



RUTH PANJAITAN FOR USAID

USAID RULE OF LAW ACHIEVEMENTS REVIEW, 2005-2020

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DRG LEARNING, EVALUATION, AND RESEARCH ACTIVITY II

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ACRONYMS

Acronym	Definition
ABA-ROLI	American Bar Association Rule of Law Initiative
ACA	Agency for Court Administration
ADR	Alternative Dispute Resolution
AECID	Agencia Española de Cooperación Internacional para el Desarrollo (The Spanish Agency for International Development)
BWJA	Bangladesh Women Judges' Association
CHRAJ	Commission on Human Rights and Administrative Justice
CJH	Community Justice Houses
CMS	Case Management System
CRO	Court Reorganization and Optimization
CSJ	Council on the Selection of Judges
CSM	Conseil Supérieur de la Magistrature
CSO	Civil Society Organization
CTS	Case Tracking System
DAI	Development Alternatives, Inc.
DOJCD	Department of Justice and Constitutional Development
DRC	Democratic Republic of the Congo
DRG	Democracy, Human Rights and Governance
EU	European Union
FJP	Forum for Joint Policy
FLACC	Free Legal Aid Coordinator Center
FSN	Foreign Service National
FY	Fiscal Year
GBA	Georgian Bar Association
GBV	Gender-Based Violence
HCOJ	High Council of Justice
HJPC	High Judicial and Prosecutorial Council
HJTC	High Justice Training Center
ICMS	Integrated Case Management System
INACIF	National Forensic Sciences Institute
IT	Information Technology
JN	Justice Network
JSRS	Justice Sector Reform Strategy
KII	Key Informant Interview
KJC	Kosovo Judicial Council
KPK	Corruption Eradication Commission
LAC	Latin America and the Caribbean
LCRM	Moldovan Legal Resource Center
LEA	Law Enforcement Agency
LER	Learning, Evaluation and Research
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
MAINA	Holistic Attention Models for Children and Adolescents
MCI	Model Courts Initiative
MEL	Monitoring, Evaluation & Learning
MENA	Middle East & North Africa

MOJ	Ministry of Justice
MOU	Memorandum of Understanding
MPOI	Model Prosecution Offices Initiative
NATO	North Atlantic Treaty Organization
NEMO	Next Generation Evaluation, Measurement, and Observation
NLASO	National Legal Aid Services Organization
NPA	National Prosecuting Authority
NTP	National Target Plan
ODC	Office of Disciplinary Council
PEA	Private Enforcement Agents
PPP	Prosecutor Partnership Program
ROL	Rule of Law
SCM	Superior Council of Magistracy
SGBV	Sexual and Gender-Based Violence
SI	Social Impact
SOCA	Sexual Offenses and Community Affairs Unit
TCC	Thuthuzela Care Centres
UMECAS	Unidades de Medidas Cautelares
UN	United Nations
UNDP	United Nations Development Programme
UNM	United National Movement
UNMIK	United Nations Interim Administration Mission in Kosovo
U.S.	United States
USAID	United States Agency for International Development
USD	United States Dollar
USG	United States Government
WJC	Women's Justice Centers

EXECUTIVE SUMMARY

Introducing fundamental change to justice systems that support the rule of law (ROL) is not simple and quick. Whether the goal is to strengthen judicial independence and self-governance, improve the administration of justice, expand access to quality justice services, protect fundamental rights, or combat crime and corruption, ROL promotion is complex and requires a long-term commitment. The United States Agency for International Development (USAID) began significant ROL programming in the 1980s. Today, USAID ROL programs span all five regions of the world and address diverse problems faced by many different types of justice systems.

NEEDING A ROL ACHIEVEMENT REVIEW

USAID and the Democracy, Human Rights, and Governance (DRG) Center have undertaken numerous studies to improve ROL programming, from impact evaluations to cataloguing technical approaches. Building on that work, this *Rule of Law Achievements Review* represents the first effort in almost twenty years to conduct a global review of USAID ROL efforts. The DRG Center contracted Social Impact (SI) to conduct this review through the DRG Learning, Evaluation, and Research Activity II (DRG LER II) mechanism, focusing on USAID's more recent ROL work from 2005 to 2020. The SI team catalogued 340 USAID-funded activities implemented in 83 countries that had significant components that fell within USAID's ROL technical approaches typology, including traditional justice system programming, human rights, citizen security, and anti-corruption programming.¹ The team then selected 16 countries—targeting strong, diverse examples of ROL programming across five regions—for key informant interviews to explore their ROL work more deeply.

With this study, the DRG Center looks at results that are not commonly captured: those concrete achievements that have been sustained beyond USAID programming and contribute meaningfully to a country's ROL. SI's research team of four ROL experts set out to answer one central question:

What concrete and sustained achievements have USAID ROL assistance activities made or contributed to since 2005?

In answering this question, SI interpreted ROL broadly, encompassing all activities that fall within USAID's ROL typology.² For this review, “concrete and sustained” means achievements that have significantly enhanced the ROL in a particular country over time. Both aspects are important, because some achievements may be concrete and significant, but fail to be sustained over time due to political backsliding or contextual changes that are outside of USAID's control.

USAID'S ROL PROGRAMMING: 2005-2020

In many countries, USAID ROL programming from 2005 to 2020 built on earlier investments to consolidate previous achievements. In countries where genuine reform only began during the review period, USAID programming applied lessons learned from earlier assistance efforts.

USAID also made some substantial changes to its ROL programming between 2005 and 2020. Notably, USAID increased its support to civil society organizations (CSOs) focused on justice-related results, while maintaining its engagement across the full spectrum of justice institutions, including police,

¹ Activities focused solely on anti-corruption were excluded based on agreement with USAID during the inception phase.

² See Annex A: ROL Technical Approaches Typology.

prosecutors’ offices, public defenders’ offices, legal aid commissions, judiciaries, the legal profession, and law schools. In addition, USAID began to support the private sector in its collaboration with justice actors to improve commercial justice systems and mechanisms. USAID’s engagement with this broad array of local actors, including informal and customary justice providers, facilitated greater momentum for results-oriented reform in many countries and heightened the sustainability of change and innovation.

In essence, USAID’s ROL programming approach centered on systems, services, and society:

- The **systems** made of the aggregate efforts of the actors, however imperfect, to build and maintain justice-related results;
- The **services** these systems provide to meet justice needs and solve legal problems; and,
- The **society** that engages and demands the ROL.

While all regions faced significant ROL challenges, including conflict and instability, weak institutions, lack of political will, widespread corruption, and crime, USAID support to promote the ROL varied among regions and over time. ROL investments in Sub-Saharan Africa, for instance, were significantly smaller than in Europe and Eurasia and work in the Western Hemisphere. Funding also varied significantly over time. Between 2015 and 2010, USAID global investments in ROL programming decreased by 28 percent, including a 65 percent decrease in the Middle East and North Africa from the region’s high point in 2010.³ Nonetheless, because programming was tailored to each country’s unique needs, USAID was successful in producing or contributing to many concrete and sustainable ROL achievements.

THEMES FOR GLOBAL ROL ACHIEVEMENTS

Though specific achievements differed across countries, this study revealed several common themes. These themes and examples of significant achievements are summarized in the following table and explored further below.

Table 1: Summary of Achievements

COUNTRY	ACHIEVEMENT
1. GREATER JUDICIAL INDEPENDENCE	
Bosnia and Herzegovina	Development of High Judicial and Prosecutorial Council (HJPC) and Ministry of Justice (MOJ); civil society monitoring and advocacy
Democratic Republic of the Congo (DRC)	A stronger <i>Conseil Supérieur de la Magistrature</i> (Superior Council of Magistrates [SCM])
Ghana	Budget control and oversight measures of judicial processes
Jordan	Support to the Judicial Council; professionalizing the judiciary and elevating the role of women
Kosovo	Restructured and strengthened Kosovo Judicial Council, with an established Secretariat
Kyrgyz Republic	Transfer of control of the judiciary to the Council on the Selection of Judges
South Africa	Creation of the Office of the Chief Justice
2. ENHANCED ADMINISTRATION OF JUSTICE	

³ ForeignAssistance.gov Dashboard <https://foreignassistance.gov/>, calculated using *Rule of Law and Human Rights* sector programming across regions from 2005 to 2020.

COUNTRY	ACHIEVEMENT
Bosnia and Herzegovina	Model courts and prosecutors' offices
Colombia	Normative frameworks that provided definitions and guidelines for many crimes and serious offenses to improve investigations and prosecutions
DRC	Access to new legislation, including the penal code
Dominican Republic	Institutional strengthening and coordination among justice system stakeholders
Georgia	Civil society monitoring and advocacy for judicial independence
Guatemala	Creation of specialized 24-hour criminal courts
Indonesia	Strategic planning and a case tracking system
Jordan	Creation of the MIZAN Court Automation and Case Management System
Kosovo	Establishment of private enforcement agents to improve enforcement of judgments
Mexico	Criminal justice reform that shift systems from inquisitorial to accusatory
Moldova	Automation of the judiciary; court reorganization and optimization; civil society advocacy and monitoring
South Africa	Adoption of an integrated court management model
West Bank and Gaza	Creation of MIZAN Court Automation and Case Management Systems
3. IMPROVED ACCESS TO AND TRUST IN THE JUSTICE SYSTEM	
Bangladesh	Expanded and strengthened legal aid offices in all 64 districts, including remote locations
Colombia	Community Justice Houses (CJHs)
DRC	Free legal aid and alternative dispute resolution mechanisms
Dominican Republic	CJHs
Georgia	Development of legal aid service; greater transparency of the judiciary
Guatemala	Creation of holistic attention models for children and adolescents (MAINA)
Kyrgyz Republic	Constitutional changes and a strengthened defense bar through free legal aid
Mexico	Support to civil society like Women's Justice Centers that increased effective access to justice
West Bank and Gaza	Support to family courts
4. PROTECTION FOR DEFENDERS, WOMEN, AND VULNERABLE GROUPS	
Bangladesh	Improved enforcement of workers' rights; support for a more gender-inclusive legal profession
DRC	Support to human rights defenders and CSOs; holistic support services for sexual and gender-based violence (SGBV) survivors
Guatemala	Creation of MAINA
Jordan	Professionalized judiciary and elevated role of women
Kosovo	Improved capacity of the constitutional court; enhanced property rights for women
Mexico	Human rights laws and mechanisms
South Africa	Improved legal assistance and services for victims of SGBV with 28 sexual offense courts and prosecutor training

COUNTRY	ACHIEVEMENT
5. ENHANCED ABILITY TO COMBAT CRIME, CORRUPTION, AND INSECURITY	
Bosnia and Herzegovina	Prosecutor Partnership Program
Colombia	Support to the national schools of the judiciary and public ministry
Georgia	Introduction of experiential legal education at several universities and strengthening continuing legal education at the Georgian Bar Association
Guatemala	Establishment of the National Forensic Sciences Institute (INACIF)
Indonesia	Strengthened the Corruption Eradication Commission (KPK); clinical legal education and other programs
Kyrgyz Republic	Creation of the National Advocatura of the Kyrgyz Republic
Mexico	Curricular reform, national mock trial competitions, and post-graduation employment support to law schools and thousands of students

ACHIEVEMENT 1: GREATER JUDICIAL INDEPENDENCE

Democratic backsliding happens in many ways and is driven by both internal and external factors. Countries that have strong, independent judicial institutions capable of self-governance may be less susceptible to backsliding, because such institutions contribute to a separation of powers where the executive branch does not have unfettered discretion to act.

To achieve judicial independence and self-governance, judicial institutions must be equipped to select, monitor, discipline, and train judges over an extended period. During the review period, USAID supported councils of justice and judicial training centers, many of which were created with USAID assistance before 2005. This was the case with USAID programming in Kosovo and Bosnia and Herzegovina. In Bosnia and Herzegovina, USAID assistance to the HJPC enabled the Council to reshape the justice system by shifting control of administration of the system from the MOJ to a more transparent, independent, and self-governing judiciary. In Kosovo, USAID supported restructuring the Kosovo High Judicial Council Secretariat to enable Council members to fulfill their mandate more effectively. In the DRC, USAID provided support to the CSM to reinforce its independence, including moving CSM’s offices outside of the MOJ. Similarly, in South Africa, USAID supported the transfer of essential judicial services and administrative duties from the Department of Justice and Constitutional Development, which was housed in the executive branch, to the independent Office of the Chief Justice.

ACHIEVEMENT 2: ENHANCED ADMINISTRATION OF JUSTICE

To increase court efficiency and improve the capacity of judicial councils to monitor the courts, USAID introduced innovative practices, including automation, to many countries. For example, after providing more than a decade of sustained assistance, USAID equipped the Moldovan justice system with a sophisticated integrated case management system (ICMS) that transformed justice and court operations. In the Middle East, USAID supported development of the MIZAN Court Automation System in the West Bank and Gaza and replicated this system in Jordan. USAID also supported development of ADALA, a CMS for the family courts in the West Bank and Gaza. These automated systems both enhance efficiency and reduce opportunities for corruption due to heightened oversight. In South Africa, USAID supported a management model featuring professional court administrators that helped improve

court efficiency. By shifting administrative tasks previously conducted by judges to court administrators, judges had more time to focus on decision-making.

ACHIEVEMENT 3: IMPROVED ACCESS TO AND TRUST IN THE JUSTICE SYSTEM

Billions of people have unmet justice needs that affect their ability to navigate their daily lives; marginalized populations and underserved communities are often disproportionately affected. Unmet justice needs may include dispute resolutions, property rights, legal aid, victims' services, access to government services, and other areas that touch upon the law. Even when legal services may be available, lack of trust in the justice system can deter individuals from seeking resolution. USAID supported a range of actors that helped people gain confidence in the justice system and resolve their law-related problems, including non-governmental organizations and other institutions both inside and outside of the formal justice sector.

Most prominent among this form of USAID's ROL programming was support for legal aid and law clinics, which spanned several regions. In Bangladesh, USAID supported the National Legal Aid Services Organization (NLASO) in professionalizing legal aid by developing rules and regulations and training legal aid officers. USAID also supported greater access to justice for particularly vulnerable groups. In Guatemala, MAINA established services at prosecution offices to provide youth and victims of violence with access to the justice system. In Colombia and the Dominican Republic, USAID supported CJHs, which provided spaces where families and individuals could go to resolve disputes. In the DRC, USAID successfully tailored trainings for paralegals and community justice advocates to conduct legal interventions and mediations and refer cases to pro bono attorneys or remote courts or tribunals.

ACHIEVEMENT 4: PROTECTION FOR DEFENDERS, WOMEN, AND VULNERABLE GROUPS

Protection of human rights defenders and rights for vulnerable groups are also critical to ensuring improved access to justice. In the DRC, USAID organized protection networks composed of local CSOs and created the Next Generation Evaluation, Measurement, and Observation (NEMO) system, an online platform for reporting threats to the protection networks. NEMO enabled protection networks and members to investigate, analyze, and respond to threats and assaults against human rights defenders.

To build trust in the justice system, especially for vulnerable groups, citizens need to see that their justice needs are met regardless of their background or circumstances. In many countries, USAID supported legal assistance and services for SGBV victims. For example, in South Africa, USAID helped establish 28 sexual offenses courts and to train prosecutors to pursue and adjudicate sexual offenses using evidence-based best practices. The work of these courts served to increase public confidence in the judiciary, improve case processing, and reduce bottlenecks in SGBV cases. USAID also supported the design, piloting, and the institutionalization of the Thuthuzela Care Centres (TCCs), which offer comprehensive services to SGBV victims. Similarly, in the DRC, USAID pursued a holistic approach to supporting SGBV survivors that integrated psychosocial, medical, legal, and economic activities, which provided survivors with quality and timely care and treatment services.

Part of USAID's efforts to provide greater protection for vulnerable groups include seeking greater representation by women in the legal services. In Jordan, the percentage of women represented in the justice sector increased from three percent to 25 percent from 2008 to 2020, which was achieved by USAID urging implementing partners to involve women in leadership, training, and mentoring programs,

and USAID projects providing educational program scholarships for women. In Bangladesh, USAID began a Women in Justice Initiative, which provided professional development opportunities to female judges, lawyers, and law students. These efforts have contributed to improving the gender balance in the justice sector and empowering women.

ACHIEVEMENT 5: ENHANCED ABILITY TO COMBAT CRIME, CORRUPTION, AND INSECURITY

Corruption is both a threat to the ROL and an opportunity to reform ROL institutions. Corruption is a threat because it undermines the notion that no one is above the law and it is an opportunity because it can be tackled by well-functioning justice sector institutions. As corruption affects all sectors, successful ROL programming can similarly benefit all of USAID's work.

USAID ROL programming strengthened counterparts in their ability to combat corruption. In Bosnia and Herzegovina, USAID implemented a Prosecutor Partnership Program that trained prosecutors to fight corruption and developed specialized tools such as the *Universal Benchbook on How to Prosecute and Adjudicate Corruption and Organized and Economic Crime*. In Indonesia, USAID supported legislation, institutions, and initiatives to combat corruption, including the KPK. USAID also helped with developing standardized sentencing guidelines. Recently, Indonesian courts have regularly convicted national and local politicians, which was previously almost unheard of. In addition, USAID assisted many countries with their transition from an inquisitorial justice system to an accusatorial system that prioritizes transparency and eliminates criminal procedures that contribute to deep-rooted corruption. These transitions required drafting new criminal procedure codes; retraining judges, prosecutors, and defense attorneys; and conducting awareness-raising activities to familiarize citizens to the new system.

USAID's support for legal education reforms was aligned with these efforts by seeking to better prepare the next generation of legal professionals to combat crime and corruption. USAID's efforts included modernizing legal education through experiential learning techniques, such as legal clinics and moot court competitions, and curricular reform to bring law school offerings up to date with the new legislation. USAID's work also included implementing new courses to familiarize students with the USAID-supported accusatorial criminal justice system introduced in many countries. USAID assistance to law schools in Georgia, Jordan, and Mexico are good examples of legal education reforms that support more qualified legal practitioners.

EPILOGUE: THE FUTURE OF ROL AT USAID

This study represents one part of USAID's broader efforts to re-envision ROL programming in the coming era. The lessons learned from USAID's global ROL achievements, coupled with a deeper understanding of how ROL efforts are linked to other aspects of development, demonstrate the critical role of ROL programming in broader global development investments. Individuals, not institutions, will be the focus of USAID's future ROL work. USAID's new draft ROL Policy introduces **people-centered justice** as a new paradigm for ROL work in which justice systems are transformed alongside the people that are most affected by them.⁴ As USAID hones its focus on this aspect of ROL, future programming will be driven by better evidence and a greater understanding of what has led to success in the past.

⁴ USAID. "USAID Rule of Law Policy: A Renewed Commitment to Justice, Rights, and Security for All." 2022. <https://www.usaid.gov/sites/default/files/documents/USAID-ROL-Policy-Draft-External-Review.pdf>. pg. 4. For more background on people-centered justice, see the report by the United Nations Task Force on Justice at <https://www.justice.sdg16.plus/report-old2022>.

METHODOLOGY

The Democracy, Human Rights, and Governance (DRG) Center contracted Social Impact (SI) to conduct this review through the DRG Learning, Evaluation, and Research Activity II mechanism, focusing on the United States Agency for International Development (USAID)'s more recent rule of law (ROL) work from 2005 to 2020.

INVENTORY

The SI team began this study by creating a 15-year inventory of significant USAID ROL assistance activities spanning 2005 to 2020. Completing the inventory entailed cataloguing the universe of USAID ROL activities awarded since 2005 that closed during Fiscal Year (FY) 2020 or earlier. Overall, the research team catalogued 340 USAID-funded activities implemented in 83 countries that had significant components that fell within USAID's ROL technical approaches typology, including traditional justice system programming, human rights, citizen security, and anti-corruption programming.⁵ The resulting inventory served as a resource for the team's desk review, as it contains basic programmatic information, activity objectives and/or descriptions, and a brief summary of activity results, according to program documents.

COUNTRY SELECTION

The study balanced the desire to represent the diversity of USAID programming with the need for sufficient depth to confirm achievements. With limited resources in mind, the research team worked with USAID to select 16 countries (see Table 2 below) which represented strong examples of ROL assistance since 2005. Each country had between three and 15 ROL activities during the review period, and together represent one-third of all ROL activities recorded in the inventory. Selected countries were diverse in many respects: several experienced conflict during the review period, such as the Democratic Republic of the Congo (DRC) and Colombia, while others were still emerging from Soviet rule. Countries ranged economically from low income (DRC and the West Bank and Gaza) to upper-middle income (Mexico and South Africa). USAID's ROL portfolios in the 16 countries were similarly diverse in that they tackled different ROL problem sets in different types of justice systems.

Table 2: Countries of Focus

Regions & Countries	Rationale for Selection
Europe & Eurasia	
<i>Kosovo</i>	ROL institution building since 2005 (Kosovo Judicial Council [KJC], Kosovo Prosecutorial Council) and multi-subsector approach
<i>Georgia</i>	ROL-focused support to civil society as well as justice institutions and subsequent effects on judicial reforms in past ten years
<i>Moldova</i>	Court automation reforms and relevant effects on judicial transparency and ROL
<i>Bosnia and Herzegovina</i>	Achievements from working with international actors to overcome sectorial/three-part state structure
Sub-Saharan Africa	
<i>South Africa</i>	Significant ROL programming over time, including transitional justice

⁵ Activities focused solely on anti-corruption were excluded based on an agreement with USAID during the inception phase.

Regions & Countries	Rationale for Selection
<i>Ghana</i>	Notable success of the case management program; funding by security governance initiative demonstrates interagency coordination
<i>DRC</i>	Important achievements around judicial independence and rights protection before and after a halt in USAID ROL programming in 2013
Asia	
<i>Indonesia</i>	Long history with USAID programming, including a focus on access to justice and natural resources
<i>Kyrgyz Republic</i>	Sustained ROL efforts in judicial reform, including democracy consolidation and anti-corruption
<i>Bangladesh</i>	ROL programming that integrates justice, rights, and security
Middle East & North Africa (MENA)	
<i>Jordan</i>	Longstanding ROL programming over the study period; strong judiciary reform achievements
<i>West Bank and Gaza</i>	Innovative programming associated with regular and family courts
Latin America & the Caribbean (LAC)	
<i>Colombia</i>	Most significant ROL programming in the region, with notable successes in access to justice
<i>Dominican Republic</i>	Significant ROL programming despite limited funding, most notably with respect to citizen security
<i>Guatemala</i>	Significant ROL programming since the 1990s; robust programming over the study period with various successes
<i>Mexico</i>	ROL programming at the federal state level, including innovative approaches to facilitate fundamental reform and transition to the accusatory justice system

DATA COLLECTION

SI piloted the country review process in Guatemala and the Kyrgyz Republic to test the approach and tools, including the use of the achievements matrix that the study team developed during the inception phase. The achievements matrix (see Annex B) set clear standards for supporting evidence in alignment with USAID’s ROL typology to aid the team in determining whether a result met the criteria of a concrete and sustained achievement. The pilot confirmed that with careful selection of key informants, the proposed methods generated sufficient data to answer the central study question, although the limitations noted below remain.

