Submission by Laurel G. Bellows, President of American Bar Association, at the High-level Meeting of the 67th Session of the General Assembly on the Rule of Law at the National and International Levels, 24 September 2012.

The American Bar Association greatly appreciates the opportunity to participate in the High-level Meeting of the 67th Session of the General Assembly on the Rule of Law at the national and international levels, and wishes to submit the following comments on the occasion of this unique High-level Meeting.

The American Bar Association (ABA) is an independent, voluntary, non-governmental organization of judges and lawyers with nearly 400,000 members worldwide. The ABA is the largest voluntary professional association in the world. It regards human rights and the rule of law as cornerstones of a free and just society and is committed to strengthening them in the United States and internationally.

As a non-governmental entity with consultative status with the Economic and Social Council of the UN and as a civil society organization active in the field of the rule of law, the ABA strongly supports the goals of the initiative by the Secretary General and the General Assembly to enhance the rule of law at the national and international levels. The ABA has a longstanding and abiding commitment to advancing the rule of law both in the United States and worldwide. This commitment is expressed as one of the fundamental goals of the ABA. Within this goal, the ABA’s objectives are to: (1) increase public understanding of and respect for the rule of law, the legal process, and the role of the legal profession in the United States and throughout the world; (2) encourage governments to be accountable under law; (3) work for just laws, including human rights, and a fair and transparent legal process; (4) assure meaningful access to justice for all persons; and (5) preserve the independence of the legal profession and the judiciary.

The ABA has supported an effective United Nations as essential to achieving peace, promoting sustainable development and advancing the rule of law. In addition to its longstanding commitment over the years to the International Court of Justice and to the harmonization of commercial law in enhancing the rule of law, the ABA has welcomed and supported initiatives in the United Nations in such matters as the United Nations Basic Principles on the Independence of the Judiciary, the Core Principles of the legal profession, the rule of law and global environmental issues, protections and assistance for victims of human trafficking, as well as victims of other gender based violence.

The ABA believes strongly in the critical importance of adherence to the rule of law worldwide. By establishing trust in government, adherence to the rule of law has been shown repeatedly to promote economic development. The ABA has sought to enhance the rule of law in many areas over the years in many ways, both nationally and internationally. At this time, we will highlight the following concrete programs and projects that draw upon the significant expertise and experience found within the ABA and that contribute internationally to enhancing the rule of law.
The ABA has long recognized and supported the fundamental need for an independent judiciary and the independence of lawyers. At the same time, and in this connection, the ABA has long supported efforts to promote ethnic, racial and gender diversity in the profession and on the courts. The ABA through a number of programs and projects seeks to promote and achieve these and other fundamental goals of this important initiative, including access to justice for the poor and vulnerable and disadvantaged.

With respect to these goals, for example, the ABA Justice Center, which includes the ABA’s Judicial Division, Standing Committee on Judicial Independence and Standing Committee on Federal Judicial Improvements, seeks to support justice reform and improve the administration of justice generally within the United States. In addition, the ABA’s Task Force on the Preservation of the Justice System addresses funding of the justice system within the United States and the struggle to ensure that the system provides access to justice. More specifically regarding access to justice for the poor and vulnerable and disadvantaged, the ABA’s Standing Committee on Legal Aid and Indigent Defense has developed highly regarded expertise in the provision of legal aid in both criminal and civil matters. In this last regard, the Standing Committee has created a Resource Center to support and assist efforts in state and local governments of the United States to expand access to justice.

The ABA has established the ABA Rule of Law Initiative (ROLI), a clearinghouse for ABA Rule of Law activities. ROLI provides technical assistance internationally on such matters as access to justice and human rights, judicial reform, legal profession reform, legal education reform, prosecutorial reform, human trafficking, detention procedures, and in regard to certain U.N. treaties, for example, the U.N. Covenant on Civil and Political Rights and the U.N. Convention on the Elimination of All Forms of Discrimination Against Women.

To enhance the technical assistance and rule of law activities of the ABA around the world, ABA ROLI operates programs in over fifty countries in five geographic areas: Africa; Asia; Europe and Eurasia; Latin American and the Caribbean; and the Middle East and North Africa. Each of the five regional programs is responsible for initiating, developing and implementing ABA technical assistance, including in the area of enhancing the rule of law, in their respective regions of the world.

In addition, the ABA, through its Section of International Law, has created the International Legal Resource Center (ILRC) to enhance access to worldwide pro bono legal expertise for technical assistance projects of the United Nations Development Programme (UNDP), including the providing of legal research.

In the area of human rights, the ABA has affirmed its support for the rule of law in the international community through a number of programs and projects. The ABA Center for Human Rights has a broad mandate for addressing human rights issues around the world, and has developed educational programs in order to promote a greater understanding of and belief in the importance of human rights.
On a number of occasions, the ABA has noted with deep concern the reported arrests, detention and sentencing of lawyers because of their representation of clients and has affirmed its support for human rights advocates who are striving to uphold human rights and the rule of law. Towards this end, the President of the ABA is authorized to send "rule of law" letters to the government leaders of countries where violations are alleged to have occurred requesting the facts as to such situations.

In addition, the ABA has established an International Human Rights Trial Observer Project, which sends ABA representatives to observe trials with significant human rights implications. Before undertaking their assignments, trial observers receive a briefing on the political circumstances surrounding each trial and the details concerning the indictment, relevant statutes, and the criminal procedure of the host country. Observers submit a report to the ABA President and interested ABA entities after each mission.

In the area of gender equality, the ABA has considerable expertise through its Commission on Women, its Section of International Law, and other ABA entities. In one project, the ABA Section of International Law has created an online resource on laws and law reform efforts concerning gender equality around the world, the International Models Project on Women's Rights (IMPOWR). By providing comprehensive and multifaceted cross-country comparisons of law reform efforts concerning women’s rights, the IMPOWR Research Database supports the implementation of the principles underlying the Convention on the Elimination of All Forms of Discrimination Against Women.

In the area of public education and the rule of law, the ABA Division for Public Education has particular expertise and in 2011 produced and distributed a publication aimed at assisting teachers of civics, government, history and law, in educating students about the United Nations and the rule of law.

Finally, the ABA was instrumental in creating and continues to support and partner with the World Justice Project in a number of ways. The World Justice Project is an independent nonprofit entity established by the ABA and numerous other bar associations, professional societies and civil society groups around the world. Its purpose is to advance the rule of law in the U.S. and throughout the world. It is working to create new networks of leaders from various disciplines, develop new tools, and incubate new programs to strengthen the rule of law at home and abroad, including the creation of the World Justice Project’s Rule of Law Index, which has received wide international recognition and support.

In conclusion, the American Bar Association applauds the Secretary General and the General Assembly on the occasion of this High-level Meeting on the Rule of Law. The ABA, working alone and, where appropriate, with state and local bar associations and other bar associations and international legal organizations around the world, stands ready to assist the United Nations and Member States in their ongoing efforts in enhancing the rule of law, both at the individual national level and internationally.