiry Report, such as developing mechanisms to provide judicial oversight of detention and to build the capacity of defense attorneys. In Libya, ABA ROLI very recently undertook a rule of law needs assessment and has identified key priorities for reform. ABA ROLI also helped to convene a major conference with members of the Libyan legal community and other rule of law implementers to discuss priorities and to promote coordination of rule of law assistance. In Egypt, ABA ROLI is building the skills of a new generation of legal advocates by supporting legal education reform and professional skills training for new lawyers.

Research and Assessments: ABA ROLI’s programmatic work is supported by legal research and assessments, including in-depth assessments of draft legislation, resource guides on rule of law development issues, and a series of ten assessment tools designed to analyze a country’s progress in a particular rule of law sector, such as women’s rights, judicial reform, prosecutorial reform, and fighting human trafficking. Host country government leaders and policymakers use the findings of these tools to prioritize and focus reform efforts. ABA ROLI and other technical assistance providers also use the assessment results to design more effective rule of law programs. In addition, these tools provide donor organizations, policymakers, and local and international NGOs with hard-to-find analyses of the structure and functioning of important legal institutions. Finally, assessment results also serve as a springboard for local advocacy initiatives.
Most recently, ABA ROLI piloted an innovative Access to Justice Assessment Tool in Guinea, Indonesia, Mali and the Philippines, conducted in close collaboration with local NGOs to help build local capacity on access to justice issues. Additionally, ABA ROLI will soon release its HIV/AIDS Legal Assessment Tool, which is specifically designed not only to uncover the incidence of HIV/AIDS-related legal discrimination in a country, but also to assess whether the country has taken concrete steps to reduce HIV/AIDS-related discrimination.

While U.S. funding for rule of law programs such as these is essential, it must be utilized in partnership with local leaders in an accountable, transparent and sustainable manner. In terms of modes of delivery, we urge the Subcommittee to recognize the benefits of and prioritize assistance delivered through non-profit groups such as NGOs and private and voluntary organizations. Non-profit organizations such as the ABA are more likely to develop long-term relationships that build capacity and allow for sustainable assistance efforts, thereby leveraging U.S. taxpayer funding.

In addition, NGOs are more likely to leverage U.S. assistance dollars through the contributions of volunteers and additional sources of funding. In the case of the ABA, well over $200 million in pro bono assistance has been provided by American and overseas lawyers working directly under ABA ROLI’s aegis. Independent U.S.-based NGOs are best positioned to work as true partners with host country reformers to make sure the outcomes are owned locally but are operated under the oversight of experienced NGOs that also serve as fiduciaries of American taxpayer dollars.

The United States plays a unique leadership role in promoting economic development, respect for human rights and the rule of law around the world. Targeted foreign assistance to establish and enhance legal systems and institutions grounded in the rule of law is a critical component of U.S. foreign policy in the developing world, post-conflict countries and countries in transition. Further, this assistance is vital in ensuring the protection and promotion of U.S. national security and economic interests. We are cognizant of the tremendous budgetary challenges facing our nation and understand that difficult decisions must be made in allocating funding. However, if the United States fails to invest adequate resources in this area, countries that do not share our commitment to democratic values and free markets will continue to languish and serve as destabilizing forces, to the detriment of U.S. national interests, including our economic and national security interests.

Rule of law programs such as those of the ABA are a cost-effective mechanism through which to advance both the interests of the citizens of the participating countries and U.S. foreign and development policy. For these reasons, we urge that the Subcommittee maintain the overall amount of funding available for agencies and programs that support rule of law activities such as those implemented by ABA ROLI and that the Subcommittee continue to support funding for the ABA’s technical legal assistance programs through cooperative agreements.

Thank you for this opportunity to share our views.