In each country, researchers utilized available program documents to record program achievements and identify any initial supporting evidence. Based on background documents and discussions with USAID, the research team developed a list of seven key informants in each country who could speak to the country’s ROL progress over the review period. Researchers conducted semi-structured key informant interviews (KIIs) to identify further concrete and sustained achievements made by USAID programming. For potential achievements, the research team attempted to gather supporting evidence and assess the key factors for success. SI conducted a total of 112 remote KIIs.

While the main unit of analysis for this review was the country, the research team also summarized findings at the regional and global level, drawing on comparative analyses to characterize regional and global achievements and highlighting the ROL context and programming strategies employed.

LIMITATIONS

While this review was designed to be as systematic as possible given the available resources and broad scope, several limitations should be kept in mind when interpreting findings. First, the concept of a “concrete and sustained achievement” is not one that is widely used. Like most development agencies, USAID does not routinely measure or report results beyond an activity’s lifespan. Donors rarely invest in such studies, and for understandable reasons: it is inconvenient to do once program teams disband; it is difficult to measure lasting change and attribute it to the programming of a single donor, and it can be disappointing, as the effects of good programming can be undone by external factors.

To examine potential achievements, the study team used the inventory and available program reports to understand USAID’s programming efforts and relied on KIIs to understand the changes in ROL. The interview process involved querying these achievements for evidence, such as by asking if courts still used an innovative process in the years after USAID introduced it. This approach meant that the achievements captured depended greatly on the ability of the key informant to speak to achievements over the study period, with the important caveat that interviews could only be done in English, Spanish, and French due to resource constraints.

The research team consulted available secondary data, such as ROL indices, to explore changes over time. While several different data sources are available, they rarely enabled useful comparison; the study team found that indices were often too broadly constructed, or the components did not align with USAID’s approaches in country. Similarly, the study team considered analyzing the size of USAID investment as a factor in their analysis but found that financial records do not align with the definition of ROL programming used in this report.

Finally, while this study was designed to gather evidence of achievements, it was not designed to represent all USAID programming. Moreover, because the intention was to explore positive results, the research team worked closely with USAID to choose countries that were most likely to have had sustained achievements while still generally representing the five geographic regions. Similarly, the study team used KIIs to identify and validate potential achievements and did not have the time or mandate to explore factors behind interventions that were not sustained.

REGIONAL SUMMARIES

AFRICA

STATE OF ROL, 2005-2020

During the review period, many African governments have increasingly appreciated that security, good governance, economic prosperity, and social justice rest on respect for the constitution and a culture of ROL. As they abandoned military, apartheid, and authoritarian rule in favor of democratic reform, many African countries introduced constitutional guarantees, such as the right to counsel, freedom of the press, and access to information. However, many such legal reforms have not been fully implemented due to financial constraints, nepotism and elitism of political appointments, and poorly managed institutions. As constitutional reform initiatives aim for increased social inclusion, more work remains to deliver justice services to meet the needs of diverse, vulnerable populations. For example, customary, traditional, and religious dispute resolution authorities were only recently recognized as legitimate alternative dispute resolution (ADR) mechanisms by constitutional and legal agencies.

USAID PROGRAMMING RESPONSE AND APPROACH

USAID investments reached 19 of 54 African countries during the review period, according to the inventory.⁶ However, ROL investments in Africa, worth over United States Dollar (USD) 106 million, have been modest compared to the investments made in LAC and Europe and Eurasia, which respectively totaled USD 496 million and over USD 147 million during the same period. The Africa DRG budget dropped from over USD 300 million in FY 2010 to about half of that amount in FY 2015. Congressional directives like Power Africa and Trade Africa inadvertently reduced the amount of discretionary funding available for democracy and ROL promotion.

In the early 2000s, USAID and United States Government (USG) ROL programming focused on foundational activities to strengthen judiciaries and judicial legitimacy. The primary goal of this programming was to institute checks and balances on executive power, combat corruption, and confront key social justice issues through civil society strengthening and media. USAID worked to improve accountability institutions and provided national and local legislatures with technical assistance to draft laws, legal codes, and regulations. At the same time, USAID's legal empowerment and gender justice initiatives, one-stop justice centers, fast track courts, and legal aid clinics supported a people-centered approach to justice, particularly in the DRC and South Africa.

Many USAID ROL programs in Africa operate under challenging circumstances, including social unrest, conflict, terrorism, political instability, corruption, and poverty. Lukewarm political will for genuine judicial and legal reforms also slowed the pace of reforms. In addition, China's "no strings" investments in the region stunted the reform process. Strengthening the legitimacy of formal and informal legal justice institutions remains essential to increase confidence and trust in the ability of institutions to meet the needs of the most vulnerable and to enhance civil society's ability to hold officials accountable.

⁶ Access to the inventory developed for this study is limited to USAID staff only.

REGIONAL ACHIEVEMENTS

This section summarizes the most important concrete and sustainable achievements across the three African focus countries selected for this study: the DRC, Ghana, and South Africa. During the review period, all three countries struggled to reform authoritarian systems, consolidate democratic governance, and adopt a ROL culture. They do not represent the region as a whole and are only a small sample of programming, but offer discrete examples of regional USAID achievements.

Increased Judicial Independence: During the review period, USAID's support for judicial independence yielded important achievements. In the DRC, USAID assistance reinforced the independence and functionality of the *Conseil Supérieur de la Magistrature* (CSM), including by moving CSM's offices outside of the Ministry of Justice (MOJ). Improvements in judicial professionalism and discipline transformed the CSM into an institution respected by DRC judicial actors and citizens. In South Africa, making the Office of the Chief Justice the head of all courts and an independent entity was an important step toward greater judicial independence.

Enhanced Administration of Justice: USAID's efforts to enhance the administration of justice also resulted in important achievements. USAID supported the development of Ghana's first ever interagency nationwide integrated management and case tracking system (CTS). The CTS links the courts and judicial authorities with law enforcement agencies (LEAs) nationwide to improve information sharing and coordination. The system has improved Ghanaian LEAs' capacity to effectively investigate, monitor, and prosecute criminal cases that were previously significantly delayed due to poor interagency communication. In South Africa, USAID worked with the Department of Justice and Constitutional Development (DOJCD) and court services team to establish an integrated case flow management system and court management model with a cadre of court administration professionals.

Strengthened Rights Protection: USAID's work to address human rights violations in Africa also led to significant achievements in holding the justice system accountable. In the DRC, USAID focused on developing early warning systems for rights violations at the community level and bolstering the capacity of CSO actors and human rights defenders (HRDs) to monitor, report, and document human right abuses. USAID's partnership with the Commission on Human Rights and Administrative Justice (CHRAJ) in Ghana increased the capacity of the CHRAJ to hold the justice system accountable. USAID also provided seed funding for the development of a sustainable electronic web-based CTS for the CHRAJ, which greatly improves administrative processes for efficient case response, tracking, staff supervision, and monitoring.

USAID also addressed human rights violations through specialized courts, training of justice advocates, and supporting civil society organization (CSOs). In South Africa, USAID provided sustained and multi-faceted assistance to tackle issues of sexual and gender-based violence (SGBV), which resulted in improved access to justice and legal empowerment for victims. In the DRC, USAID's logistical support for the deployment of mobile courts in remote areas where judges were delayed or absent was critical to alleviate case backlogs for HRDs, SGBV victims, and prisoners. USAID also trained paralegals and community justice advocates to conduct legal interventions, mediations, and refer cases to appropriate institutions and actors. As such, community justice advocates and paralegals are equipped with knowledge of legal processes and have efficiently resolved legal disputes.

DEMOCRATIC REPUBLIC OF THE CONGO

INTRODUCTION

All of USAID's ROL assistance in the DRC during the review period supported a successful post-conflict transition through access to justice and institutional strengthening. Assistance also buttressed a culture of ROL through legal literacy programs, rights awareness, and confidence-building activities. USAID foundational assistance worked through local NGOs, communities, civil society, and human rights groups to develop civic advocacy skills. These efforts produced constituencies with the capacity to pressure government agencies regarding the delivery of legal and justice services in remote, conflict-prone provinces. USAID's funding aimed at addressing human rights violations and SGBV, empowering citizens to develop affordable restorative justice mechanisms in a region plagued by conflict.

The review period in the DRC was marked by progress in terms of democratization but witnessed continued civil unrest and conflict among armed groups and state security forces. State capacity to promote and safeguard ROL remains weak. In 2006, the first free and fair democratic elections occurred since the country's independence in 1960, which was a turning point in the DRC. The momentum for institutional and governance reform, spurred by the adoption of the 2006 constitution and election results, provided USAID with the opportunity to support progressive leaders focused on legal and judicial reforms. These efforts aimed to increase governmental transparency, support institutional reform, promote more effective service delivery, support respect for human rights and ROL, and establish administrative courts and tribunals. These officials contributed to national and local assessments and project design, which resulted in successful implementation of activities identified for target provinces.

USAID supported DRC reform measures to strengthen the MOJ, the CSM, the National Assembly, and other public institutions through internal audits, training programs, and the empowerment of magistrates, court staff, and mediators to improve legal services' management and delivery. USAID also assisted with strengthening legislative drafting processes and supporting capacity-building in national and provincial assemblies to reinforce transparency and accountability in public resource management. Despite these efforts, reform implementation was difficult, including for reforms focused on introducing transparency and ethics in public management and the courts. Stakeholders consistently lamented the justice system's fragility and lack of financial commitment from the government. These stakeholders perceived that the system suffers from underinvestment, corruption, lack of infrastructure, and incompetent personnel. As a result, USAID reacted to the challenges of the justice sector and suspended general ROL programming in 2013 for reassessment. New programming is currently being planned.

Table 3: USAID ROL Activities, 2005-2020 (DRC)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Building Recovery and Reform Through Democratic Governance in the DRC Project	Development Alternatives, Inc. (DAI)	2008-2010
ProJustice: Promote and Strengthen Justice in the Democratic Republic of Congo	Tetra Tech DPK	2008-2013

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
ESPOIR: Women’s Protection and Empowerment Program - Ending Sexual Violence by Promoting Opportunities and Individual Rights	International Rescue Committee	2009-2014
Overcoming SGBV in Eastern DRC (USHINDI/TUSHINDE)	IMA World Health	2010-2017
Advancing Human Rights and Promoting Electoral Justice	Freedom House	2016-2019

MAJOR ACHIEVEMENTS

Despite the halt in USAID ROL programming in the DRC in 2013, five years of prior USAID contributions towards ROL in the DRC yielded the following achievements: 1) expanded access to justice and legal empowerment through free legal aid and ADRs mechanisms; 2) strengthened rights protections through support to HRDs and CSOs; 3) enhanced judicial independence and self-governance through a strengthened CSM; and 4) enhanced administration of justice through access to legislation.

ACHIEVEMENT I: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH FREE LEGAL AID AND ADRS

USAID supported expanded access to justice by developing systems for free legal aid, improving citizens’ legal and rights awareness, strengthening paralegals and community justice advocates, providing services through mobile courts, and enhancing ADR. USAID supported a pilot program in four provinces, with three participating courts in each province. Courts and tribunals are now more responsive and citizens have access to better representation through legal aid clinics, paralegals, and pro bono attorneys. USAID-supported public forums also promoted dialogue between public officials and constituents.

USAID successfully tailored trainings for paralegals and community justice advocates, which provided these individuals with the skills necessary to conduct legal interventions and mediations and refer cases to pro bono attorneys or remote courts and tribunals. Paralegals and community justice advocates are now equipped with the knowledge to engage with legal processes and resolve legal disputes efficiently. Our research revealed victim satisfaction with these community services and judicial officers saw legal assistance as the most effective and affordable channel to adjudicate court cases in the target provinces. Additionally, these initiatives bolstered the confidence of women and youth community organizations to monitor, report, and document violence.

USAID also supported mediation, customary dispute resolution, and conciliatory mechanisms. Stakeholders commented that legal empowerment and the integration of ADR mechanisms into the justice system have increased public trust and confidence in legal services and legitimized ROL at community levels.

USAID’s legal literacy activities enhanced citizens’ abilities to hold officials accountable for abusive or arbitrary conduct. To achieve this level of citizen engagement, USAID supported information dissemination about legal assistance services, access to courts, and local ADR mechanisms. USAID collaborated with traditional authorities to deliver this information through community workshops and

broadcast radio announcements. One example of citizen engagement is “open days” forums. Through these forums, citizens have engaged with magistrates on various issues related to judicial procedures and raised questions about ongoing trials or prosecutions. Public hearings and forums resulted in citizens feeling empowered to demand legal reforms without fearing retaliation and increasing public buy-in around the development of stronger legal institutions. Additionally, forums between judicial officials and constituents influenced communities’ attitudes towards the justice system.

The combination of available free legal aid and reduced court fees have significantly decreased the time and cost for victims to bring a case to court. Further, consistent with the goal of increasing legal awareness and providing transparent, public information, legal fees are now displayed at courts’ entrances.

USAID further provided technical assistance for mobile court standardization to facilitate case backlog reduction and process cases efficiently. USAID’s logistical support for mobile court deployment in remote areas was critical to alleviate case backlogs for HRDs, SGBV victims, and detainees.

ACHIEVEMENT 2: STRENGTHENED RIGHTS PROTECTIONS THROUGH SUPPORT TO HRDS AND CSOS

USAID advanced human rights protections by developing early warning systems for rights violations in communities and bolstering the capacity of CSOs and HRDs to monitor, report, and document human rights abuses. USAID assistance developed strategies and policies for CSOs and HRDs to address and prevent atrocities and prompt timely responses.

USAID organized protection networks of local CSOs in six target provinces to act as support groups for HRDs and created the Next Generation Evaluation, Measurement, and Observation (NEMO) system, an online platform for reporting threats to the protection networks. NEMO enabled protection networks and members to actively investigate, analyze, and respond to threats and assaults against HRDs as well as to generate credible reports on human rights violations. USAID assisted the protection networks in organizing NEMO trainings and conducting awareness-raising activities. Stakeholders expressed heightened satisfaction with activities that informed victims on the rules and procedures necessary to access legal aid and reparations and how to advocate for legal reforms.

USAID also conducted assessments and provided targeted training to strengthen partner CSOs’ skills, including advocacy skills. USAID partners helped create both a Human Rights Commission and a Gender, Family and Children Commission, which were established by the National Assembly in March 2019. The institutionalization of these two committees is a key achievement for non-governmental organizations (NGOs) and CSOs, as these committees have jurisdiction to examine all human-rights related legislative reforms. Lastly, USAID aided 39 CSOs that contributed to the DRC Human Rights Report, which was subsequently submitted and presented by HRDs to the Human Rights Committees Review Session in Geneva in 2017.

Since 2002, USAID has been a major donor regarding SGBV response and prevention in the DRC. USAID provided emergency programming to SGBV survivors while simultaneously strengthening court, tribunal, and police capacity to address and resolve SGBV. USAID pursued a multi-layered approach to support SGBV survivors, which integrated psychosocial, medical, legal, and economic activities and provided survivors with quality, timely, and appropriate care and treatment services. USAID’s support also increased and improved organizational and community capacity to identify and respond effectively to SGBV cases. Training sessions for paralegals and traditional leaders were instrumental in remote

communities to sensitize these actors to SGBV cases. USAID assistance also successfully forged partnerships between CSOs and pro bono lawyers to defend SGBV victims and secure legal remedies, and empowered women to advocate for legal assistance for SGBV survivors. Due to USAID interventions, SGBV victims increasingly demand legal services and courts enforce more decisions favoring victims.

ACHIEVEMENT 3: ENHANCED JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE THROUGH A STRONGER CSM

USAID's assistance improved the professionalism and discipline of the CSM and increased its reputation throughout the country. This assistance also resulted in a generally strengthened judiciary due to the CSM's independence from the executive branch. USAID helped establish a CSM secretariat and conducted capacity-building activities for the CSM board, which enabled it to develop and implement policies, rules, and procedures for the internal management of the judiciary. These policies covered topics such as the appointment, training, and discipline of judges. The CSM also established offices outside of the MOJ. Lastly, USAID training empowered the President of the Appellate Court and the Permanent Secretary of the CSM to develop and submit budgets to Parliament, which resulted in an increase in legislated funds.

USAID also assisted the CSM in drafting a code of ethics for judicial actors. Furthermore, USAID supported the successful creation and implementation of disciplinary chambers in four provinces, supplemented by developing proper policies and procedures to implement disciplinary actions against magistrates. Stakeholders applauded these disciplinary chambers as having helped boost the legitimacy and credibility of the ROL in the DRC.

In addition, USAID supported the MOJ in developing a modern organizational structure that has improved the effectiveness and transparency of the MOJ. USAID assisted with a MOJ audit that resulted in redefining staff roles and responsibilities and provided training to five MOJ officials in human resource management, financial management, and skills to effectively advocate for increased judicial budgets.

ACHIEVEMENT 4: ENHANCED ADMINISTRATION OF JUSTICE THROUGH ACCESS TO LEGISLATION

USAID assisted with developing and disseminating updated criminal procedure codes; improving the quality of hearings, court proceedings, and archives; and reducing time spent on cases. These codes were then disseminated to all judicial actors. Court personnel training conducted by USAID also led to improved court operations. Additionally, USAID's modules for magistrate training were implemented by other donor programs.

The availability of legal information combined with magistrate training significantly improved court processes and the quality and fairness of trials in the provinces. It also improved judicial decision-making transparency and improved the accessibility of judgments and other information. USAID training for lawmakers further increased the number of laws, regulations, and amendments drafted and adopted related to legal and judicial reforms.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

USAID programs demonstrated flexibility over the review period in the face of continuous instability and conflict in the DRC. USAID successfully seized the momentum for reform after the 2006 elections and

worked with progressive officials who were advocates and champions of reform. USAID engaged these officials in preparing national and local assessments and designing and implementing activities in target provinces. Stakeholders appreciated USAID's collaboration and understanding of the complexities of designing activities in conflict areas. Stakeholders also noted that USAID's cooperation with development partners, CSOs, and human rights organizations was key to pragmatic and successful interventions in locations where the state lacked a meaningful presence. USAID worked with the United Nations Development Program (UNDP), the European Union (EU), and other development partners to share materials and training modules and avoid overlap.

GHANA

INTRODUCTION

During the review period, USAID ROL assistance in Ghana focused on transforming the justice system into an efficient, transparent, and functional system that enforces basic human rights and resolves citizens' disputes in a timely fashion. Building on previous investments, USAID has made important contributions to reestablishing a ROL culture, empowering civil society, and improving government accountability and responsiveness in Ghana.

Ghana's transition from military rule to democratic, civilian control was cemented with the establishment of constitutional rule in 1992, followed by the first peaceful transfer of power from one political party to another in 2001. At this time, the new government sought to consolidate and strengthen "the democracy project" with the goal of entrenching ROL as a safeguard against arbitrary governance, and to establish the legitimacy of a democratic state to protect fundamental rights and freedoms. Over the last two decades, Ghana made considerable progress towards establishing democratic governance by promoting reform efforts to uphold the ROL with an independent judiciary, evolving legislative framework, and robust civil society.

Although the judiciary has demonstrated improved levels of impartiality, issues of corruption and unpolitical influences continue to hinder progress. Several respondents referenced the stagnation of constitutional reforms and expressed disappointment with what is perceived as a lack of commitment by the government to continued constitutional, judicial, and legislative reforms. Likewise, implementation has stalled on several laws that would help strengthen government anti-corruption initiatives, including laws to strengthen procurement, financial management, and audit functions. Despite these challenges, USAID's investment in Ghana yielded several significant achievements in the ROL during the review period.

Table 4: USAID ROL Activities, 2010-2020 (Ghana)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Strengthening Transparency, Accountability & Responsiveness Project	Coffey International	2010-2015
Accountable Democratic Institutions & Systems Strengthening Project	Ghana Integrity Initiative/Transparency International	2014-2019
Ghana Justice Sector Reform Case Tracking System Activity (Ghana CTS)	Chemonics	2018-2021

MAJOR ACHIEVEMENTS

USAID's ROL investments in Ghana have yielded three concrete achievements: 1) enhanced administration of justice through a CTS; 2) expanded access to justice through civil society strengthening and human rights promotion; and 3) strengthened judicial independence and self-governance through budget control and oversight mechanisms.

ACHIEVEMENT 1: ENHANCED ADMINISTRATION OF JUSTICE THROUGH THE CTS

A key achievement that has improved the delivery of criminal justice in Ghana through USAID support is the implementation of a nationwide CTS. The CTS was designed to increase the transparency and functionality of judicial processes by automating key services.

As part of the CTS development, USAID ensured that technologies were user-friendly by conducting test phases to identify software requirements for sustainable use and network expansion. This was followed by supporting the development of standard operating procedures for relevant agencies, developing training programs for users, and helping the rollout of the CTS across regions. USAID also donated the equipment necessary for the CTS's operation. Lastly, targeted training in change management was critical to helping key stakeholders shift from the manual to the digital system, including magistrates and circuit, high court, and appeal judges.

Stakeholders also highlighted the CTS's role in assisting judges to reduce prison back logs. Improved recordkeeping systems have helped to identify prisoners who have likely been held longer than their sentence, which enabled the criminal justice system to comply with domestic and international human rights standards. Stakeholders commented that this has highlighted the need for new laws and alternatives to imprisonment.

USAID has also taken steps to ensure the sustainability of the CTS by providing support to establish a CTS joint task force composed of the chief directors of four key ministries to facilitate dialogues for inter-agency coordination, training, and resources, for the purpose of improving productivity and securing budget approvals. Stakeholders point to the success of the task force, which resulted in the chief justice proposing a line item in the judicial budget for CTS maintenance and upgrades to ensure its sustainability. USAID is also providing support to the Bureau of Communications to provide the judiciary with sufficient internet connectivity to host the CTS server. Notably, USAID is engaged in a process of transferring full ownership of the CTS to the Government of Ghana, predicated on a commitment to sustainability, adherence to and enforcement of the standard operating procedures, and the continuation of the joint task force.

ACHIEVEMENT 2: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH CIVIL SOCIETY STRENGTHENING AND HUMAN RIGHTS PROMOTION

A second concrete achievement of USAID ROL programming is expanded access to justice through civil society strengthening and human rights promotion. USAID investments in this area resulted in expanded legal aid and human rights awareness, improved government responsiveness to citizens' demands and needs, reduced corruption, and enhanced criminal justice.

USAID developed strategic partnerships with influential NGOs and CSOs that strengthened their ability to hold national and local governments more accountable and push for criminal justice reform. Through USAID's support, citizens' groups became empowered with knowledge, tools, and skills to effectively monitor, engage, and advocate in annual planning and budgeting sessions and lobby policymakers. USAID successfully institutionalized CSO engagement with district governments through a memorandum of understanding (MOU) between organized citizen groups and more than 30 respective District Assemblies. With respect to the ROL, these key NGOs convened a roundtable to review and assess the progress of the Office of the Special Prosecution in fulfilling its mandate, which resulted in several practical recommendations to strengthen the prosecution of corruption cases. Additionally, USAID

capacity-building activities resulted in advocacy strategies using media, public opinion surveys, and civic education to empower citizens in demanding the passage of key legislation, including the Right to Information Law, Public Financial Management Law Regulations, and the Office of Special Prosecution. As a result of these efforts, there has been considerable progress to expose and curb corruption and enhance the responsiveness of national and local representative institutions to citizens. The transformational impact of USAID assistance forged alliances between civil society, Parliament, and the media to monitor, track, document, and expose corruption through formal reporting mechanisms.

Respondents praised the USAID model of support to CSOs engaged in human rights campaigns. This support is complemented by education programs conducted by national institutions, most notably Ghana's CHRAJ. USAID technical assistance improved access to justice through the integration of paralegal services in district assemblies, the decentralization of the judicial services' public complaints mechanism, and the integration of sign language in selected governance institutions.

Furthermore, USAID seeded funding to the CHRAJ for the development of a sustainable electronic CTS, which allows citizens to report and file complaints online. Judicial services are more accessible via user-friendly mobile platforms with accessible formats of legal procedures. Simplified guidelines were produced on processes and procedures for accessing legal aid, judicial services, courts, and the CHRAJ. In addition, USAID-supported human rights organizations and advocates that provide pro-bono legal services and legal aid can now publicly monitor court processes involving alleged human rights violations.

ACHIEVEMENT 3: STRENGTHENED JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE THROUGH BUDGET CONTROL AND OVERSIGHT MECHANISMS

A third key achievement is the ability of the Ghanaian judiciary to advocate for resources, control its budget, and review legislation. USAID provided technical assistance for judicial officers that allowed them to advocate for increased resource allocation for the judiciary. For instance, the judicial branch now routinely reviews executive and legislative action on the judicial budget. Judicial officers now justify and defend allocations before the relevant parliamentary committees. Additionally, with USAID support, the judiciary continues to increase its ability to conduct judicial review and legislative oversight and engage with several critical bodies including the Parliament, the CHRAJ, and the Ghana Audit Service. Furthermore, stakeholders referenced USAID's role in helping Parliament assert its independence as a co-equal branch through the establishment of a legislative drafting office and capacity-building support to scrutinize bills, improve budget planning, and enhance the management of key executive legal reforms.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

USAID programs in Ghana were designed based on thorough analysis and developed with the perspectives of Ghanaian stakeholders in mind. According to stakeholders, maintaining political will and trust from counterpart institutions were critical factors for success, along with patience and flexibility. USAID demonstrated its commitment to partner CSO sustainability by providing comprehensive support, such as capacity-building related to planning, budgeting, monitoring, financial management, information technology (IT), and communication.

Along with other donors, USAID has been credited with changes in attitudes and perceptions on how Ghanaians think about the ROL as a distinguishing feature of its accomplishments. USAID has successfully co-convened meetings that brought together key stakeholders to seek consensus among

donors and host country partners, as well as to share information and views on ROL issues. Such interactions have often led to the development of professional relationships and productive working groups.

Additionally, USAID officers were credited with being engaged and attentive to developments and regional opportunities. Stakeholders credited this attention in part to USAID's flexibility in anticipating the need for programmatic adjustments given political and social unrest, increased threats of terrorism, and regional conflicts.

SOUTH AFRICA

INTRODUCTION

USAID ROL achievements in South Africa during the review period were the result of the convergence of South African and USG priorities, with a focus on pragmatic policies and strategies to transform the justice system to make it accessible, transparent, and legitimate for all South Africans.

During the review period, USAID's ROL programming in South Africa built on previous achievements that contributed to improving the legitimacy, accessibility, and inclusiveness of the South African justice system. USAID worked with the DOJCD to form a program implementation committee composed of key beneficiaries, including the DOJCD, the National Prosecuting Authority (NPA), the Justice College, and USAID. Respondents attribute the success and impact of USAID support for the ROL on a jointly-developed road map and strategy. USAID's efforts built human and institutional capacity, which is responsible for the improved management of justice sector institutions, enhanced case processing and court efficiency, and improved prosecutor-led criminal investigations. USAID also provided consistent support to reduce violence against women and children by institutionalizing a multi-sectoral approach based in Thuthuzela Care Centres (TCCs). As a result of USAID support, key justice institutions are more functional, transparent, and accountable and more South Africans enjoy improved accessibility to and have greater confidence in the ROL.

However, the justice system still faces many challenges despite these significant improvements. For example, although crime rates have stabilized, violent crime remains unacceptably high. Challenges also exist at the operational levels of the judiciary in implementing effective responses to crime and SGBV. Core challenges persist in court administration and the selection and accountability of judges. According to stakeholders, the chief impediments to judicial reform progress have been executive interference and corruption.

Table 5: USAID ROL Activities, 2005-2020 (South Africa)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Increasing Services for Survivors of Sexual Assault in South Africa Program	Soul City Institute; Sonke Gender Justice; Foundation for Professional Development	2013-2018
Criminal Justice Strengthening Program	Business Against Crimes South Africa	2000-2009
Justice Sector Strengthening Program	National Center for State Courts	2010-2012
Justice as a Right in Southern Africa	Freedom House	2010-2017
Women's Justice and Empowerment Initiative	RTI International; DAI	2011-2012
Regional Judicial Independence Project	University of Cape Town	2015-2019
Advancing Rights in Southern Africa	Freedom House	2018-2023

MAJOR ACHIEVEMENTS

USAID's investments in the ROL in South Africa have yielded three concrete and sustained achievements: 1) improved access to justice and legal empowerment through specialized SGBV courts

and care centers; 2) enhanced judicial independence through the Office of the Chief Justice; and 3) enhanced administration of justice through an integrated court management model.

ACHIEVEMENT 1: IMPROVED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH SPECIALIZED SGBV COURTS AND TCCS

USAID invested in comprehensive support to address SGBV issues that resulted in improved access to justice and legal empowerment for victims. Notably, USAID helped establish 28 sexual offenses courts. These courts have had an incredible impact on how sexual assault cases are handled; as a result, the public is more confident in the judiciary and more aware of their legal rights. USAID supported an embedded Overseas Prosecutorial Development Assistance and Training Resident Legal Advisor at the NPA to train special police units and prosecutors to pursue and adjudicate sexual offenses using evidence-based best practices. Training and mentoring modules were developed and institutionalized for conducting more effective investigations and preparing and presenting SGBV cases. As a result, the judiciary improved case flow management and reduced SGBV case bottlenecks.

In addition to the specialized sexual offense courts, USAID contributed to expanding access to justice for vulnerable groups through the expansion of services to SGBV victims. USAID supported the design, piloting, and institutionalization of TCCs, which offer comprehensive services to SGBV victims. TCCs have streamlined the legal process for SGBV victims by establishing linkages between service providers, NGOs, and government stakeholders. These efforts reduced the time to court and increased conviction rates, while contributing to a reduction in SGBV in South Africa. Respondents believed that USAID effectively supported the justice system in addressing violence against women and children, promoting sensitivity to avoid secondary victimization or stigma, delivering a sense of justice to victims, and publicizing the penalties of such crimes.

During the review period, USAID assisted the NPA Sexual Offenses and Community Affairs Unit (SOCA) to expand the number of TCCs, which raised the total number of USAID-established TCCs to 51. 55 core TCC staff, including site coordinators, victim assistance officers, and case managers, were transferred to the NPA's recurring budget, which is a clear indicator of the sustainability of TCCs.

USAID's support empowered SGBV victims, facilitated access to courts, funded research and development of standardization, developed programs for child witness preparation, and conducted public awareness and education campaigns to schools throughout the country. USAID training strengthened civil society's capacity to effectively monitor and report the impact of court processes and judicial decisions on SGBV. USAID technical support developed the integrated domestic violence training manuals and modules institutionalized at SOCA and law enforcement agencies (LEAs). Additionally, USAID supported the development of a uniform information reporting and record keeping systems for NGOs and CSOs to streamline data and information collection to support advocacy for victims, as well as to improve government response. USAID's program was designed to consolidate law enforcement's knowledge of SGBV as a crime and the prosecution's handling the assault cases, which resulted in improved judgements based on the expertise and skills of magistrates and increased vulnerable citizens' confidence.

Several USAID-funded research NGOs and legal service providers are now technical assistance partners working with university clinics, public interest law firms, legal aid boards, and justice centers throughout Africa. This assistance strengthened the capacity of education facilities and NGOs to conduct research,

host outreach programs, educate local communities, provide legal advice, and advise parliament and government agencies. USAID's support of civic education activities in local languages raised awareness of the new constitution and existing laws and promoted national advocacy campaigns to strengthen laws for equal rights including women's rights to inherit land, the criminalization of harmful cultural practices such as sexual violence, and the implementation of rehabilitation and diversion programs for at-risk youth. USAID grants to partner NGOs strengthened legal advice centers, developed and implemented ADR systems, and trained local mediators to prevent and resolve disputes and reduce case backlogs in rural areas.

ACHIEVEMENT 2: ENHANCED JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE THROUGH THE OFFICE OF THE CHIEF JUSTICE

Enhanced judicial independence was achieved through the creation of the Office of the Chief Justice, an independent judicial administrative entity that manages the constitutional courts and lower courts. USAID's technical assistance supported the development of the legislative framework under the 2013 Superior Courts Act, as well as the policies, standards, and guidelines that enabled the migration of essential judicial services and administrative duties from the DOJCD to the Office of the Chief Justice. USAID experts, including federal court judges, worked with key staff to conduct research, develop case studies, facilitate training, and lead study tours for judges and court personnel on court administration roles, processes, and procedures. Stakeholders commented that the country's constitutional and legislative frameworks sufficiently insulate judges from improper influence. The judiciary has successfully maintained its independence despite recent political attacks and attempted interference with the Judicial Service Commission, which selects and vets judges and judicial officers. USAID experts contributed to this achievement by establishing and working through several committees responsible for the drafting of requisite legislative frameworks, strategies, and policies.

USAID provided additional support for judicial independence and self-governance through continuing judicial education. USAID provided assistance for the review and revision of curricula for the Justice College and Judicial Institute and a training of trainers module that was developed by retired South African judges, magistrates, and lawyers and is used to train judicial officers at the Justice College. Of note is the Aspirant Judges Program, whose alumni make up a majority of the black judges serving on current benches, including two Chief Justices.

ACHIEVEMENT 3: ENHANCED ADMINISTRATION OF JUSTICE THROUGH AN INTEGRATED COURT MANAGEMENT MODEL

USAID contributed to enhanced administration of justice in South Africa during the review period because of its successful efforts to professionalize the cadre of court administration staff and introduce an integrated case flow management system. USAID provided technical assistance to establish an inter-department data-driven management model that plans, coordinates, and tracks cases across the justice sector to reduce case backlogs. Working with the DOJCD and court services team, USAID experts helped incorporate existing case flow management procedures, document management, and e-scheduling systems into one electronic integrated case flow management system. Technical assistance was provided to conduct audits, determine the appropriate technology, define training needs, and deliver training and mentoring for system management.

Also, in support of enhanced administration, USAID introduced and institutionalized a court management model based on decentralized decision-making, which allowed court administrators to support judges and magistrates. This began with the successful Re Aga Boswa, translated as “ we are rebuilding,” demonstration program in Kwa Zulu-Natal, which involved 58 courts. Building on this activity, USAID experts suggested a uniform performance management system for the courts and supported a pilot model court program. Each model court drafted a Court Improvement Plan to develop key competencies and court performance measurements as well as to prepare for piloting ICMS improvements. USAID supported the roll-out of the court management program. The use of court performance measurements enhanced efficiency and reduced court backlog.

USAID supported the development of a sustainable cadre of court administration professionals by drafting regulations and standards on the hiring and promotion of administrators, updating training modules and manuals, and providing technical support to improve the capacity of court staff. USAID further improved the cadre’s skills through study tours to the United States (U.S.) Institute of Court Management and other entities, such as the Administrative Offices of the U.S. Courts. These study tours focused on the strategies and skills necessary to improve court management, such as performance measurement, data collection, best practices in IT-enhanced court automation, and technology services to support court operations.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

USAID’s work in the early 1990s cemented a long-term relationship with key justice system and government stakeholders and demonstrated USAID’s commitment to and focus on improving citizen security, human rights, and the professionalism of justice actors, while enhancing transparency and accountability and raising public awareness. As a result, USAID assistance throughout the review period was driven by the MOJ, thereby ensuring involvement of key stakeholders in implementing legal reforms.

USAID established a Program Management Support Office that included South African leadership, DOJCD managers, and USAID experts to plan, design, and develop sustainable budgets, cost-sharing work plans, implementation guidance, performance indicators, and timeframes. This Program Management Support Office worked across and monitored all the justice reform projects. Of notable mention is that the Program Management Support Offices have successfully been integrated into the NPA and Court Services Team. The managers were mentored and trained through human and institutional development.

Stakeholders commented that USAID’s early programming benefited from close collaboration with South African leaders on projects that provided assistance to legal sector NGOs, such as Lawyers for Human Rights and the Legal Resources Center. These efforts challenged apartheid and established the key building blocks to ensure that the South African justice system remained an arena in which to mount equitable legal challenges.

ASIA

STATE OF ROL, 2005-2020

USAID's Asia region encompasses over three dozen countries spanning South Asia, Central Asia, East Asia, and Southeast Asia. The region includes some states with rich governing legacies reaching back thousands of years and other states formed within the last few decades. Across the region, there are vast differences in culture and tradition, including justice systems. Several countries in the region are former Soviet Socialist Republics with a tradition of ROL based on the Soviet system, while many have significant Muslim populations and justice systems influenced by Sharia law to varying degrees. Numerous other traditional and religious legal systems are also present, which makes generalizing particularly difficult. During the review period, many countries in Asia faced challenges as they worked to build new ROL and democratic governance systems. Each of the three focus countries for Asia, Bangladesh, Kyrgyz Republic, and Indonesia, faced specific challenges during the review period, including extremist attacks aimed at court systems, adaptation to post-communist rule, and the aftermath of natural disasters.

USAID PROGRAMMING RESPONSE AND APPROACH

One of USAID's overarching strategic goals in the Asia region during the review period was promoting more pluralistic and responsive governance. USAID's ROL approach was committed to increasing access to the justice system, especially for women and marginalized groups, and improving the capacities of key justice institutions.

During this period, USAID supported a series of programs to consolidate democratic trends, bolster civil society, encourage decentralization, and build ROL. Among other fundamental changes, USAID aimed to promote judicial branch independence from the executive, the right to a jury trial, judicial review of warrants, and the abolition of the death penalty. At the same time, USAID assistance helped the next generation of lawyers develop soft skills, apply development and legal theory to practice, and exercise critical thinking skills. USAID also provided more experienced jurists with the resources to manage cases, increase their budgets, and open up processes to the public. USAID's support for access to justice also resulted in the development of a strong and influential defense bar.

REGIONAL ACHIEVEMENTS

As USAID ROL programs in the Asia region were tailored to the specific needs and circumstances in each country, achievements differed as well. The major achievements in the three focus countries in the Asia region are highlighted below and discussed in greater detail in the individual country sections.

Increased Judicial Independence: In the Kyrgyz Republic, USAID seized opportunities presented by constitutional changes in 2007 and 2010 to support increased judicial independence and move the country further away from its Soviet legacy and the high level of centralized government control. The 2007 constitution expanded the judiciary's independence by requiring the transfer of judicial function control from the executive branch to the judiciary branch. USAID played an important role in developing policy and drafting laws relating to the judiciary, including helping to create the Council on the Selection of Judges (CSJ) outlined in the 2010 constitution. After the resulting mass reelection of judges, USAID provided critical support to the Judicial Training Center for the new judges. USAID's

support also was crucial to reversing the Kyrgyz Republic’s chronic under-financing of the judiciary, which nearly quadrupled from 0.4 percent of the national budget in 2013 to 1.8 percent in 2020.

Enhanced Administration of Justice: To enhance the administration of justice in Indonesia, USAID supported the development of a series of “Blueprints,” which were Indonesian-led strategic plans for the structural development of various judicial institutions, including the Supreme Court. The Blueprints became an important framework to structure and institutionalize a variety of reforms to regulate the judiciary. To improve court administration, USAID supported the development of a CTS in Indonesia. Originally piloted in a small number of courts, the system is now used by over 800 courts. In addition to gains in administrative efficiency, data from the CTS ensures that the supervision, promotion, and transfer of judges is based on fair, objective assessments of performance.

Improved Access to Justice: In Bangladesh, USAID focused on increasing access to justice and supporting the system for providing legal aid. USAID supported the National Legal Aid Services Organization (NLASO) in professionalizing legal aid through development of rules and regulations and the training of legal aid officers. These efforts greatly enhanced the work of Bangladesh’s 64 district legal aid offices and the individual role of legal aid officers. To address widespread abuses in the garment industry, which accounts for 84 percent of Bangladesh’s export revenue, USAID supported training for paralegals that work at the trade unions who protect the rights of vulnerable, predominantly female, garment industry workers. As a result of USAID’s assistance, employers are more likely to follow labor-related protocols.

Improved Legal Education: In all three focus countries, USAID contributed to a stronger legal education system. In the Kyrgyz Republic, sustained USAID support for legal clinics and moot court competitions resulted in the creation of a set of standards that could be used to evaluate clinical legal and educational standards. In Bangladesh, USAID support resulted in a more gender-inclusive legal profession. USAID has backed several initiatives aimed at supporting female law students, young female lawyers, experienced professionals, and judges.

Improved Access to Justice: USAID support was critical to establishment of a national bar association in the Kyrgyz Republic. After nearly a decade of support for legislative drafting and advocacy, the Law on the National Advocatura was passed, and the National Bar Association was formed. The National Advocatura and the regional advocaturas worked to provide a network for defense advocates across the country where they can share their experiences and difficulties, as well as seek assistance and support from one another.

CONCLUSION

The diversity of achievements in Asia speak to the range of challenges and opportunities in the region both throughout the review period and today. USAID’s choices to work with governments willing to reform and through other partners when more fruitful have moved many countries’ justice sector systems and structures in a positive direction and have contributed to the creation of a culture of ROL throughout the region.

BANGLADESH

INTRODUCTION

USAID’s support for the ROL in Bangladesh during the review period began in 2011. One of USAID’s primary goals during this period was to promote more pluralistic and responsive governance, based upon the ROL. These efforts to improve governance encapsulated USAID’s commitment to justice system access, including for women and marginalized groups.

Bangladesh is a multicultural country, influenced by Islam, Hinduism, Buddhism, and Christianity. In addition to the majority Bengalis, there are at least 45 minority ethnic groups in Bangladesh.⁷ The legal system of Bangladesh has been influenced by four distinct historical phases, which include the Hindu, Muslim, British and post-independence periods. Bangladesh’s steady erosion in ROL scores during the review period reflect a challenging climate, as seen in both the Varieties of Democracy and Bertelsmann Stiftung’s Transformation indices. For example, the December 2018 elections were marred by controversy when the ruling Awami League won over 90 percent of the seats, which led to calls by the United Nations (UN) for investigation. Police and courts have become increasingly politicized, and access to justice is limited. In this context, USAID ROL activities in Bangladesh largely focused on expanding access to justice and expanding inclusivity in the legal profession.

Starting in 1993, USAID began supporting legal aid, primarily through the Bangladesh Legal Aid and Services Trust, which provided representation to poor and marginalized Bangladeshi citizens.⁸ USAID expanded support in 2011, which allowed for the Trust to expand to over 2,000 panel lawyers (private lawyers paid by the government) working in 15 locations across the country. Additional support from USAID supported legal services for garment workers and improved professional opportunities for women lawyers and judges.

Table 6: USAID ROL Activities, 2005-2020 (Bangladesh)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Protecting Human Rights	PLAN International	2011-2016
Justice for All	National Center for State Courts	2012-2018
Workers’ Empowerment Program	Solidarity Center	2015-2019
Promoting Peace and Justice Activity	Democracy International	2018-2021

MAJOR ACHIEVEMENTS

USAID’s investments in this sector yielded three concrete and sustained achievements during the review period: (1) enhanced access to legal aid services; (2) improved enforcement of worker’s rights; and (3) sustained support for a more gender-inclusive legal profession.

⁷ UNESCO Diversity of Cultural Expressions. “Periodic Report Bangladesh.”2013. <https://en.unesco.org/creativity/governance/periodic-reports/2013/bangladesh>. pg .3.

⁸ Management Systems International. “Achievements in Building and Maintaining the Rule of Law.” *Hennepin County Library*. 2002. <https://permanent.fdlp.gov/lps50890/pnacr220.pdf>. pg. 152.

ACHIEVEMENT I: IMPROVED ACCESS TO JUSTICE THROUGH INCREASED LEGAL AID

Though laws and legislation existed in Bangladesh for access to justice, their insufficient implementation posed a significant barrier to operationalization. With USAID support, legal aid actors were better able to implement legislation, strengthen legal aid committees, help legal aid officers understand their responsibilities, and expand legal aid services to all 64 districts of Bangladesh, including to increasingly remote locations. USAID worked towards achieving a comprehensive legal aid system that helped clients across the “justice journey” by identifying gaps within the justice system and means of bridging these gaps. One example of a gap that USAID addressed was the Supreme Court’s lack of legal aid services, though the Supreme Court reviews pretrial detentions. The inability to access legal aid in front of the Supreme Court could result in wrongful imprisonment. Due to USAID’s support, the Supreme Court began to offer legal aid services in 2015.

At the outset of USAID’s support in 2012, legal aid committees lacked offices, the 64 District Legal Aid Officer roles had not all been filled, and the existing officers were inadequately trained. To improve legal aid practices, USAID supported the 2013 amendment of the Legal Aid Services Act of 2000, which resulted in the greater empowerment of District Legal Aid Officers. USAID also supported the creation of a legal aid office best practices manual and conducted quarterly best practice meetings to allow legal aid practitioners to share knowledge and tools. Through support to the NLASO, USAID helped make official the District Legal Aid Officer role by developing rules and regulations that equipped new officers with a deeper understanding of their role. According to stakeholders, these rules and regulations have substantially simplified and shortened the legal aid process while improving customer service.

These professionalization efforts were bolstered by increasing citizens’ knowledge of the services provided by District Legal Aid offices. USAID supported a coordinated outreach campaign through mobile phones, public service announcements, advertisements in public spaces, and a successful community radio call-in program. These efforts increased citizens’ trust in legal aid compared to before the campaign. Simultaneously, USAID addressed clients’ satisfaction and lawyers’ working conditions by supporting greater accountability and increased pay of legal aid lawyers.

With the combination of extensive public outreach, free legal advice on telephone hotlines, greater collaboration between the government and NGOs for case referrals, and income eligibility expansion, legal aid gained increasing credibility. Stakeholders asserted that improved trust in legal aid services developed in part due to people’s positive experiences with the services. Respondents noted that, as more clients had positive experiences, demand for services rose. According to USAID’s records, five years after legal aid assistance began, case intake increased by 97 percent countrywide and by 135 percent in targeted districts.

The quality and increasing reach of the services themselves also contributed to the growing demand for the increased provision and dissemination of information on legal aid services. Legal aid recipients have generally reported high satisfaction. Outreach, training, and capacity-building efforts were successful because they were based on needs assessment research and needs-based orientation. Allies in the government helped collaborate through the reform process. Outreach activities, particularly the community radio program, were effective in building knowledge and legitimacy for NLASO offices.

ACHIEVEMENT 2: STRENGTHENED RIGHTS PROTECTIONS THROUGH IMPROVED ENFORCEMENT OF WORKERS' RIGHTS

Bangladesh's garment industry is the second largest in the world behind the People's Republic of China, and accounts for 84 percent of Bangladesh's export revenue.⁹ Workers in Bangladesh's Export-Processing Zones are subject to weaker labor laws than the rest of the country. Ineffective implementation of these laws limit workers' rights to freedom of association and collective bargaining. To address this issue, USAID supported the training of around 50 paralegals within labor federations to improve rights for vulnerable workers between 2015 and 2019. This training and mentoring included the development of a handbook that provided guidance for paralegals in their day-to-day work.

As a result of these efforts, paralegals began assisting workers in filing complaints, particularly regarding their rights when terminated, harassed, or victimized. Paralegals also helped workers understand their rights and entitlements and prepared formal letters for workers to submit to their employers or the Department of Labor. In some cases, paralegals negotiated with the employer on behalf of the trade union federation and workers. These newly trained paralegals greatly expanded access to affordable legal assistance for workers.

Embedding paralegals inside trade union federations reduced the financial burdens of addressing legal needs and led to greater compliance with legal standards by employers. Greater access to legal services allowed more workers to assert their rights and increased the chance of recovery. In one quarter during USAID's assistance in late 2018, paralegals assisted lawyers in filing 122 cases in the labor court, which was more than two times greater than the number of cases that were filed in a previous reporting period. According to stakeholders, USAID's efforts helped increase employer compliance with labor-related protocols. Most paralegals also now work directly for labor federations rather than for USAID partners, which indicates the sustainability of these efforts.

ACHIEVEMENT 3: IMPROVED LEGAL EDUCATION THROUGH SUPPORT FOR A MORE GENDER-INCLUSIVE LEGAL PROFESSION

Though there is relative gender parity in primary and secondary school enrollment in Bangladesh, a fundamental lack of equality exists in the legal profession at all levels. To ensure an evidence-based approach, USAID conducted its first gender mapping survey in 2014, which provided a baseline for future response comparisons across years. The comprehensive gender mapping encompassed the experiences of women in law school and in the legal profession, including their motivation to study law, the training and education environment, the work environment, and future employment prospects. In the mapping, women lawyers reported staggering barriers including discrimination, sexual harassment, insufficient mentors, inadequate accessible toilets, childcare, and cultural norms that prohibit women and men from working together in private or late at night.

Based on this gender mapping exercise, USAID developed a Women in Justice Initiative, which provided professional development opportunities to women judges and lawyers and encouraged women law students to pursue careers in judicial and legal professions. As a first step, USAID looked to increase women law students' skills and motivation by developing a robust support system for them. This

⁹ The Bangladesh Garment Manufacturers and Exporters Association. "A success story: The Bangladeshi garment sector has made remarkable progress in recent years." 2020. https://www.bgmea.com.bd/index.php/page/A_success_story:_The_Bangladeshi_garment_sector_has_made_remarkable_progress_in_recent_years.

support system included: 1) women-to-women dialogue sessions between law students and young women lawyers to discuss practical steps for entering the legal profession as well as the discriminatory barriers to advancement; 2) court visits and judgment analysis sessions that allowed law students to shadow judges and lawyers; and 3) internships to promote career development and familiarize female law students with various offices of the government legal aid services. Nearly 3,000 women law students engaged with USAID's work and 174 young women joined the judiciary between 2012 and 2017 as a result of these activities.

USAID also expanded the standing of women in the legal profession by improving their skill and confidence. Topics focused on practical elements, such as drafting complaints and taking cases to trial, and providing experience that law school curricula lacked. According to participant reports, USAID's training resulted in a self-reported 60 percent increase in professional capacity by women lawyers.

USAID's assistance also engaged with women judges, who encompass the highest echelons of women in the legal profession. USAID supported the Bangladesh Women Judges' Association (BWJA) in developing a constitution and becoming legally registered. USAID also supported the NLASO in drafting a five-year strategic plan to strengthen its institutional capacity and provide professional opportunities to women judges. Assistance extended to outreach efforts, such as the publication of the BWJA constitution, organizational brochure, pocket calendar, and address book of all members; the Women in Justice Success Story booklets; and the yearly magazine Shoronika. USAID complemented these outreach efforts with trainings on mediation, ethics, and the judicial officers' code of conduct, which cemented the BWJA's role in professional development.

Through USAID's support, the BWJA increased its organization, planning, and learning capacity, and inspired members to proactively engage with it. Prior to USAID's support, no donor had supported a judicial association for women. Now, with the BWJA's growing visibility, along with increasing numbers of women entering legal leadership positions, donors are more eager to engage with the BWJA. Stakeholders expect that the BWJA will remain a strong forum for women judges to gain capabilities and will serve as a launchpad for leadership development in the judiciary, particularly among women who have recently entered the judiciary and who will likely move up the ranks in the next 10-15 years.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

A key factor for USAID's legal aid efforts' success was that the Government of Bangladesh prioritized legal aid prior to and independently of foreign assistance. According to stakeholders, this was a "very genuine commitment." Throughout the review period, legal aid received cross party-support, as even defendants in terrorism tribunals were allowed access to legal assistance.

Regarding gender, an important contributing factor to success was USAID's commitment to an evidence-based approach. Rather than create a generic program, USAID supported an annual survey and gender mapping. These efforts indicated what support women legal professionals needed for professional development. This approach allowed USAID to address challenges including entry and advancement barriers faced by women law students, lawyers, and judges in their professional lives.

Government and stakeholder involvement in the consultation phases also helped to better integrate and build support for USAID's programming. Success was due to strong coordination and consultation between different units within the legal aid system and government. This sustained engagement across the political spectrum resulted in government funding for legal aid, including lawyer and arbitration fees.

INDONESIA

INTRODUCTION

During the review period, USAID provided long-term assistance to Indonesia's judiciary, legal aid, and legal education efforts to support Indonesia in strengthening professional integrity of judges and lawyers by developing its legal professionals' human capacity. USAID programs improved access to legal services, including paralegal and community-based advocacy services. These programs increased the justice system's transparency, independence, and functionality, focusing on the Supreme Court. With USAID support, efficiency improved and guidelines and standards on ethics and conduct were adopted countrywide. Religious courts also improved their ability to address the justice needs of women.

In just a few short decades, Indonesia transformed from a country where state institutions were overrun with corruption and incompetence to a respected regional and global player. Indonesia is the world's third-largest democracy and the most populous Muslim-majority nation. Its 270 million people speak hundreds of languages and span three time zones. At the same time, approximately ten percent of Indonesians still live below the poverty line and Indonesia continues to struggle with fragile institutions, endemic corruption, and intolerance. USAID's support for the ROL in Indonesia during the review period supported Indonesian legal institutions and access to justice.

USAID's support to legal clinics led to the formation of Indonesia Networking for Clinic Legal Education, an independent organization supporting legal education in the country. Demand for legal clinic programs, now embedded in law schools, continued to grow after USAID's support ended. Sustainable progress occurred in clinical education with the institutionalization of curricula and budgets into university policies. However, an area of continued challenge for USAID programming has been improving the quality of judicial rulings and strengthening post-judgment enforcement.

Table 7: USAID ROL Activities, 2005-2020 (Indonesia)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Indonesia Anticorruption and Commercial Court Enhancement Project	Booz Allen Hamilton; National Center for State Courts	2005-2009
Justice Sector Reform Program	Asia Foundation; National Center for State Courts	2007-2009
Millennium Challenge Corporation Threshold Program for Indonesia Control of Corruption Project	Chemonics	2007-2009
Educating and Equipping Tomorrow's Justice Reformers Program	The Asia Foundation	2010-2014
Changes for Justice	Chemonics	2010-2015
Strengthening ASEAN's Human Rights System	American Bar Association Rule of Law Initiative (ABA-ROLI)	2011-2014
Strengthening Integrity & Accountabilities Project I	Management Systems International	2011-2016

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Combatting Corruption in Indonesia: CEGAH	Management Systems International	2016-2020
eMpowering Access to Justice (MAJu)	The Asia Foundation	2016-2021

MAJOR ACHIEVEMENTS

USAID’s investments yielded four concrete and sustained achievements during the review period: 1) enhanced administration of justice through strategic planning; 2) improved legal education and preparation to practice through clinical legal education; 3) combatting crime, violence, and insecurity through the Corruption Eradication Commission (KPK); and 4) improved internal court administrative operations through a CTS.

ACHIEVEMENT 1: ENHANCED ADMINISTRATION OF JUSTICE THROUGH STRATEGIC PLANNING

USAID support included drafting and implementation of the “Long Blueprint,” which was a strategy that guided administrative and transparency-related reforms within the Supreme Court. The interdepartmental Steering Committee, composed of the Supreme Court, Commercial Court, the MOJ, and Bappenas, identified problems and agreed upon measures for various agencies to implement. At the time, coordination among institutions in Indonesia was uncommon and the lack of cooperation frustrated reform efforts. Driven by local knowledge, skills, and expertise, USAID supported the development of a series of Indonesian-led strategic plans for the structural development of various judicial institutions, including the Anti-Corruption Court, the Commercial Court, and the Supreme Court. While initial drafts were viewed as overly complex and vague, Blueprints evolved over time to be consensus-based products that reflected Indonesian priorities for ROL reform created in partnership with the judiciary and civil society. The Blueprints became an important framework to structure and institutionalize reforms to end legal abuses and regulate the profession. Judges now express increased willingness to post more information online, which demonstrates a greater commitment to transparency due to USAID support.

USAID supported advanced training for IT experts in the Supreme Court and lower courts under its jurisdiction through cooperation with the Central Statistics Agency, which strengthened their career paths inside the judiciary. These efforts led to the successful adoption of website standards that were implemented in all courts under the Supreme Court. Standardized implementation contributed to the regularization of provided information and consistency in design, layout, website platform, and accessibility, while still encouraging innovation.

ACHIEVEMENT 2: IMPROVED LEGAL EDUCATION AND PREPARATION TO PRACTICE THROUGH CLINICAL LEGAL EDUCATION

Before 2005, most donor funded ROL programming employed a technocratic approach that focused on institution building. Starting in 2005, USAID shifted its programming to build a body of competent, ethical legal professionals who would be well-equipped to help dismantle a deeply corrupt system. To this end, USAID supported educational programs for legal professionals and law students. Over time, this approach has proved as influential as support to ROL institutions.

USAID supported a tailor-made program for mid-level judges to complete a master's degree in Judicial Practice at the University of Indonesia's Faculty of Law and helped rising lawyers pursue law degrees in the U.S. USAID also helped create clinical law programs at seven leading public law schools and designed hands-on, civic-oriented legal curricula that "cemented the foundations" for conducting clinical legal education across Indonesia. To ensure higher-level buy-in, USAID supported an international study tour for deans and law lecturers to the U.S. and study tours within Indonesia to encourage peer-to-peer knowledge sharing. Based on their experience in these programs, former law students have become influential civil and criminal justice reform specialists, private lawyers, academics, public defenders, and reform-minded politicians. In addition to its specific support for education, USAID facilitated connections and professional networks that act as resources for reform from within Indonesia's justice institutions. This support to networks included linking CSOs with law students to strengthen the pro-bono movement in Indonesia, which increased access to legal assistance. Many of these clinical education programs in Indonesia's top universities continue.

ACHIEVEMENT 3: COMBATED CRIME, VIOLENCE, AND INSECURITY THROUGH THE KPK

Despite impressive achievements over the past two decades, corruption still occurs at all levels of government, including the upper echelons. Currently, Indonesia ranks 104 out of 180 countries on Transparency International's 2020 Corruption Perceptions Index, which is an improvement from its 2005 ranking of 137 out of 158. This improvement can be partially attributed to USAID support. With USAID assistance, Indonesia established domestic laws, institutions, and initiatives to combat corruption, including the KPK, which was founded in 2002 to address embedded corruption. Indonesian courts now regularly convict national and local-level elite politicians; a previously rare occurrence that indicates increased enforcement of anti-corruption standards. Standardization of corruption sentencing guidelines through the Supreme Court was cited by stakeholders as a useful first step toward more normalized sentences and minimizes the potential for judicial abuse through over- or under-punishment.

The KPK has enjoyed strong public support and is widely perceived as one of Indonesia's most effective national institutions since its founding. At the same time, the KPK has faced challenges from powerful actors determined to undermine its successful track record on corruption. After several attempts to restrict its mandate, a controversial revision to the KPK law passed Indonesia's parliament in late 2019 and weakened the KPK's independence and its legal ability to conduct its own surveillance operations. Challenges to the KPK's effectiveness led to multiple widespread popular protests.

ACHIEVEMENT 4: IMPROVED INTERNAL COURT ADMINISTRATIVE OPERATIONS THROUGH A CTS

USAID support facilitated the establishment of an automated CTS, including standardized templates for decisions, minutes, and orders for the general courts. The CTS' widespread adoption changed justice administration throughout Indonesia. Originally piloted in a handful of courts, the CTS was subsequently expanded to over 350 district and high courts. The system was also adopted by special courts (i.e., military, administrative, religious), which led to its use by approximately 800 courts. In addition to gains in administrative efficiency and online submission of cases/e-filing, data from the CTS ensures that judges' supervision, promotion, and transfer is based on fair, objective performance assessments in relation to clearly defined competencies.

Although the CTS was implemented in 350 districts and 30 high courts throughout Indonesia, the automated CTS and manual register books continue to be used in parallel within the general courts.

Therefore, court leadership and personnel must be vigilant in resisting backsliding toward the manual system and should improve uptake of the CTS. To ensure its sustainability, court personnel must update cases in the CTS correctly, in a timely manner, and use the standardized documents.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

One of the most important factors in USAID's success was its demand-driven approach. Stakeholders repeatedly cited USAID's engagement with strategically selected reform-minded leadership, particularly in the Supreme Court and leading law schools, as a key factor of success. These relationships meant that university leadership, with support from law lecturers and CSOs, drove USAID's investment in improving legal professionals' human capital. Similarly, buy-in from the Supreme Court and court staff facilitated the adoption of the Blueprints and modern innovations in case management and public outreach. Champions at the highest levels of the Supreme Court ordered all general courts to implement the CTS and decreased resistance to new ideas.

USAID's approach also developed an effective synergy between watchdog NGOs and reform-minded government agencies. USAID understood that ROL reform is political and must address underlying incentives that fuel intractable corruption. Finally, rather than working through individual institutions or establishing new ones, USAID programming aimed to address systemic issues of corruption and political subservience.

KYRGYZ REPUBLIC

INTRODUCTION

During the review period, USAID supported programs in the Kyrgyz Republic to consolidate democratic trends, bolster civil society, encourage decentralization, and strengthen ROL. USAID support for the ROL resulted in a judicial branch independent of the executive, the right to a jury trial, the development of a strong and influential defense bar, judicial review of warrants, and the abolition of the death penalty.¹⁰ USAID assistance provided more experienced jurists with resources to manage cases, increase their budgets, and open judicial processes to the public. At the same time, USAID also helped the next generation of lawyers apply legal theory to practice and exercise critical thinking skills.

Overcoming its Soviet legacy continues to be a work in progress for the Kyrgyz Republic. From 2005-2010, the newly independent state experienced notable political change and instability, including mass demonstrations during the 2005 Tulip Revolution that led to the removal of a sitting president and a constitutional referendum in 2007. A second revolution in 2010, the April Revolution, led to another presidential ouster and constitutional referendum. A period of ethnic violence followed and destabilized the country, which resulted in hundreds of deaths and as many as 400,000 displaced persons.

Given the executive branch's historic control of the judiciary and accusations of its use as a tool to punish political opponents, ROL promotion has been deeply entwined with politics and protests throughout the country's history. Despite the tumult, USAID's investments in ROL have gradually shown results with a more independent judiciary, an empowered defense bar, and an increased understanding of human rights for those seeking and providing justice.

According to observers, sustaining the progress made with the 2007 constitutional referendum required significant reforms to increase public trust and carve out the judiciary's independent role. The 2010 constitutional referendum sought changes to guarantee the independence of the judiciary and judges. Unfortunately, after the failed 2020 parliamentary elections, the sitting president was ousted, and a controversial new president again changed the constitution through a 2021 referendum. It is too early to tell whether USAID's ROL achievements will be sustained through the latest change in government, though many achievements through the review period have been sustained to this point.

Table 8: USAID ROL Activities, 2005-2020 (Kyrgyz Republic)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Human Rights Defenders Support Project	Freedom House	2004-2008
Legal Education Reform and Civic Education	ABA-ROLI	2004-2008
Constitutional Reform and ROL in Kyrgyzstan	Freedom House	2007-2008
Expanding Legal Education and Legal Support in Madrassas and Religious Communities in Kyrgyzstan	ABA-ROLI; Freedom House	2007-2010

¹⁰ As a civil law country, the right to a jury trial was not previously the norm in the Kyrgyz Republic.

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Millennium Challenge Corporation Judicial Reform Assistance Project	Tetra Tech DPK; ARD, Inc.	2008-2010
Partners for Human Rights in Kyrgyzstan	Freedom House	2008-2010
Legal Support to Civil Society	International Center for Not-For-Profit Law	2009-2014
Strengthening Human Rights in the Kyrgyz Republic Program	Freedom House	2010-2013
Collaborative Governance Program	East-West Management Institute	2010-2020
Judicial Strengthening Program	International Development Law Organization	2011-2018
Support to the Kyrgyzstani Legal Defense Community	ABA-ROLI	2012-2019
Strengthening Human Rights in Kyrgyzstan	Freedom House	2013-2018
Enhancing the Enabling Environment	International Center for Not-for-Profit Law	2014-2020
Dignity and Rights in Central Asia	International Organization for Migration	2015-2020
Increasing Public Trust in the Judiciary	International Development Law Organization	2018-2021

MAJOR ACHIEVEMENTS

USAID’s investments in the Kyrgyz Republic yielded three concrete and sustained achievements during the review period: 1) strengthened judicial independence and self-governance through the transfer of control of the judiciary to Council on the Selection of Judges (CSJ); 2) developed the legal profession and services through creation of the National Advocatura of the Kyrgyz Republic; and 3) expanded access to justice and legal empowerment through free legal aid.

ACHIEVEMENT 1: STRENGTHENED JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE THROUGH TRANSFER OF CONTROL OF THE JUDICIARY TO THE COUNCIL ON THE SELECTION OF JUDGES

USAID supported the drafting and adoption of the 2007 constitution that explicitly expanded the independence of the judiciary. This move toward an independent judiciary was required by the two-year, USD 16 million Millennium Challenge Account Threshold Program that mandated transferring control of the judicial function from the executive branch to the judiciary. USAID also supported the creation of the CSJ and new organs of judicial self-governance and played an important role in developing policy and drafting laws relating to the judiciary. USAID’s most significant contributions to strengthening judicial independence and self-governance related to appointment, training, strategic planning, and financing of Kyrgyz institutions.

The 2010 constitution further strengthened judicial independence by mandating the dismissal of the judiciary and mass reelection of the judiciary by the newly created CSJ. This council was tasked with reviewing applications and nominating candidates to the Supreme Court, the Constitutional Chamber, and local judgeships around the country. According to stakeholders, the CSJ was initially criticized for its lack of transparency, which prompted citizen watchdog groups to carry out public awareness campaigns aimed at increasing public engagement in the selection of judges. Ultimately, this sustained criticism resulted in a year-long suspension of the selection process, while a new, more objective selection process, supported by USAID, was launched. This process included an electronic test, standardized interviews, and a voting stage. The re-selection process was not concluded until 2017.

Due to this reelection process, approximately 70 percent of all judges appointed were “first-time” judges, nearly 50 percent of whom were women. USAID worked through the later-renamed Judicial Training Center to support training, capacity-building, and mentoring of new and experienced judges. Rather than create an orientation program, USAID implemented an on-the-job training approach and adapted the training materials for judge applicants to materials for sitting first-time judges. Further, in response to a request from the High Justice Training Center (HJTC), USAID supported a mentorship program with experienced judges mentoring newly appointed judges. USAID also supported efforts to elevate the Judicial Training Center, which resulted in its transformation into the HJTC in 2016. USAID supported judicial strategic planning that enabled the judiciary to successfully advocate to Parliament for sustained resources for judicial training. State funding for the HJTC has increased ten-fold and its staff has tripled. The HJTC is now fully self-sufficient in terms of its training capacity, with a cadre of highly qualified trainer judges, who were all trained as trainers with USAID’s support.

Improving the capacity of the judiciary to plan for its needs and advocate for sufficient resources also aided judicial independence. Notably, USAID’s support was crucial to reversing the Kyrgyz Republic’s chronic under-financing of the judiciary. Guided by targeted mentoring and strategic planning support, the judiciary was able to more than quadruple its allocation from 0.4 percent (2013) of the overall national budget expenditures to 1.8 percent in 2020. USAID also supported a working group tasked with developing a strategic plan, which was completed in late 2012. Though there was significant resistance to increased funding for the judiciary, with continued USAID support the first National Target Plan (NTP) for Judicial Development (2014-2017) was adopted. USAID also assisted the development of NTP 2 (2018-2022). To consolidate support for the judiciary’s ability to effectively plan expenditures and advocate for budget needs, USAID supported the development of a specialized benchbook on administrative, financial, and budgetary planning for the courts. This benchbook was subsequently incorporated into a comprehensive training course for judges.

Though many developments USAID contributed to are enshrined in law, changes in government could undermine some of these advances. However, stakeholders noted that the NTPs have local buy-in, so the practice of strategic planning and advocating for adequate budgets should continue. Further, the new cadre of judges is accustomed to the independent judiciary and might resist backsliding.

ACHIEVEMENT 2: DEVELOPED THE LEGAL PROFESSION AND SERVICES THROUGH CREATION OF NATIONAL ADVOCATURA OF THE KYRGYZ REPUBLIC

USAID supported processes to create an independent defense bar (advocatura), which aimed to strengthen an equitable, effective justice system that ensures citizens’ access to qualified legal representation. Starting in 2004, USAID began engaging in legislative advocacy to establish the legal

framework for a national defense bar. USAID worked with academia, Members of Parliament, the MOJ, and the Advocates Training Center to build a broad community of support for a new national law supporting a self-governed, unified bar association—the National Advocatura. After Parliament refused to pass the first draft of the law in 2013, USAID worked with UNDP to draft a law as part of its work with the MOJ. They obtained the MOJ’s support for the draft law, which was passed in 2014. The law created a national bar association built on compulsory membership. To prepare for the establishment of the National Advocatura, USAID worked with the MOJ to draft the organizational documents, including the Bar Charter, the Charter for the Continuing Legal Education Institute for Advocates, the Ethics Code, and regulations for the Ethics Commission. Culminating a decade of support, the first Congress of Advocates for the newly created National Advocatura and the regional advocaturas was held in November 2014.

USAID continued to support the National Advocatura through a grant to cover operating expenses and technical assistance to build management capacity. USAID has also supported continuing legal education for advocates through support to the Advocates Training Center, including developing Unified Continuing Legal Education Standards.

By 2017, the National Advocatura displayed its powerful voice by successfully demanding access to evidence for a defense attorney who had been barred from accessing evidence available to the prosecution from the Supreme Court. The National Advocatura also challenged the judiciary’s practice of revoking advocates’ licenses. Moreover, the National Advocatura and the regional advocaturas worked to provide a network for defense advocates across the country in which they can share their experiences and seek assistance and support from one another.

While the National Advocatura is enshrined in law, its viability faces challenges because it relies almost entirely on donor funding. As USAID funding diminished and increased dues were necessary, some members challenged the increase based on a lack of financial transparency. USAID helped the National Advocatura meet this challenge by developing a strategic plan and updating its website to improve communication and provide financial support.

ACHIEVEMENT 3: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH LEGAL AID

Another significant achievement for USAID during the review period was the increased availability of free legal aid throughout the country and improvements in service delivery. Pursuant to the Law on State Guaranteed Legal Aid of 2016 and the National Concept on Improving the Legal Culture of the People of the Kyrgyz Republic (2016-2020), the MOJ is required to provide free legal consultations to citizens and improve the public’s knowledge of human rights and access to justice. The MOJ’s Free Legal Aid Coordinator Center (FLACC) requested USAID’s assistance in opening ten legal aid centers to serve rural areas and vulnerable groups.

In 2017 and 2018, USAID worked with the FLACC to establish free legal aid centers in four oblasts, Batken, Jalalabad, Naryn, and Issykul. The MOJ provided the premises and USAID provided necessary furniture, equipment, and minor room renovations. The Center then requested USAID’s assistance in developing a monitoring and evaluation mechanism. A USAID expert worked with the MOJ, the National Advocatura, CSOs, and other experts to establish the mechanism. The tool was piloted in six legal aid centers and measured citizens’ satisfaction with the legal aid centers and generally found high rates of satisfaction. The tool was then deployed in all twenty-five legal aid centers. USAID analyzed the findings and made recommendations for improvements in the system.

USAID, in cooperation with other international partners, developed a comprehensive training module for free legal aid lawyers and other legal aid actors and organized a series of trainings to build the capacity of the FLACC. USAID also supported the development of a comprehensive practitioner's guide and e-courses for lawyers. To further support the free legal aid provision, USAID facilitated cooperation among all legal aid providers. The FLACC, the National Advocatura, the Association of Legal Clinics, the Ombudsman's Institute, and CSOs collaboratively formed a coordination council.

Starting in 2005, USAID began to make significant investments in clinical legal education as well as street law clinics among religious schools. These approaches created opportunities for young minds to gain exposure to legal principles and to build a civic identity. Initially carried out in a tumultuous political environment, USAID supported the introduction of mock trials in four law schools in Bishkek that provided hundreds of law students with practical experience. The curricula for the mock trials were endorsed by the Ministry of Education, which was the first step in country-wide adoption.

After supporting local universities for years in conducting clinical legal education throughout the country, USAID created a set of standards that could be used to evaluate clinical legal and educational standards. At the same time, similar programs offering outreach to madrassas provided space to conduct street law classes, focusing on international human rights, civic education, and normative legal acts, including the constitution. The curricula gained religious scholars' approval and was rolled out to approximately one-quarter of madrassas around the country. At the end of 2009, Osh State Law Institute committed to incorporating the street law program into its work, while the Jalabat Street Law Center established a public association dedicated to youth.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

During the review period, USAID's approach aimed to build a coherent vision of reform benefits for the judiciary. USAID invested in a relationship that viewed the judiciary as a partner and demonstrated deep commitment to a sustained investment. To compensate for comparably lesser allocated funding, USAID focused on identifying and addressing concrete needs in a way that maximized mutual respect. The early foundational work to build the independence of the judiciary as separate from the executive, along with structured and ongoing institutional capacity-building, were key elements in USAID's success. These efforts included strong local staff and implementers capable of connecting and networking with stakeholders at all levels, which allowed for greater trust, ownership, and buy-in when difficult processes like re-selection were adopted and implemented.

While international experts and mentors certainly played a key role, USAID focused on providing right-sized coaching and experience-sharing as peers as opposed to imposing unrealistic expectations or standards. Support for technology responded directly to the needs of judges, advocates, and the public. Finally, USAID demonstrated patience and viewed these investments as long-term. Some efforts, such as the National Advocatura law, online case system, or re-selection took up to a decade to show progress. Most efforts required a holistic approach that engaged multiple stakeholders on multiple platforms.

These foundational changes required time to strengthen capacity within the judiciary as well as improve understanding of why processes that appeared to challenge the judiciary's authority, such as online case publication, actually reflected professional ideals and standards. USAID's ability and capacity to adapt to the rapidly changing circumstances in the Kyrgyz Republic was also crucial to its success. Rather than pausing when political changes occurred, USAID correctly embraced existing systems and judged that these changes reflected a moment of reform to be seized and built upon.

EUROPE AND EURASIA

STATE OF ROL, 2005-2020

USAID and other donors began to support democratization and ROL in the Europe and Eurasia region in the early 1990s following the collapse of the Soviet Union and the breakup of the Yugoslav Federation. While the countries that constituted the former Soviet Union differed from the former Yugoslavia in several ways, most countries in the region had little or no experience with independent governance and lacked the fundamental legal framework and institutions required for a democratic society based on ROL. As a result, USAID's early ROL assistance in the region throughout the 1990s and the early 2000s focused on support for drafting constitutions and basic laws such as civil codes, criminal codes, and administrative codes. These efforts also established and built the capacity of key justice system institutions and actors.

By the beginning of the review period in 2005, several countries had made significant progress and no longer received USAID assistance. However, in other countries ROL remained weak and USAID assistance continued over the next decade. By 2020, several additional countries in the region had graduated from USAID ROL assistance. The countries that continue to require USAID ROL assistance are held back by widespread corruption, lack of political will, and insufficient financial resources. Some suffer from legacies of ethnic violence and armed conflict as well as recent authoritarian regimes. The four countries that are the focus of this achievement review in the Europe and Eurasia region are Bosnia and Herzegovina, Kosovo, Georgia, and Moldova. All four countries have experienced these challenges but have also realized significant gains.

USAID PROGRAMMING RESPONSE AND APPROACH

During the review period, USAID's approach was to address both supply and demand for ROL. USAID's approach primarily focused on the supply side and addressed several serious problems regarding ROL: 1) a lack of capacity in key justice sector institutions to manage the justice system; 2) weak judicial oversight or accountability; 3) inefficient courts that often lacked suitable facilities; 4) limited access to justice, especially for the most vulnerable populations; 5) inadequately prepared law school graduates due to ineffective law schools and a lack of continuing education for legal professionals; 6) gender inequality in the legal profession and in access to justice; and 7) relatively weak, disorganized civil society that lacked the capacity to demand reform.

To address these problems, USAID designed and implemented targeted programs that focused on concrete ROL needs. USAID pursued a consultative approach whenever possible, engaging stakeholders in the planning and implementation of interventions. Several achievements, such as the reorganization and optimization of the district courts in Moldova, were the product of specific requests for assistance from stakeholders. USAID also adopted a flexible approach, changing direction or adjusting methods when circumstances warranted and even terminating activities when lack of political will or stakeholder buy-in severely threatened progress. This flexibility enabled USAID to seize unforeseen opportunities. For example, when it became clear that national-level institutions in Bosnia and Herzegovina lacked the political will to pursue reforms, USAID pivoted to interventions at more enthusiastic local levels. USAID also engaged in meaningful donor coordination to avoid duplicating or competing interventions, as USAID was often the largest donor in the justice sector. Further, in countries that aspired to EU integration and cooperation, such as Kosovo, Bosnia and Herzegovina, and Georgia, USAID focused on

areas that were important to the EU accession process. Finally, to address the demand for ROL, most country programs also strengthened and supported CSOs.

REGIONAL ACHIEVEMENTS

As USAID ROL programs in the region were tailored to the specific needs and circumstances in each country, achievements differed between countries. The major achievements in the four focus countries in the region are highlighted below and discussed in greater detail in the individual country reports.

Increased Capacity of Justice System Institutions: Building on earlier ROL programs in the region, USAID implemented several activities to increase the capacity and effectiveness of key justice institutions. In Kosovo, USAID supported restructuring of the KJC Secretariat to enable the KJC to better manage the judicial system. USAID also provided technical assistance to improve the full array of KJC functions and operations. In Bosnia, USAID activities to strengthen the State-level High Judicial and Prosecutorial Council (HJPC) served to reshape the justice system, as the HJPC took control of the administration of the justice sector from the MOJ. USAID also conceived and supported the Forum for Joint Policy (FJP) that facilitated the ability of the HJPC and MOJ to collaboratively analyze problems and produce proposals of importance to both institutions and the country-wide justice system.

Improved Efficiency of Courts and Justice System: USAID supported several activities that improved the efficiency, oversight, and transparency of the courts. In Moldova, USAID automated the justice system by developing a sophisticated ICMS. The ICMS has increased the justice system's efficiency, oversight, and transparency. USAID also supported court reorganization and optimization (CRO) in Moldova by preparing a comprehensive assessment report that was used to guide the CRO process. In Bosnia, USAID supported model courts and prosecutors' offices initiatives that led to the adoption of standards that are used throughout the country.

Strengthened Capacity of Justice Sector Actors to Combat Corruption: Given high levels of corruption in the region, USAID supported efforts to combat corruption and strengthen public integrity. Building on its Model Prosecutor Offices Initiative (MPOI) in Bosnia, USAID developed an innovative Prosecutor Partnership Program (PPP) that strengthened the capacity of prosecutors to investigate and prosecute corruption. This initiative included development of a dedicated two-year training program for prosecutors, the *Universal Benchbook on How to Prosecute and Adjudicate Corruption and Organized and Economic Crime*, and other resources.

Enhanced Skills and Capacity of the Legal Profession: USAID work in the region also built the skills and capacity of the legal profession to better serve clients. USAID helped establish and develop the Georgian Bar Association (GBA), the first unified bar association in Georgia. As a result of USAID assistance, the GBA conducts continuing legal education and disciplinary proceedings and promotes legal reform. In Kosovo, USAID supported the creation of a new profession, Private Enforcement Agents (PEA), in response to the inability of the courts to efficiently conduct enforcement proceedings of judgments. To better prepare new lawyers to enter the legal profession, USAID also supported the modernization of legal education in the region. USAID provided grants and technical assistance to law schools in Georgia for curriculum development and the introduction of experiential learning, legal clinics, moot court competitions, and mock trials. USAID grants also helped establish two centers of learning in Georgia focused on legal scholarship.

Expanded Access to Justice: Raising citizen awareness of their legal rights and enhancing the ability of citizens to realize their rights has been an important component of USAID work in the region. In Georgia, USAID supported expansion of the Georgian Legal Aid Service. When the Legal Aid Service became an independent entity, USAID seized the opportunity to work with the agency, providing technical assistance in drafting amendments to the Law on Legal Aid, developing policies and procedures for the Legal Aid Service and its Board, and developing the Legal Aid Training Center. In Kosovo, USAID used its role in the development and implementation of a National Strategy on Property Rights to empower women to exercise their property rights in inheritance cases, which was a right women had under the law but did not pursue in practice due to cultural barriers. USAID also helped build procedural safeguards into legislation and supported outreach and communication campaigns implemented by a group of strong women-oriented CSOs.

Augmented Capacity of Civil Society to Monitor the Justice System and Advocate for Reform: Two crucial components of USAID’s work during the review period were grants and technical assistance for CSOs. CSOs throughout the region now monitor the judiciary, promote transparency, and advocate for reform. In many cases, CSOs directly engage with the government on policy development and legislative drafting. For example, in Georgia, USAID facilitated the establishment of the Coalition for an Independent and Transparent Judiciary (the Coalition), composed of 29 CSOs and non-state actors.¹¹ The Coalition provided space for CSOs, media, and business organizations to come together and speak with one voice. The Coalition now has a seat at nearly every important judicial reform discussion. Further, the Coalition greatly increased the transparency of the Georgian judiciary, which helped expose the channels of influence and informal governance within the judiciary. Similarly, in Bosnia, USAID supported the development of the Justice Network (JN), which consists of 64 CSOs and professional associations working in the justice sector and created an important player in justice system reform.

CONCLUSION

USAID’s investment in the ROL in the Europe and Eurasia region during the review period addressed many persistent problems. New interventions built on earlier work, both solidifying gains and informing new approaches when previous efforts were not successful. Further, as many justice system challenges were deep seated, numerous achievements took a decade or more to become ingrained into the justice system. USAID’s approach of building capacity of civil society to demand reform made a significant contribution to realizing achievements. Finally, while there is good evidence for the sustainability of these achievements, democracy and the ROL remain fragile in the region as many of the challenges noted above continue.

¹¹ GBA, American Chamber of Commerce in Georgia, and law firms.

BOSNIA AND HERZEGOVINA

INTRODUCTION

USAID played a lead role in justice system reform in Bosnia and Herzegovina. USAID ROL assistance focused on building and improving the justice system through targeted support to key justice institutions: the HJPC and the MOJ. USAID's model courts and prosecutor's offices improved justice service delivery, while USAID support to CSOs resulted in stronger organizations that are better able to monitor the justice system, advocate for continued reform, and increase legal literacy. As a result of this assistance, the justice system is more transparent and functional. Still, despite the contributions made by USAID activities to a nascent ROL culture, corruption remains pervasive throughout the country, including in the justice system.

ROL assistance in Bosnia and Herzegovina is complicated by the country's bifurcated nature, with most administrative responsibilities devolved to the two administrative divisions of the country, also known as Entities: the Bosnian-Croat Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska.¹² This decentralized structure is reflected in an equally complex justice system. The state level consists of the Constitutional Court of Bosnia and Herzegovina, while the Federation has a Supreme Court, ten cantonal courts, and municipal courts, and the Republika Srpska has a Supreme Court, five district courts, and municipal courts. The HJPC and Bosnia and Herzegovina MOJ operate at the national level. Both Entities, the Brčko district, and the Federation cantons have their own MOJs, resulting in 14 MOJs managing and funding the courts.¹³

USAID assistance is designed to support Bosnia and Herzegovina's stated goal of Euro-Atlantic integration. Bosnia and Herzegovina signed a Stabilization and Association Agreement with the EU in 2008 that lays out the framework for EU Accession. In 2014, the Structured Dialogue between Bosnia and Herzegovina and the EU on progress toward meeting EU accession criteria was broadened to include an increased focus on combating corruption, among other issues. The 2019 European Commission Opinion on Bosnia and Herzegovina's application for EU membership notes that the judiciary still needs deep reforms to become more independent, fair, and accountable to its citizens. Challenges include a profound lack of political will on the part of the executive and legislative branches to support reform in the justice sector.

With respect to the sustainability of achievements, stakeholders note that Bosnia has not achieved a state of stability and without donor support for initiatives, progress is likely to deteriorate. Backsliding began in 2006 when the "April Package" of constitutional amendments failed in Parliament, which would have addressed the country's fractured structure. The political influence of these elements has grown since then. Stakeholders note that the situation is comparable to the period immediately following the war, with separatist voices prominent in the Republika Srpska sabotaging the state at the national level. To counter challenges at the state level, USAID increased its focus on ROL at the Entity and local level.

¹² The Dayton Peace Accord that ended the Bosnian-Serb conflict in November 1995 created a two-tier government that consists of the Bosnia and Herzegovina government ("state-level"), and two administrative divisions known as "Entities" – the Bosnian-Croat Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska, each of which is responsible for most government affairs. The Federation is divided into ten cantons and administratively into 79 districts. Each canton has its own government, including ministries. Meanwhile, the Republika Srpska has a centralized government and is divided into 62 municipalities.

¹³ A self-governing administrative unit in the north of the country.

Table 9: USAID ROL Activities 2005-2020, (Bosnia and Herzegovina)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Fostering Investor and Lender-Friendly Environment Project	Chemonics; National Center for State Courts	2003-2006
Justice Sector Development Project	East-West Management Institute	2004-2009
Justice Sector Development Project II	East-West Management Institute	2009-2014
Justice Activity	Millennium DPI; National Center for State Courts	2014-2019
Judiciary Against Corruption Activity	Development Professionals, Inc	2019-2024

MAJOR ACHIEVEMENTS

From 2005-2020, USAID ROL assistance in Bosnia and Herzegovina contributed to four main achievements: 1) enhanced administration of justice through model courts and prosecutor’s offices; 2) improved capacity of prosecutors to combat corruption through PPPs; 3) strengthened judicial independence and self-governance through development of the HJPC and MOJ; and 4) strengthened judicial independence and self-governance through civil society.

ACHIEVEMENT 1: ENHANCING ADMINISTRATION OF JUSTICE THROUGH MODEL COURTS AND PROSECUTOR’S OFFICES

The development and implementation of performance standards for the courts and prosecutor’s offices was a significant achievement for ROL in Bosnia and Herzegovina. USAID first selected “model courts” to serve as pilot demonstrations of improved administration. The program used a well-defined court improvement plan to guide technical assistance and a detailed MOU that outlined the self-help efforts of participating courts. This approach entailed change management and demanded court buy-in, as courts had to volunteer to be part of the program. USAID also capitalized on vetting judges and the appointment of new court presidents that were open to reform. As a result, the model courts initiative (MCI) evolved into the European Standards Program and was rolled out to over half of courts nationwide.¹⁴

The partner courts implemented new records systems, computerized case management systems, introduced audio equipment to record hearings, and improved public relations and customer service. Some partner courts also worked on backlog reduction. The CMS included simple, low-cost interventions such as a common case numbering and filing system. USAID provided the necessary equipment for the computerized CMS and substantial resources for upgrading court facilities to make courts more secure and accessible to the public.

Following the success of the MCI, USAID provided similar assistance to the prosecutor’s offices through the MPOI. The MPOI covered all 18 prosecutor’s offices in the country in three years, through three

¹⁴ The MCI was conducted in three waves of one year each, beginning with four first instance courts in 2005. More courts were added in the next two waves, including Federation and Republika Srpska appellate courts in the second wave and the Supreme Courts in the third wave.

waves of six offices each. Similar to the MCI, the MPOI emphasized local ownership of reforms and change management. USAID secured local buy-in from the outset by establishing a MPOI Working Group and organizing a conference of all main prosecutor's offices to build consensus on the implementation methodology. USAID then established Change Management Teams for each office and worked with these teams to prepare implementation plans. USAID short-term experts conducted needs assessments for the prosecutor's offices, subsequently developing and delivering training sessions on strategic and operational planning, financial management and program budgeting, public relations, managing archives and libraries, and legal research.

USAID subsequently reconvened the MPOI Working Group to develop standards of best practices introduced in the prosecutor's offices. The HJPC adopted these standards and committed itself to ensure such standards. To prepare for implementation, USAID conducted baseline assessments on seven standards and developed and delivered training. As an incentive for effective implementation of the standards, USAID initiated a competitive Prosecutor Office Performance Fund to satisfy unmet and continuing equipment needs.¹⁵ At the end of the MPOI, the training modules, training portal, and evaluation and implementation documents were turned over to the HJPC to use for continued training of prosecutors. In recent years, USAID has addressed corruption in Bosnia and Herzegovina by combining assistance to both courts and prosecutor's offices, focusing on assisting judges and prosecutors in more efficient prosecution and adjudication of high-profile corruption, organized crime, and economic crimes.

ACHIEVEMENT 2: COMBATting CRIME, VIOLENCE, AND INSECURITY THROUGH PPPS

Despite significant challenges, another important USAID achievement was strengthening the capacity of prosecutors to combat corruption through the innovative PPP, which built upon the MPOI. To ensure maximum effectiveness, USAID signed an MOU with the HJPC and the Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption in 2015. Immediately after signing this MOU, USAID developed a comprehensive assessment of corruption and integrity risks in the Bosnia and Herzegovinian judiciary that subsequently became the basis for the development and implementation of the PPP and Prosecutor Office Assistance Plans.¹⁶

The PPP implemented a dual technical assistance approach: 1) collaborate with individual prosecutor's offices to improve performance in line with strategic plans and performance standards; and 2) collaborate with the HJPC and its Standing Committee on the Efficiency of Prosecutor's Offices in Bosnia and Herzegovina to identify and implement policy solutions. As a result of USAID interventions, problems were addressed by the HJPC in a systematic and comprehensive manner that resulted in the adoption of several relevant guidelines and handbooks. The most important interventions undertaken by USAID were:

- Implementing a specialized two-year training program for prosecutors focused on corruption, economic and organized crime, and cyber-crime. A total of 70 prosecutors were certified in these areas through this program.

¹⁵ A total of USD 260,000 was distributed via the Prosecutor Office Performance Fund.

¹⁶ 19 prosecutor's offices, including the Republika Srpska prosecutor's office, participated in the PPP. Groups of four prosecutor's offices entered the PPP each year from 2015-2018.

- Incentivizing prosecutors to work on the most complex corruption cases by recommending that the HJPC include relevant criteria in prosecutor evaluation.
- Linking the fragmented prosecution service in Bosnia and Herzegovina, the Federation, the Republika Srpska, and the Brčko District through a methodological approach to strategic planning and semi-annual meetings.
- Producing ten diagnostic assessments and expert analyses covering key issues relevant to the judiciary, with a focus on corruption and strengthening accountability. Topics included asset forfeiture, expert witnesses, audit reports, and court verdicts.
- Producing the *Universal Benchbook on How to Prosecute and Adjudicate Corruption and Organized and Economic Crime*.
- Established the Professional Association of Prosecutor’s Office Spokespersons to increase transparency and public trust in the judiciary.

To measure improvements among POs, USAID developed the Prosecutor’s Office Capacity Matrix, a monitoring and evaluation tool that measures five areas related to prosecutor office capacity. The scale goes from zero to 25 and was measured annually. All prosecutor’s offices had baseline scores of less than five and registered improvement to between 15 and 20 during the course of the PPP. Stakeholders identified the PPP as a major success, while noting that prosecutor retention remains a challenge due poor salaries, limited advancement opportunities, and fear of political consequences.

ACHIEVEMENT 3: STRENGTHENING JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE THROUGH DEVELOPMENT OF THE HJPC AND MOJ

Strengthening the HJPC and MOJ were important USAID achievements during the review period and built upon USAID’s contribution to the establishment of the national HJPC and MOJ in 2004.¹⁷ USAID’s approach during the first years of the review period focused on core institutional strengthening of both the HJPC and MOJ. USAID continued to support capacity-building activities throughout the review period, while adding interventions focused on key challenges facing the judiciary: corruption and economic crimes.

The national HJPC is an independent body with broad competencies, including numerous aspects of judicial administration such as the selection and discipline of judges. Strengthening the national HJPC served to reshape the justice system, as the HJPC took control of the administration of the justice sector from the MOJ. USAID’s initial technical assistance included drafting the HJPC’s first strategic plan and internal rules of operation, and collecting court statistics for analysis. USAID also supported drafting codes of ethics for judges and prosecutors based on the internationally-recognized Bangalore Principles of Judicial Conduct, developing new standards for judicial selection, performance monitoring and discipline of judges, developing a unified budget plan and a budgeting procedures manual, and improving public communication and management training for administrative and financial departments. These initiatives were institutionalized in Rule Books, and stakeholders noted that the standards for judge selection and performance helped build meritocracy into the judiciary.

USAID also supported the HJPC’s effort to form an Office of Disciplinary Council (ODC), while providing technical assistance for drafting internal rules and training ODC staff, which resulted in a well-defined and functioning disciplinary process. In 2015, USAID prepared a functional analysis of the ODC

¹⁷ Through this establishment, the national or unified HJPC replaced the state and entity level councils.

and provided support to the ODC to address ongoing management problems. USAID also provided support to the HJPC Working Group on Integrity and Accountability, which drafted the Judicial Discipline Benchbook and Conflict of Interest Guidelines. Finally, USAID provided technical assistance to the HJPC Standing Committee on Legislation for drafting amendments to the Law on the HJPC, which intended to make the ODC independent from the HJPC to ensure fairness of investigations and confidentiality.

Stakeholders noted that USAID made a major investment in the HJPC and helped the HJPC to develop tools that are still being used. However, stakeholders also noted that political influence over the HJPC has increased, and substantial backsliding is taking place. Some stakeholders alleged that without international support, the HJPC would revert back to local political control.

Strengthening the state-level MOJ was another important USAID achievement, although the Bosnia and Herzegovina MOJ has limited competencies and authority since the Entities and cantonal governments have their own MOJs. Given this limitation, USAID focused on areas where the Bosnia and Herzegovina MOJ could take the lead, such as drafting legislative and leading justice sector reform. USAID helped the MOJ prepare a legislative drafting manual for use by all ministries and the Parliament that is still in use.

USAID also supported the MOJ's preparation of Bosnia and Herzegovina's Justice Sector Reform Strategy (JSRS). To promote implementation of the JSRS, USAID conceived the FJP in 2010 to bring together the HJPC and Bosnia and Herzegovina MOJ.¹⁸ The FJP is tasked with undertaking analysis and producing policy proposals of importance to the two institutions and the justice sector as a whole. USAID provided intensive training to initial members of the FJP and facilitated meetings that resulted in the adoption of Rules of Work. USAID also assisted in organizing thematic conferences on important issues such as free legal aid, reducing fragmentation of budget sources, and improving the environment for foreign investment. To ensure sustainability of the FJP, USAID worked with member institutions to include FJP-related activities in their annual and strategic plans.

One of the most important reforms to come from the FJP was the establishment of comprehensive free legal aid. USAID assisted the FJP in drafting a policy proposal and organizing a thematic conference on free legal aid. The Legal Aid Institute in Zenica, established with USAID support, served as a model, and there was an organic rollout of legal aid as other cantons sought to implement it.¹⁹ There are now free legal aid institutes in all but one canton and the USAID-adopted model continues to function.

ACHIEVEMENT 4: STRENGTHENED JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE THROUGH CIVIL SOCIETY MONITORING AND ADVOCACY

The development of the JN, a unique network that combines advocacy and monitoring, was another significant USAID achievement. The JN consists of 64 CSOs and professional associations working in the justice sector and aims to connect the sector with citizens to improve understanding and collaboratively solve problems. After its formation in 2010, USAID provided strategic planning support and engaged a local organization, the Association of Democratic Initiatives, as the facilitator in order to avoid heavy donor influence in the process. As facilitator, the Association of Democratic Initiatives prepared a manual on how to conduct strategic planning and draft performance indicators. USAID also conducted

¹⁸ Other institutions joined the FJP, including the Federation MOJ and Brčko District Judicial Commission, as well as the JN coalition of CSOs.

¹⁹ Stakeholders noted that the Courts were interested in free legal aid because they were tired of paying ex-officio lawyers.

assessments for member organizations and provided capacity-building training on topics such as consensus-building, communication, and monitoring. Furthermore, USAID established a competitive small grants program to support the advocacy efforts of individual JN members. To ensure the sustainability of the JN, USAID financial support was limited to materials and labor was contributed pro bono. Lastly, to encourage ongoing collaboration, grantees were required to include at least two other JN members in their initiatives.

With USAID support, the JN has become an important player in justice sector reform in Bosnia and Herzegovina. A major step for the JN was signing an MOU with the Bosnia and Herzegovina MOJ that allows the JN to present monitoring reports to the FJP. USAID facilitated the signing of this MOU, which still exists. USAID also assisted the JN in securing a seat at Ministerial Conferences and the Annual Conference of Court Presidents. The JN successfully used this access to advocate for establishment of the free legal aid system. However, stakeholders noted that the sustainability of the JN was questionable because it is completely dependent on donor funds. Despite this, stakeholders agreed that individual CSOs are stronger as a result of USAID support.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

Factors that contributed to these achievements include lengthy and sustained USAID assistance, targeted interventions that addressed concrete problems in-country, rapid shifts to changing circumstances and opportunities, and the engagement of reform-minded stakeholders. As an example of seizing opportunities, USAID capitalized on post-war enthusiasm and judge vetting when implementing the MCI; as a result, one-third of judges and three-quarters of court presidents were new and substantially more committed to reform than their predecessors. Furthermore, USAID pivoted from interventions at the state level toward interventions at the entity, cantonal/district, and municipal level to take advantage of enthusiasm at the local level and avoid undue political influence. Additional factors contributing to USAID achievements were programming flexibility, engaging world-class experts familiar with Bosnia and Herzegovina, building the capacity of individuals, and coordinating with other donors. Stakeholders commented that although the EU is the largest Bosnia and Herzegovina donor, USAID's approach of funding activities as opposed to directly funding institutions has been more effective. While Bosnia and Herzegovina suffers from donor fatigue, stakeholders still look to USAID assistance based on USAID's history of successful support.

GEORGIA

INTRODUCTION

In Georgia, USAID supported the development of key justice system institutions, including the High Council of Justice (HCOJ), the GBA, and Legal Aid Service. This included drafting foundational laws such as the Law on Advocates and Legal Aid Service and amendments to laws to achieve reforms, such as the Organic Law on Courts. USAID interventions also focused on building the human and institutional capacity for delivering justice services, such as rules and regulations governing legal institutions, supporting the training and discipline of judges and lawyers, and experiential training for law students. Support to CSOs contributed to growing legal empowerment, literacy, and demand for the reform and increased transparency of the judiciary, while support for the Legal Aid Service improved access to legal aid for marginalized populations. This support also combatted SGBV, sexual harassment, and discrimination.

During the review period, two major shifts in government affected the ROL in Georgia. The United National Movement (UNM) came to power in 2004 following the Rose Revolution, a popular response to election manipulation in 2003. UNM made progress on democratization early on, but efforts slowed as the government became more entrenched. Progress was also hindered by Russian incursions into the separatist regions of Abkhazia and South Ossetia, which culminated in a five-day armed conflict in 2008 and unilateral recognition by Russia of Abkhazian and South Ossetian independence. Russian troops remain in those regions and Russian interference is an ongoing threat in Georgia.

UNM was removed from power in 2012 when Georgian Dream, a coalition of opposition parties, won parliamentary elections. Georgian Dream campaigned promising reforms to the judicial system, and between 2011 and 2020 there were four “waves” of judicial reform that introduced various legislative amendments. While the first wave of reform, which took place immediately following the 2011 elections, produced some significant results, later waves had mixed results and the judicial reform pace progressively slowed. Stakeholders do not expect significant additional progress if parliamentary control remains as is, though backsliding also not likely.

During the early years of the review period, USAID assistance focused on government institutions and actors. A shift occurred in 2008 when USAID assistance began focusing on both state and non-state actors. This shift was accompanied by a major increase in funding in 2010 that enabled USAID to significantly expand ROL programming and address more ROL sub-sectors. As a result, USAID assistance has produced significant results in legal profession and legal education reform, legal aid, and civil society strengthening.

With regards to achievement sustainability, stakeholders note that gains are fragile and geopolitical factors could cause backsliding. For example, if Russian influence increases and Western influence decreases, backsliding would be likely. Nonetheless, government and citizen support for Western integration is high and joining the EU and the North Atlantic Treaty Organization (NATO) are among the country’s top priorities. Furthermore, the education of government and non-government actors in the U.S. resulted in champions of change that are open to new ideas and eager to promote reform.

Table 10: USAID ROL Activities, 2005-2020 (Georgia)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Georgia Business Climate Reform	Chemonics	2005-2009
Georgia ROL Program	ABA-ROLI; Freedom House	2006-2010
Judicial Administration and Management Reform	Tetra Tech DPK	2007-2011
Judicial Independence and Legal Empowerment Project	East-West Management Institute	2010-2015
Promoting the ROL in Georgia	East-West Management Institute	2015-2021

MAJOR ACHIEVEMENTS

USAID’s investments in the ROL sector in Georgia yielded five significant and sustained achievements: 1) enhanced administration of justice through civil society monitoring and advocacy; 2) increased public trust and confidence in the justice system through greater transparency; 3) developed legal profession and services through strengthening of the GBA; 4) expanded access to justice and legal empowerment through the development of the Legal Aid Service; and 5) improved legal education and preparation to practice through experiential legal education.

ACHIEVEMENT 1: ENHANCING ADMINISTRATION OF JUSTICE THROUGH CIVIL SOCIETY MONITORING AND ADVOCACY

Strengthened civil society capacity as a catalyst for justice system reform is an important USAID ROL programming achievement. USAID pursued a four-part approach to strengthening civil society: 1) provided grants to two larger CSOs to strengthen and focus their operations; 2) provided competitive grants to smaller CSOs that conducted legal advocacy and/or provided legal aid; 3) conducted training to build the capacity of all grantees; and 4) supported the creation and development of a coalition of CSOs. Twenty-nine CSOs and non-state actors came together to form the Coalition for an Independent and Transparent Judiciary (the Coalition) in 2011.²⁰ The Coalition provided space for interested parties such as CSOs, media, and business organizations to come together and speak from a unified platform. As a result, the Coalition was a major contributor to all four government judicial reform waves. Prior to the elections in 2012, USAID and the Coalition prepared a set of recommended amendments that the government passed in the first wave of judicial reform. This joint effort continued throughout the review period, forming the basis for the next three judicial reform waves.

With USAID support, the Coalition and its members increased their capacity to study and analyze problems and produce high quality reports that include recommendations for government consideration. Stakeholders noted that the Coalition now has a seat at nearly every important judicial reform discussion. The existence of this platform for information exchange and joint advocacy also crucially helped smaller NGOs develop and emerge as strong players in the ROL sector. While the Coalition’s sustainability is uncertain because greater diversity within the Coalition makes it increasingly difficult to come to a consensus, individual CSOs are expected to continue to monitor the judiciary and

²⁰ GBA, the American Chamber of Commerce in Georgia, and law firms.

advocate for greater independence and transparency. For example, USAID's partner, the Georgian Young Lawyers Association, publishes an annual HCOJ monitoring report.

USAID also helped increase the capacity of partner CSOs to conduct strategic litigation and provide legal assistance to vulnerable populations. To achieve this, USAID provided training and grants that enabled CSOs to win important cases through strategic litigation. For example, in 2019, the Institute for the Development of Freedom of Information won a case that found provisions of the Law on Personal Data Protection and the General Administrative Code unconstitutional. In 2020, partner CSOs initiated 35 cases addressing due process rights, the rights of ethnic and religious minorities, and the rights of women. The Georgian Young Lawyers Association won two Constitutional Court cases resulting in amendments to the Law on Administrative Offenses. The ability of partner CSOs to continue strategic litigation and build on these achievements relies upon continued funding, especially for smaller CSOs.

ACHIEVEMENT 2: INCREASING PUBLIC TRUST AND CONFIDENCE IN THE JUSTICE SYSTEM THROUGH GREATER TRANSPARENCY

Increasing judicial transparency is an important USAID achievement, as prior to 2013 the judiciary was completely closed. USAID, together with the Coalition, worked on drafting changes in the legislative framework governing the judiciary. This included amendments to the Organic Law on Common Courts and other laws. Legislative changes during the first wave of judicial reform included a requirement that all court proceedings be videotaped and made available to the parties and the public. This gave broadcasters and other individuals the right to take photographs, make video and audio recordings, and broadcast judicial proceedings. Another amendment required the publication of decisions made by the HCOJ Disciplinary Committee and the Supreme Court Disciplinary Chamber on the official website, with judges' names redacted. An amendment passed in the fourth wave of reforms required the HCOJ to post information about its upcoming sessions and agendas prior to the sessions. Amendments to the Law on Common Courts were passed in the fourth wave regarding judicial selection, including concrete selection criteria that were published on the HCOJ website, publication of judicial candidates' names, and open candidate interviews.

The Coalition, with USAID's support, published reports and sponsored public forums, roundtables, and conferences on transparency that put pressure on the HCOJ to be more open and transparent. As a result, the HCOJ began to hold regularly scheduled meetings with agendas to which donors and relevant CSOs were invited. This allows interested parties to observe the decision-making process regarding crucial issues for the judiciary. USAID also strengthened the HCOJ's transparency by developing a new website in 2019 to accommodate increased accessibility by the public and supported holding open meetings. In addition, since 2020, live interviews with Supreme Court judges and candidates are broadcast weekly on Facebook. Further, in 2019, Parliamentary proceedings for the nomination and section of Supreme Court judges were televised and the Coalition participated in the proceedings.

The existence of the above transparency and accountability instruments were key to exposing and disclosing the channels of influence and informal governance within the judiciary. While CSO monitoring reports indicate that judges are acting more independently on the bench, political pressure and influence still limit independent decision-making by judges in high profile political cases.

ACHIEVEMENT 3: DEVELOPING THE LEGAL PROFESSION AND SERVICES THROUGH STRENGTHENING THE GBA

USAID ROL programming also helped strengthen and re-launch the GBA as the first unified bar association in Georgia. USAID supported the drafting of the Law on Advocates and reform of the GBA in 2006. USAID assistance to the GBA included financial support through a grant and technical assistance. As a result of USAID's technical assistance, the GBA drafted and passed by-laws and a Code of Ethics and Regulations for Disciplinary Proceedings, created committees to deal with its organizational responsibilities, launched a website, and doubled its membership. Unfortunately, the increased membership presented a challenge, as the GBA twice failed to obtain a quorum to pass important regulations and policies at a general meeting. USAID assisted the GBA in drafting and advocating for an amendment to the Law on Advocates that reduced the quorum requirement. Still, internal turmoil threatened the existence of the GBA as the management structure was weak, highly centralized, and essentially dependent on the president. USAID support for the GBA was critical in 2010 when the government threatened to dismantle the GBA because they saw it as an essentially dysfunctional organization that acted as an antagonist to the government because the chairperson was a political activist. The government wanted to break up the GBA into smaller associations. After a pause in support, an interim chairperson was elected, and USAID resumed providing technical assistance for the management and operation of the GBA and its committees. This further assistance included: 1) a draft and subsequent revisions to the Code of Ethics, training of the Disciplinary Commission, and ethics training for members; 2) adopting mandatory continuing legal education and building the capacity and resources to offer relevant courses; and 3) implementing improvements in the bar exam.

USAID's assistance with ethics and discipline is an example of USAID's ability to seize opportunities and respond to beneficiary requests. In 2010, the GBA requested that USAID bring a U.S. ethics professor who previously worked with USAID-supported law schools to lead a capacity-building workshop for the Ethics Commission. This began a collaboration between the professor, USAID, and the GBA for four years that included study visits, training, reform of the bar exam, publication of a bar journal, and advisory opinions from the Ethics Commission.

To sustain these achievements, USAID helped the GBA produce manuals and guidelines, including a Guidebook for Ethics Commission members, a Manual for Bar Exam Test Writers, and the GBA Educational Portal. The Portal allows for online management of continuing legal education courses, the Professional Adaptation Program for new lawyers, and the bar exam. USAID has also provided extensive training to GBA leadership and staff. Through USAID assistance, the GBA now has a strong management and operating system, functioning committees, and the ability to offer member services, which all give stakeholders confidence that these achievements will be sustained.

ACHIEVEMENT 4: EXPANDING ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH DEVELOPMENT OF LEGAL AID SERVICE

USAID ROL programming also supported Georgian Legal Aid Service expansion. State legal aid was originally provided through the Ministry of Corrections and Legal Aid. When the Legal Aid Service became an independent entity in 2013, USAID seized the opportunity to work with the agency. USAID assisted in developing policies and procedures for the Service and its monitoring board, including amendments to the Law on Legal Aid to improve the operation of the board and make the board selection process more transparent. The executive board has both government and non-government

members, which ensures balance between different interests. In addition to supporting the drafting of the Law on Legal Aid, USAID technical assistance focused on the capacity-building of management and legal aid attorneys and drafting internal regulations. A major step in improving the quality of legal assistance was developing the Legal Aid Training Center and lawyers' appraisal system, and training on conducting evaluations for the Legal Aid Service Monitoring and Analysis Unit and Bureau Chiefs.

There is strong evidence of sustainability. First, the Legal Aid Service was established under the Law on Legal Aid, which has been amended several times to improve operations, management, and oversight. The Legal Aid Service is an independent agency completely financed by the government and governs lawyers that work in the 37 legal aid centers as well as "registered lawyers," who are lawyers registered with the Legal Aid Service to provide free legal service at the state's expense. The Legal Aid Service's mandate has expanded gradually since 2015 from criminal cases to include some civil and administrative cases. The Legal Aid Service succeeded in ensuring accessibility of its services throughout the country, and currently free legal services are available for indigent individuals even in the most remote places of Georgia. Despite these achievements, there are still challenges in terms of ensuring high quality of the services provided. Accordingly, USAID continues to actively work with the Legal Aid Service and support it in introducing and enforcing unified quality standards for service provision.

ACHIEVEMENT 5: IMPROVING LEGAL EDUCATION AND PREPARATION TO PRACTICE THROUGH EXPERIENTIAL LEGAL EDUCATION

USAID programming improved the quality of legal education in Georgia. Key needs of the university-level legal education system included curriculum development and the introduction of experiential learning, legal clinics, moot court competitions, and mock trials. During the review period, USAID interventions supported each of these needs.

USAID provided technical assistance and grants to establish legal clinics at several law schools and assisted faculty members in producing a legal clinic textbook and teaching manual. In addition to receiving instruction on practical skills and substantive law, law clinic students provided legal consultations to their communities, addressing diverse issues like property law, tax law, family law, inheritance law, and labor law. USAID also supported the development of documents to define and provide guidance for implementing and sustaining these improvements. This includes the *Law Benchmark Document*, adopted by the National Center for Educational Quality Enhancement, which defines minimum knowledge and competencies to be acquired by law students and is a guiding document for law school accreditation, and the *internship manual*, which explains the relative benefits of internship and externship options and provides practical examples of such programs. USAID also supported the preparation of educational resources such as the *Workbook on Memo and Legal and Letter Writing*, the *Academic Writing Manual*, and a legal ethics textbook and teacher's manual. Additionally, the law faculties have assumed responsibility for conducting moot court competitions in country. Stakeholders noted that USAID is the only major international donor that focuses on legal education.

Stakeholders were confident that these improvements in legal education are sustainable as the capacity and resources to continue these improvements are available within Georgia. Further, stakeholders noted student demand for legal clinics, as students that do well in the legal clinics are best poised to receive the most sought-after jobs, and students report that the practical instruction received in legal clinics was the best preparation for real world practice that they received. Two law clinics are continuing without USAID funding, which provides evidence of their sustainability.

In addition to legal clinics, USAID grants have facilitated the establishment of two centers of learning: the National Center for ADR at Tbilisi State University and the National Center for Commercial Law at the Free University. These centers are generating legal scholarship, creating new courses and training materials, and raising public awareness in important areas. USAID facilitated relationships between these centers and two partner U.S. law schools, Washburn University School of Law and South Texas School of Law. To foster sustainability, these U.S. law schools have committed to maintaining these relationships after USAID support ends. USAID grants have also supported the creation of subject matter chairs that actively promote innovations in education in their specialties, such as the Legal Ethics Chair at New Vision University and the Human Rights Chair at Ilia University.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

Factors that contributed to Georgia's ROL achievements include political will in the case of the Legal Aid Service and the GBA; the length and level of USAID assistance; targeted interventions that address real problems in-country; programming flexibility; world-class experts made available through USAID; building the capacity of individuals; and coordination with other donors. An example of USAID's flexibility is that prior to election of the new government in 2012, the HCOJ argued that the judiciary did not need greater independence. Realizing the lack of political will for change at that time, USAID decided to focus its support on strengthening civil society monitoring. USAID programming informed advocacy for ROL reforms, the GBA, legal education, and CSOs, and later returned to support the judiciary in 2012. This series of transitions demonstrates how USAID exhibited a flexible approach that "met the moment" by responding to stakeholder needs as the situation changed. Stakeholders benefited from study visits and peer-to-peer learning as evidenced by increased acceptance and support for reforms upon their return to Georgia.

KOSOVO

INTRODUCTION

USAID ROL assistance in Kosovo has focused on systematically building and improving the justice system through drafting legislation and building institutions. USAID has supported the infrastructural foundations for producing legal and justice services, including the Constitution and Constitutional Court, the HJPC, the MOJ, PEAs, the Chamber of Advocates, and the Pristina Law Faculty, among others. USAID interventions also focused on building the human and institutional capacity for delivering justice services, such as developing rules and regulations governing institutions and supporting the training of judges, lawyers, and other justice actors. USAID interventions have to a lesser extent also addressed the interaction between these systems and society. Support to CSOs contributed to growing legal empowerment and literacy of the population.

The USG has been heavily involved in Kosovo since the break-up of Yugoslavia, first through NATO and then through the UN Interim Administration Mission in Kosovo (UNMIK). The USG played a major role in UNMIK and post-2003-2004 focused on developing the plan to transition the justice sector from UNMIK to Kosovar authorities. A USAID program was involved in this planning stage and then continued to provide technical assistance to support implementation. On February 17, 2008, the Kosovo Assembly declared independence.

At the start of the review period, independent justice institutions existed only on paper, so USAID and other donors needed to help build the Judicial Council and MOJ from scratch. Courts existed, but effective management and administration and necessary resources were lacking. USAID addressed this problem through a model courts program. The new Law on the Bar Association gave the Kosovo Chamber of Advocates new responsibilities, including attorney discipline and continuing legal education. Legal education at the University of Pristina Law Faculty suffered from a dated curriculum and a rote learning approach that resulted in law graduates who lacked the skills to practice law.

Stakeholders noted that U.S. assistance supported a nascent ROL culture in Kosovo and produced several important, concrete achievements. Nonetheless, these stakeholders also stated that democracy and ROL in Kosovo are fragile, so additional support is necessary to ensure that achievements are sustained. This conclusion is consistent with the World Bank's Worldwide Governance Index: ROL Component, which shows a gradual upward trend in ROL through the review period.

Table 11: USAID ROL Activities, 2005-2020 (Kosovo)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Justice System Reform Activity in Kosovo	National Center for State Courts; International Foundation for Electoral Systems	2003-2007
Justice Support Program	National Center for State Courts	2007-2011
Legal Profession Development Initiative	ABA-ROLI	2008-2011
System for Enforcing Agreements and Decisions program	Checchi and Company Consulting, Inc.; East-West Management Institute	2010-2013

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Effective ROL	Checchi and Company Consulting, Inc.	2011-2015
Kosovo Legal Profession	National Center for State Courts	2012-2015
Contract Law Enforcement Program	Checchi and Company Consulting, Inc.	2013-2018
Property Rights Project	Tetra Tech DPK; ARD, Inc.	2014-2018
Justice System Strengthening Program	Millennium DPI; National Center for State Courts	2015-2020

MAJOR ACHIEVEMENTS

USAID’s investment in building Kosovo’s justice institutions yielded four major significant and sustainable achievements: 1) strengthening judicial independence and self-governance through restructuring the KJC; 2) strengthening rights protection through building the capacity of the constitutional court; 3) improving internal court administrative operations through PEAs; and 4) empowering women through education on property rights.

ACHIEVEMENT I: STRENGTHENING JUDICIAL INDEPENDENCE AND SELF GOVERNANCE THROUGH RESTRUCTURING OF THE KJC

USAID helped establish and increase the capacity of the KJC. Established in April 2006, the KJC is the highest policy-making body for the independent judiciary in Kosovo, responsible for the management of the judiciary and overseeing judicial appointments and discipline. The Secretariat of the KJC serves as its administrative office and supports the operation of the KJC and the courts. By the end of the review period, structural reform of the KJC Secretariat was completed and greatly enhanced its capacity and effectiveness.

Immediately following the establishment of the KJC, USAID provided technical assistance to operationalize it. Over the review period, USAID assisted the KJC in developing its strategic plans, setting policies and procedures, increasing its legislative drafting capacity, developing an electronic CMS, and improving mechanisms for judicial selection, evaluation, and discipline, all of which contributed to greater judicial independence and better self-governance. USAID also aided in drafting and implementing the Law on Courts, which required a major restructuring of the Kosovo courts. As part of that effort, USAID supported an ambitious model courts program. USAID also supported steps to increase transparency, including developing websites and other automation for the KJC and the courts. Even as the MOJ drafted a new law on the KJC in 2010, USAID continued to support the institution’s strengthening.

KJC Board and Secretariat reform is a significant achievement of USAID’s efforts to strengthen judicial independence and self-governance. Prior to this reform, the chairperson was the only member assigned full-time to the KJC. Other members, who were also heads of key committees, continued to serve as judges. They would attend meetings but were not significantly engaged in KJC matters. The result was a failure to fully consider and adopt policies and draft legislation, for which the KJC relied on USAID and EU experts. To address this problem, USAID provided technical assistance to draft an amendment to the Law on the KJC providing for five full-time members of the Secretariat, including key committees’

heads. As part of this reform, a cabinet for the KJC Secretariat to better organize its work was established.

According to stakeholders, these structural changes had significant impacts: the KJC assumed authority over the judiciary and courts from the executive branch and began debating issues and engaging in policy settings for which the KJC had previously relied on external advisors through donor projects. With USAID support, justice systems in both the KJC and the courts became more transparent through digitalization. The KJC and the courts now have their own websites and the capacity to maintain them.

USAID's continuous engagement with the KJC, the breadth of its assistance, and its coordination with other donors all contributed to the achievements mentioned above. One of the most important contributing factors was embedding international and Kosovar USAID program staff, which introduced discipline into the policy-making and legal drafting activities. USAID took steps to ensure sustainability by focusing on introducing procedures for these activities. Structural changes are also embedded in legislation, which safeguard sustainability.

To foster gender equality in the justice sector, USAID assisted the KJC in developing a Gender Equality and Empowerment Plan that outlined specific interventions to increase gender equality. These interventions included a set of procedural standards for management decisions, a regulation providing equal numbers of males and females in the KJC members' election by Parliament, and equal opportunities for women in judge recruitment. When the KJC Board was expanded, one of the vacancies was filled by a female judge from the Supreme Court. Women also filled leadership positions at two basic courts. In addition, USAID, the MOJ, and the HJPC supported the establishment of the Kosovo Women Judges and Prosecutors Forum. The forum is implementing a Women Judge Mentorship Program.

ACHIEVEMENT 2: STRENGTHENING RIGHTS PROTECTION THROUGH BUILDING THE CAPACITY OF THE CONSTITUTIONAL COURT

USAID and with other donors supported the drafting of the Constitution of Kosovo and the establishment and development of the Constitutional Court in 2009. USAID was instrumental in building the capacity of Constitutional Court judges, legal advisors, and staff and promoting digitalization and public outreach. With USAID's assistance, the Court has adopted and implemented three strategic plans since 2010. According to stakeholders, the Constitutional Court is highly respected and is the most independent institution in Kosovo. The Court is increasingly open and transparent as evidenced by open hearings, timely decision publication on a state-of-the-art website, and a professional, well-trained spokesperson.

A key achievement is the transition of the Court from international judges to a full complement of Kosovar judges in 2016. USAID supported this by assisting the Court in developing an orientation package that was used to quickly build the capacity of new judges. USAID also played a major role in training legal advisors who do the bulk of legal research, analysis, and drafting decisions for the Court's judges. A series of workshops for legal advisors and researchers conducted by USAID formed the basis of a long-term professional development program and resource book for the Legal Advisors Unit. Both the orientation package for new judges and the resource book for the Legal Advisors Unit are still in use. USAID was also instrumental in developing the Court's Rules of Procedure. A USAID international expert worked with Constitutional Court judges to draft the first set of rules. The expert returned to

Kosovo to fulfill the Court's request for assistance with amending the rules to better reflect Court operations and practices. Further, USAID assisted the Court with drafting a Code of Ethics for Constitutional Court judges.

USAID supported the Constitutional Court's digitalization, including the development of a CMS, a website for the Court, and a search engine to facilitate research on the Court's decisions by legal issue. This website increased the Court's transparency, and since its inception, USAID has continued to respond to requests for enhancements and upgrades from the Court's IT department.

Various data sources support the idea that USAID support helped lead to some of these achievements in the Court. The Management and Administrative Institutional Capacity Scorecard for the Kosovo Chamber of Commerce for 2017-2020 shows that the Leadership and Management Index increased from 39 percent to 89 percent, reflecting approval and implementation of the strategic plan. The Administrative Capacity Index increased from 29 percent to 87 percent, reflecting improved staff development, case processing protocols, and a better, updated website.²¹ The institutionalization of the training programs and resources developed with USAID support and the respect that the Court has gained from the public and politicians indicate achievement sustainability. Factors contributing to achievements at the Constitutional Court include building a long-term relationship with the Court and responding to requests for assistance, embedding technical advisors within the Court, and coordinating with other donors, such as the Council of Europe.

ACHIEVEMENT 3: IMPROVING INTERNAL COURT ADMINISTRATIVE OPERATIONS THROUGH PEAS

The establishment of PEAs responded to a critical need in the justice system, as the courts were not able to efficiently conduct enforcement judgment proceedings. USAID assisted the MOJ in drafting the Law on Enforcement Procedure, which created a new profession of PEAs, and supported the drafting of legislation such as Administrative Instructions, Regulations and Decisions, which included provisions on licensing, discipline, and inspection of PEAs. USAID also worked with the MOJ on solicitation and selection procedures. The first PEA cohort licensed by the MOJ assumed office in 2014 and the Chamber of PEAs, the professional self-governing body, was formed in 2015 with USAID support. The Law on Enforcement Procedure provides for 300 PEAs per 25,000 people by region, or approximately 125 PEAs based on the current population. At the end of 2020, there were approximately 40 PEAs, so additional recruitment is necessary.

Several factors indicate that this achievement is sustainable. First, PEAs are in demand. They are successfully enforcing judgments on behalf of their clients and have collected approximately two million USD to date. Second, the PEAs have institutionalized by forming the Chamber of PEAs in 2015. Factors contributing to the achievement include USAID's long-term commitment to addressing the enforcement of judgments issue, beginning with drafting the Law on Enforcement Procedure, creating the PEA position, and creating the Chamber of PEAs. Another factor was government buy-in, demonstrated by the extraordinary collaboration between USAID and the MOJ to create the PEA system and the commitment the MOJ demonstrated to developing a regulatory framework.

²¹ See the Justice Sector Strengthening Program Final Report, Performance Indicator 19 (pg. 85).

ACHIEVEMENT 4: WOMEN'S EMPOWERMENT THROUGH PROPERTY RIGHTS

USAID also supported the development and implementation of a National Strategy on Property Rights. This strategy empowered women to exercise their property rights in inheritance cases, a right that women had under the law but did not pursue in practice due to cultural barriers. This process of empowerment was accomplished by building procedural safeguards into legislation through amendments to the Laws on Notary, Non-Contested Procedure, and Inheritance. USAID also gave small grants to Engagement for Equity, a group of CSOs, to conduct outreach and communication campaigns. The number of women that initiated inheritance claims rose from 0.3 percent in 2015 to 14 percent in 2019 and the number of women that reported inheriting property increased from 3.8 percent to 13.7 percent during that period.²²

The sustainability of this achievement is supported by safeguards built into legislation and the inclusion of the realization of women's property rights in the Agency for Gender Equality Action Plan for 2020-2024. Factors contributing to this achievement are USAID incorporating a women's rights focus into its assistance in improving the property rights regime in Kosovo and partnering with strong local organizations.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

Several mutually reinforcing factors contributed to USAID's achievements in Kosovo. First, the USG and USAID have been present in Kosovo since the end of the Kosovo conflict and have actively participated in UNMIK, the interim, post-conflict administration, by assisting the transition of responsibilities to the Kosovar government. Second, USAID demonstrated a long-term commitment and focus on specific problems, such as building the capacity of specific institutions, improving the professionalism of justice actors, and increasing transparency and public awareness through multiple channels. Third, USAID designated programs based on need assessments and engaged high quality, dedicated international experts and local staff to design and implement them. Finally, USAID maintained flexibility, which allowed the agency to change course when beneficiaries did not embrace reform and make it easier to quickly respond to beneficiary requests and seize opportunities as they presented themselves.

²² Based on national opinion survey. See Property Rights Project Final Report at p. 25.

MOLDOVA

INTRODUCTION

USAID ROL assistance in Moldova focused on reforming the justice system by strengthening transparency, building the oversight capacity of key justice sector institutions, reducing corruption in the judiciary, and improving the structure of the court system through improvements in court performance and services. During the early years of the review period, USAID ROL assistance in Moldova was a component of programs that supported governance and other sectors. The first program to focus solely on ROL began in 2012 and coincided with the start of implementation of Moldova's 2011-2016 JSRS.

The JSRS was an ambitious judicial reform strategy that was part of the EU Association Agreement Agenda. However, despite several formal reforms, effective implementation was lacking due to a lack of financial resources and other the challenges noted below. The MOJ began to draft the 2018-2021 JSRS in 2017, but continuous changes in the government made it impossible to finish creating and adopting it in a timely manner. The MOJ finally completed a new strategy, the *Strategy for Ensuring the Independence and Integrity of the Justice System*, and its associated action plan in October 2020.

The primary challenges to USAID's work in the ROL and other sectors in Moldova have been widespread corruption, political uncertainty, weak administrative capacity, and vested bureaucratic interests. Inconsistent governance has also plagued the country: there were three changes in government between 2016 and 2019. Furthermore, from 2017 through mid-2019, Moldova's uneven path to democracy and a market economy was stalled by state capture. Oligarchs and elites associated with the head of the ruling party attempted to gain power for their own financial and political gain. A pro-European government was elected in 2019, but fell within months, and a coalition associated with the previous government was elected.

Between 2017 and 2020 there were six Ministers of Justice and four Chairs of the Superior Council of Magistracy (SCM), which required USAID to repeatedly cultivate relationships with key actors and obtain buy-in from successive judicial leaders, only to restart the process in a matter of months. Disagreements among SCM members and between the SCM and judiciary diminished the SCM's openness and ability to absorb technical assistance. The Agency for Court Administration (ACA) had little capacity to exercise its oversight functions and to lead IT-related reforms, so it relied on USAID to carry out this function.

Table 12: USAID ROL Activities, 2005-2020 (Moldova)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Moldova Governance Threshold Country Program	Millennium DPI; Checchi and Company Consulting, Inc.	2007-2009
Moldova Rapid Governance Support Program	Millennium DPI	2010-2011
ROL Institutional Strengthening Program	Checchi and Company Consulting, Inc.	2012-2016
Promoting the ROL in Moldova through Civil Society Oversight	Legal Resource Centre Moldova	2016-2020
Open Justice Project	Millennium DPI	2017-2020

MAJOR ACHIEVEMENTS

USAID's investment in reforming Moldova's justice system yielded three major significant and sustainable achievements: 1) improved internal court administrative operations through automation of the judiciary; 2) enhanced justice administration through CRO; and 3) enhanced justice administration through civil society advocacy and monitoring.

ACHIEVEMENT 1: IMPROVING INTERNAL COURT ADMINISTRATIVE OPERATIONS THROUGH AUTOMATION OF THE JUDICIARY

USAID's most significant achievement in Moldova was the automation of the justice system. This work began in 2007 and continued throughout the review period. As discussed below, automation has greatly improved the efficiency, oversight, and transparency of the courts.

The first interventions introduced audio recording of trials, an electronic CMS known as the integrated case management system (ICMS), and a web portal for the courts. Over the next five years, USAID supported the development of two new versions of the ICMS, upgraded the web portal to make it more user-friendly, and provided extensive training for judges and court staff to accomplish a nationwide rollout of audio recording of trials and the ICMS. The new versions of the ICMS introduced case weights in the random case assignment module and a module for judicial statistics, which resulted in real time electronic statistical reports that replaced paper-based reports, and developed the first performance indicators in the Court Performance Dashboard module. USAID also assisted the MOJ's Department of Judicial Administration and the SCM in drafting necessary legislative amendments and regulations, including amendments to the civil and criminal codes that allowed for random case assignment. USAID further supported strengthening the contract between the MOJ and the Center for Special Telecommunications, which is the state enterprise that maintains the equipment and software used in digitalization.

From 2012-2016, USAID supported continued upgrades and refinements of the ICMS through three additional versions. This work began with a comprehensive assessment of the courts in 2012, which guided USAID support and was repeated in 2015. Highlights included the integration of the audio recording system and ICMS, improvements to the Court Performance Dashboard and Electronic Judicial Statistics modules, and web portals for courts and justice institutions. In order for the courts and administrative institutions to make full use of the ICMS, USAID provided them with USD 1.3 million worth of computers, IT equipment, and office equipment, and developed an IT Infrastructure Action Plan for maintaining and upgrading the judiciary's electronic systems. USAID also introduced the *International Court Excellence Framework*, which is a set of tools for accessing and improving a court's performance. Additionally, USAID assisted the SCM in piloting the framework in three courts, one Court of Appeal and two District Courts. Based on the successful pilot, the SCM approved the *Good Practice Guide on Court Excellence in the Republic of Moldova* in 2015.

By the end of 2016, the original ICMS platform was at full capacity, so the ACA/MOJ and the SCM requested USAID assistance to develop a new ICMS. Planning for this began with a CMS Business Process Analysis that provided a holistic view of CMS functioning. The new ICMS, with 174 functionalities, included additional features and addressed deficiencies and problems noted by ICMS users. For example, the new ICMS includes measures to eliminate the ability to manipulate the random case assignment module, which was a problem reported by civil society and the business community. The new ICMS also provides the ACA/MOJ and the SCM with better statistical reports for monitoring

and managing the courts. The upgrades to the Court Performance Dashboards that provide real time data and other information through the web portals, including information on cases, improves transparency, as do the Web Report Cards, which provide direct access to the Performance Indicators for each court. As with previous ICMS versions, USAID provided critical equipment and training support in addition to technical assistance. At the end of the review period, USAID assistance resulted in a sophisticated ICMS used throughout the country. ICMS is integrated with the Moldovan government's e-justice services. Full ICMS ownership was transferred to the MOJ in 2019 with a detailed roadmap to guide its sustainability.

Stakeholders noted that the ICMS is ingrained in the judiciary and is integral to its functioning. Older judges are resistant, but younger judges who currently comprise 70 percent of all judges embrace the system. Given that the judiciary cannot operate without the ICMS, stakeholders are confident that the government will continue to fund the system, although there is some doubt about whether there will be sufficient funding to maintain and upgrade equipment, and if the MOJ will have the capacity to update the system given brain drain in Moldova. To address these risks, USAID supported the establishment of the ICMS Oversight Committee and developed a roadmap to ensure ICMS sustainability.

ACHIEVEMENT 2: ENHANCING ADMINISTRATION OF JUSTICE THROUGH CRO

Another significant USAID achievement is the successful CRO process. The JSRS called for court optimization, as Law No. 76 enacted in 2016 required a substantial restructuring of the district courts. After a local NGO conducted a study that presented several options for the MOJ to consider, the MOJ asked USAID to prepare a feasibility study. USAID subsequently engaged with the SCM and the MOJ to facilitate an orderly and informed implementation process. USAID formed a multi-disciplinary working group to oversee the harmonization of legislative, normative, and institutional frameworks with the CRO Law as well as strategic communication with court users and the public. USAID provided support to the working group, including with preparation of the CRO Impact Assessment Report that was completed in October 2017. This report was used to guide the CRO process. The CRO process reduced the number of district courts from 44 to 15. This is an ongoing process that is scheduled to be completed in 2028.

The CRO Impact Assessment Report identified the impact of the CRO on court operations, case flow, judicial review, and case management, with detailed recommendations for modifying the regulatory framework and court operations. Further, the CRO Impact Assessment Report and its recommendations were readily accepted by the ACA/MOJ, the SCM, and the courts because they participated in its preparation and used evidence-based, inclusive approaches that were based on Moldova-specific research. The success of the CRO process was largely due to the political will and enthusiasm when the process began. USAID seized this opportunity to negotiate a detailed MOU with the MOJ and the SCM that specified the commitments of all parties and reinforced local ownership.

One of the recommendations in the CRO Impact Assessment Report was to install video-conference equipment at the courts and justice sector institutions to allow for better communication during the CRO process. The MOJ followed this recommendation and USAID provided the SCM and courts with video-conferencing equipment and piloted its use. Video-conferencing has proven to have benefits beyond the CRO process. For example, the use of video-conferencing reduces the need to travel to attend technical-level meetings at the SCM or appellate courts, thereby saving time and money. Its use also allows for the incarcerated population to participate in court hearings without being transported to

the courts, which expands access to justice and reduces transportation costs and the length of court proceedings. As a result, the video-conferencing mechanism is now standard practice. Further, having the capacity to conduct hearings remotely allowed the justice system to continue functioning during the COVID-19 pandemic shutdown in 2020.

ACHIEVEMENT 3: ENHANCING ADMINISTRATION OF JUSTICE THROUGH CIVIL SOCIETY ADVOCACY AND MONITORING

USAID also bolstered the ability of Moldovan CSOs to effectively advocate for and monitor judicial reform. USAID began providing grants to ROL-oriented CSOs in 2012 to conduct advocacy and raise public awareness of citizens' rights, women's rights, and court reform. To complement financial support, USAID also conducted capacity-building activities, including assessments and training.

One of the grantees, the Moldovan Legal Resource Center (LCRM), was selected to implement a USAID program to improve the ROL and accountability of the justice system through civil society oversight and participation in decision-making. This entailed interventions to strengthen civil society's funding sources, legal status, and protections, and to support monitoring activities. USAID's support provided LCRM with the opportunity to transform itself from a think tank into an advocacy organization.

USAID, through LCRM, contributed to two laws that impact civil society: the Two Percent Law and the Law on Non-Commercial Organizations. The Two Percent Law, which permits taxpayers to allocate two percent of their income to CSOs, was already in place but difficult to utilize. Accordingly, LCRM led a group of CSOs that worked with executive agencies to adopt secondary legislation to facilitate the use of the two percent mechanism. LCRM also trained over 300 civil society representatives on how to apply and use the two percent mechanism and launched a dedicated website that hosts updated information on the progress of the mechanism in Moldova. LCRM monitored mechanism implementation and drafted guidelines and infographics explaining how to use the mechanism and conducted communication campaigns.

LCRM's contribution to the Law on Non-Commercial Organizations was primarily high-level advocacy to secure the law's passage in Parliament. The law enshrines European standards on freedom of association, limits the mechanisms through which the authorities can put pressure on the CSO sector, and simplifies CSO registration and the rigid internal organizational structure. To monitor and document attacks against civil society, the LCRM team facilitated the design and creation of an instrument for monitoring and reporting attacks against civil society. The instrument's main purpose was to draw attention to defamation and smear campaigns against CSOs and to determine the public authorities, politicians, affiliated mass media, private institutions and individuals supporting those attacks to stop them and allow CSOs to act freely. More than 20 leading Moldovan CSOs endorse the document yearly.

Additionally, LCRM monitored the implementation of the main policy documents related to the judiciary and advocated for a more independent, transparent, and accountable judiciary. This included monitoring, reacting to, and coordinating civil society responses to systemic threats to the institutional independence of the judiciary and that of individual judges. They issued public statements that brought the issue to the attention of stakeholders, including international organizations that could pressure the government. LCRM also monitored the SCM's recently-opened meetings, regularly conducted research, prepared reports, and collaborated with the International Commission of Jurists on an assessment of the independence of Moldova's judiciary.

Stakeholders believe that LCRM will remain active and expand the scope of its oversight activities. An endline project evaluation found that while LCRM had excellent core research and analysis skills, it needs to elevate its advocacy and watchdog skills to the same level. That evaluation noted that LCRM needs time to internalize its growth. Stakeholders noted that CSO monitoring activities are more robust and that CSOs are now able to engage with government bodies to draft legislation. In addition to LCRM, there are other think tanks and CSOs that provide legal assistance to marginalized groups. This includes two legal clinics that began operating at the beginning of the review period and continue to do so. Stakeholders noted that as CSOs became stronger, governmental bodies were more reluctant to work with them. Public trust in CSOs is low, as the public does not understand what CSOs do, and critics regularly question the extent to which CSOs are subject to donor agendas.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

Several factors contributed to USAID's substantial achievements despite fluctuations in political will and changing priorities. USAID's flexibility and adaptive management was a key to success. For example, when the National Institute of Justice moved too slowly and was resistant to expanding training, USAID switched from institution-based to on-the-job, court-based training to provide training on the ICMS. USAID was also the largest donor and exercised considerable leverage, which resulted in increased transparency from the ICMS. Further, USAID continued to provide services to the judiciary during the period of state capture, unlike some other donors who either cut back on or refocused their efforts, thereby avoiding a disruption in programming. For example, the EU declined to transfer 28 million Euro (USD 33.6 million) in 2017 that had been allocated for judicial reform due to ineffective implementation of the JSRS. Finally, USAID took measures to foster local ownership by conducting numerous assessments and studies that involved beneficiaries and responded to user requests. This was particularly true when making upgrades to the ICMS and recording system.

LATIN AMERICA AND THE CARIBBEAN (LAC)

STATE OF ROL, 2005-2020

USAID's investment in ROL programming in the LAC region began in the 1990s and grew during the review period. The four focus countries reviewed in this study (Colombia, the Dominican Republic, Guatemala, and Mexico) contrast in significant ways; for example, Colombia and Mexico are among the region's largest economies and are substantially more sizable than the Dominican Republic and Guatemala. However, a unifying factor that impacted USAID's ROL assistance was that all four countries' justice systems were adapted from the Spanish inquisitorial legal system, which is marked by the presumption of guilt until proven innocent, written pleadings rather than oral argument between the prosecution and defense, and significant judicial power to ascertain the scope of the case and investigate the truth.

All focus countries lacked a number of basic institutions and laws required for a democratic society based on the ROL. As a result, USAID's early ROL assistance in LAC during the review period focused on strengthening justice systems, as evidenced by the creation of new institutions, constitutional reforms, and institutional reform. Later in the review period, USAID focused on making these justice systems more responsive to citizens' needs through expanded access to justice services. This assistance took place in environments marked by low citizen trust in justice and security institutions, high rates of impunity and violent crime, compounding inefficiencies and an inability to effectively process cases, and high levels of corruption. Throughout the region, critics highlight impunity rates exceeding 90 percent, meaning that perpetrators are brought to justice for less than ten percent of the crimes committed. Although this number is lower with homicides, as there are 20 homicide convictions for every 100 homicides in the region, the homicide conviction rate is less than half of the worldwide average of 43 percent.²³ While countries in the LAC region have made progress, much remains to be done to consolidate the ROL.

USAID PROGRAMMING RESPONSE AND APPROACH

USAID took a holistic approach to ROL assistance in the focus countries that supported both justice institutions and civil society. This approach addressed the most pressing ROL challenges, including: 1) low institutional capacity of justice system institutions; 2) dated civil and criminal codes and enabling legislation; 3) a citizenry unable to access justice; 4) human rights abuses committed by both state and non-state actors; and 5) weak legal education systems that did not adequately prepare legal professionals.

To address these challenges, USAID secured buy-in and commitment at all levels of government to gain key stakeholders' trust. USAID coordinated efforts with other donors to leverage scarce resources and avoid duplicating assistance. USAID also pushed for innovation, actively seeking to support interventions that went beyond traditional training in the ROL space, such as embedded mentoring and learn-by-doing methodologies. USAID was not only the largest donor, but also maintained a sustained presence in each

²³ RCN Noticias. "La Impunidad en Colombia es del 99%: Nestor Humberto Martínez." October 4, 2017; CONADEH 2015 annual report, <http://conadeh.hn/wp-content/uploads/2016/04/informe-Anual-2015-FINAL-VERSI%C3%93N-PDF> (which notes that the impunity level in Honduras exceeds 90 percent); Prensa Libre. "La Impunidad Supera el 97% en Guatemala." April 3, 2017 (quoting Ivan Velásquez, head of the International Commission Against Impunity in Guatemala," ENCUESTA NACIONAL DE VICTIMIZACIÓN Y PERCEPCIÓN SOBRE SEGURIDAD PÚBLICA (ENVIPE), 2016, pg. 11 (noting that the "cifra negra" – or unreported crimes – amount to 93.7 percent of all crimes committed).

of the focus countries, which provided institutional memory. Perhaps most importantly, USAID served as a key interlocutor when convening justice sector institutions by promoting coordination between them to improve ROL outcomes. In addition to supporting justice system institutions, USAID's holistic approach also emphasized understanding the local system, culture, and needs, and provided support to communities and CSOs to access the justice system. These factors were integrated into the focus countries' respective Country Development Cooperation Strategies and drove intervention design. As USAID ROL programs in the LAC region were tailored to the specific needs and circumstances in each country, achievements also differed.

REGIONAL ACHIEVEMENTS

The major achievements in the four focus countries are highlighted below and discussed at length in their respective country sections. Building on earlier work in the region, such as poverty reduction and basic infrastructure development, USAID implemented several activities to either create institutions or increase their technical capacity.

Increased Capacity of Justice System Institutions: In Guatemala, USAID helped to create the National Forensic Sciences Institute (INACIF) as an autonomous body, which strengthened criminal investigations and helped develop and highlight much-needed data to improve prosecutions. In addition, USAID provided critical technical assistance to the Public Defender's Office, the Supreme Court, and the National Police in the Dominican Republic, which strengthened the justice chain.

Enhanced Administration of Justice: USAID's support for core legislative drafting was also critical to justice reform in the LAC region. The transitions from the mixed-inquisitorial to the accusatorial system that took place in each country required significant efforts in drafting and implementing national legislation to establish new systems. For example, during the review period, USAID provided technical assistance for drafting new criminal procedure codes in Colombia and Mexico.

Expanded Access to Justice: In addition to institutional support at national and state levels, USAID focused on strengthening access to justice at the local levels. In Guatemala, USAID created a Holistic Attention Model for Children and Adolescents (MAINA) to ensure youth and victims of violence could gain access to the legal system while reducing the likelihood of revictimization. In Colombia and the Dominican Republic, USAID supported the creation of Community Justice Houses (*casas comunitarias de justicia*) (CJHs) that provided spaces for families and individuals to resolve their disputes and access justice and related support services.

Improved Legal Education and Preparation to Practice: Strengthening continuing legal education, professional development, and legal education at the university level was a critical part of USAID's work in the LAC region. In the Dominican Republic, USAID supported the Dominican government's establishment of the National School of the Judiciary, which subsequently provided training for public defenders, judges, and justices of the peace. USAID also supported capacity-building for the National School of the Public Ministry, which provided training for prosecutors. Similarly, in Mexico, USAID provided technical assistance for law school curriculum reform to ensure that a new generation of law school students understood how to carry out their roles in the new accusatory justice system. USAID also supported the expansion of legal clinics in law schools in many LAC countries, including Mexico and Colombia, so that law students could gain experience while expanding justice services to vulnerable populations and the indigent.

Increased Capacity of Civil Society to Monitor the Justice System and Advocate for

Reform: Underpinning these key ROL investments, USAID also helped shape a culture of citizen participation and justice sector accountability by supporting civil society. For example, in Mexico, USAID funded watchdog groups like Mexico Evalua that track and measure the performance of justice sector institutions, which is critical for transparency and core to a functioning democracy. Likewise, in Guatemala and Colombia, USAID provided technical assistance and funding to CSOs such as *El Refugio de la Ninez and Humanas*, that protect victims of trafficking and SGBV.

CONCLUSION

USAID's holistic approach of focusing on institutional strengthening within a systems framework laid a solid foundation for future work to strengthen the ROL in the LAC region. USAID supported criminal justice reform in the four focus countries through technical assistance and strengthened the provision of improved justice services, especially to vulnerable populations. These achievements provided the groundwork necessary to continue supporting the focus countries and other partners in the region to combat corruption and organized crime, which threaten institutional resilience and stifle citizen engagement.

COLOMBIA

INTRODUCTION

Advances and setbacks defined the evolution of Colombia's justice system during the review period of 2005-2020. Despite a sweeping judicial reform in the 1990s and early 2000s that transformed the system from an inquisitorial to an accusatorial one, a series of compounding internal and external factors complicated justice service provision. Important internal factors included a lack of frameworks and state presence at the departmental and local levels while external factors included human rights abuses and the unprecedented influx of migrants. In 2016, the Colombian government and non-state armed groups signed a historic peace agreement to end 52 years of armed conflict. The agreement established the "Special Jurisdiction for Peace" to administer transitional justice and provide an opportunity for justice sector operators to prosecute categories of crimes and human rights abuses in connection with the armed conflict.

Despite extensive truth and reconciliation efforts, human rights abuses against groups including vulnerable populations, (e.g., women, youth, ethnic minorities, members of the lesbian, gay, bisexual, transgender, and intersex [LGBTI] community) remain a concern. Recently, local perception of the police and military has plummeted. In June 2020, a Gallup poll found that approval of the police had fallen from 75 to 40 percent following the 2019 protests. HRDs, trade unionists, journalists, indigenous and Afro-Colombian leaders, and other social leaders faced numerous death threats and acts of violence, usually at the hands of criminal groups fueled by narcotrafficking and other illicit activities. While the government of Colombia, civil society, and the international community have consistently condemned these attacks, few convictions have occurred to date. Likewise, the Colombian constitution recognizes indigenous peoples' rights to culture and indigenous rights to self-governance, but the government has failed to adequately safeguard these rights. Stakeholders noted the case of an indigenous collective movement called *Minga del Choco*, which rose in prominence during the review period. The group, led by Aquileo Mecheche, demanded their right to security and a dignified life in their territories, along with an end to death threats against HRDs. Although *Minga del Choco's* movement culminated in a dialogue with the executive High Commissioner for Peace in November 2018, Aquileo Mecheche was murdered in 2019. Stakeholders cited this example as evidence that significant work is needed to effectively implement existing laws to protect human rights.

Colombia's armed conflict has produced about seven million internally displaced persons. Towards the conclusion of the review period, Colombia received approximately 1.7 million Venezuelan. This was the largest mass exodus of migrants and returnees in the history of the Western Hemisphere, and globally second only to Syria. Venezuelan migrants, internally displaced persons, and returned Colombians face significant barriers to justice services and are vulnerable to human rights abuses. Migrants and rural populations often do not report these abuses to authorities out of fear of being deported, jailed, or retaliated against and due to a lack of trust in the system. Underreported crimes, or *cifra negra*, result in high rates of impunity.

Table 13: USAID ROL Activities, 2005-2020 (Colombia)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Administration of Justice Program	Checchi and Company Consulting, Inc.	2001-2006
Justice Reform and Modernization Program	Florida International University	2006-2010
Culture of Lawfulness	National Strategy Information Center	2007-2011
Mitigating Interethnic Land Conflict in Colombia: Securing Territory and Resource Rights in Rural Communities	World Wildlife Fund	2009-2011
Access to Justice Program	Management Sciences for Development, Inc	2010-2012
Community-Based Treatment Services for Afro-Colombian Victims of Torture	Heartland Alliance International	2010-2015
U.S.-Colombia Human Rights Law School Partnership	American Council on Education	2011-2015
Human Rights Program III	Chemonics	2012-2015
Victims Institutional Strengthening Program	International Organization for Migration	2012-2020
Human Rights Public International Organizations Grant	UN Office of the High Commissioner for Human Rights	2013-2016
Access to Justice Activity	Checchi and Company Consulting, Inc.	2013-2017
Recruitment Prevention and Reintegration Program	International Organization for Migration	2016-2020
Justice for Sustainable Peace	Chemonics	2018-2021

MAJOR ACHIEVEMENTS

USAID’s investments in ROL in Colombia yielded two concrete and sustained achievements during the review period: 1) enhanced administration of justice through normative frameworks, and 2) expanded access to justice and legal empowerment through CJHs.

ACHIEVEMENT I: ENHANCED ADMINISTRATION OF JUSTICE THROUGH NORMATIVE FRAMEWORKS

The largest achievement for ROL in Colombia was the establishment of new and improved normative frameworks combined with technical assistance to lay the groundwork for sustainable change in the justice sector. Following the new criminal code’s passage in 2002, a series of laws were passed from 2005-2020 to provide definitions and guidelines for many crimes and to advance serious offense investigation and prosecution. These efforts affected significant portions of the population. Once laws were passed, USAID provided technical assistance for the government to implement policies and systems and build institutions at the national, departmental, and municipal levels. For example, in 2005, Law 975—the “Justice and Peace Law”—was passed. This controversial package worked toward armed

group demobilization by offering reduced sentences to members of groups responsible for serious crimes if they participated in a demobilization process. USAID supported this law's passage by conducting discussions with Colombian government representatives in the executive branch and Congress. USAID also provided technical assistance to support legislative drafting efforts.

At roughly the same time, the government advanced a geographic consolidation process designed to increase its presence in rural areas throughout the country and strengthen governance, access to justice, public policy, and human rights. This consolidation process resulted in the 2011 Victims and Land Restitution Law to return land to internally displaced persons and provided financial compensation to victims of both human rights abuses and international humanitarian law violations. While this was a Colombian-driven process, USAID provided high-level support through dialogue processes to ensure the government maintained political commitment and momentum. In 2020, USAID worked with victims' organizations to help secure the law's extension to 2031.

In 2014, Colombia enacted Law 1257 to improve access to justice and protection for SGBV survivors and, in July 2015, the government declared femicide a crime. The law established comprehensive measures to prevent and prosecute gender-based violence (GBV), including recognizing a victim's right to specialized legal assistance. USAID also supported the Judicial Gender Commission's establishment. To implement Law 1257, USAID provided support to family commissioners, municipal-level GBV first responders, and CSOs providing legal representation and psychosocial support to victims. USAID also provided technical assistance and training to police officers and prosecutors to increase legal awareness and build skills to promote due process.

ACHIEVEMENT 2: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH CJHS

To support ROL in Colombia, USAID also helped create CJHs to expand access to justice for vulnerable populations. Recognizing a need for increased justice services at the local level, USAID invested in increasing access to justice through the establishment of CJHs, particularly in rural communities. The CJHs are multi-agency, one-stop-shops co-located with community family centers where users could access prosecutors, public defenders, judges, and mediators in one location. The CJHs vary depending on the municipality but generally, community members can access justice services, including resolutions to civil disputes such as landlord-tenant issues, family law, labor issues, domestic violence, and human rights cases.

Colombia established the first CJH with USAID's support in 1995 after the passage of a decree law. USAID supported the gradual scaling up of the CJHs throughout the country through a bottom-up approach based on an easily replicated, local, rural model of justice. USAID chose this approach because an analysis revealed that starting at the national level would prove too challenging to coordinate. In 2012, USAID helped to establish Local and Departmental Justice Committees to expand access to justice at the municipal and departmental level. The idea of providing justice services to community members was promoted and promulgated in rural and peri-urban areas to inform stakeholders of the merits of increased access to justice services. Following these activities, in 2017 USAID helped elevate the model working groups to the departmental and regional levels by facilitating meetings, connecting them with key contacts, and promoting the activity among key influencers in the justice system. USAID provided experts to ensure working groups included a departmental committee, academia, civil society, and rural groups.

The continued existence of CJHs 20 years after they were first created is evidence of the approach's sustainability. The CJHs currently receive government funds. Initially, mayors were faced with the burden of securing adequate funding; however, USAID helped commission cost studies for local officials to submit to the Ministry of Interior and Justice to advocate for national level funds to support these costs. Currently, a total of 114 CJHs are located in communities throughout Colombia, including in parts of Riohacha, Santa Marta, Cucuta, Bucaramanga, Bogota, and Medellin. Not only have the CJHs resulted in an increased number of users accessing the justice system, but USAID implementers also have documented an increased number of addressed GBV and human rights cases.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

USAID's support to Colombia increased substantially after the passage of the new criminal code in 2002 and was sustained throughout the review period, especially during the peace process. Several mutually reinforcing factors contributed to the achievements in USAID's ROL programming. First, USAID understood the evolution of the peace agreements and the impacts at the regional, departmental, and local levels, as well as in key sectors of Colombian society. USAID recognized that a nuanced understanding of the local system was critical to supporting the government's assertion of its legitimacy in the face of development challenges. USAID supported justice models in Colombia that were both top-down and bottom-up by creating justice institutions and CSOs that included indigenous groups, Afro-Colombian communities, and academia. USAID employed a holistic vision for promoting access to justice. The CJHs promoted by USAID fit into the government's broader public policy interests and complement other citizen security and conflict resolution activities. USAID also provided technical assistance and secured political will to implement reforms. Additionally, USAID coordinated with other donors, including the EU, UNDP, and the UN Office on Drugs and Crime via the MOJ to ensure that the local institution was at the center of the coordination processes. For all achievements, geographical focus helped ensure sustainability.

DOMINICAN REPUBLIC

INTRODUCTION

USAID supported the ROL in the Dominican Republic through constitutional and legislative strengthening, criminal justice reform, court modernization, and judiciary strengthening through three reform waves. The first reform wave took place in 1994-2002, during which USAID focused on foundational system-strengthening interventions, such as establishing key justice sector institutions, promoting judicial independence, and supporting a culture of citizen engagement with the justice sector. The adoption of the 2002 Criminal Procedure Code and its full implementation in 2004 were significant events that entailed a true redesign of the criminal justice system by reconfiguring the functions, powers, and roles of the system's main institutions. This law required significant legislative adjustments during the second (2003-2009) and third (2010-2020) reform waves. USAID built upon these investments to consolidate criminal justice system reform from an inquisitorial to an accusatorial system, establish key justice system institutions, and expand access to justice to vulnerable populations in high-crime areas.

Human rights issues remained a central issue for the Dominican Republic during the reporting period, especially regarding citizenship for those with foreign parents and the prominence of GBV. The Dominican Republic shares a complex history with its neighbor Haiti. Thousands of people born to foreign parents who were registered as Dominicans at birth were later unrecognized as nationals. Through a 2013 ruling, tens of thousands of migrants were left without a nationality, were unable to obtain Dominican identity documents, and were made stateless and at risk of expulsion. Government authorities in turn failed for years to adopt the comprehensive anti-discrimination legislation demanded by CSOs, despite accepting the recommendations made by the UN Human Rights Council to do so. These human rights issues, coupled with a persistently high incidence of GBV against women, girls, and LGBTI persons, signaled an increased desire on the part of Dominican society for the justice sector to provide solutions-oriented services that more effectively address people's legal and justice needs.

After recognizing a need for expanded justice services, USAID shifted its ROL programming in the third reform wave from national level, top-down approaches and interventions to bottom-up, localized technical assistance. During this period, USAID promoted projects that featured expanding justice services to help citizens resolve conflicts, which resulted in decongested court systems and improved conflict resolution.

Table 14: USAID ROL Activities, 2005-2020 (Dominican Republic)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Justice and Governance Project	Tetra Tech DPK	2003-2008
Sustainability and Expansion of Community Houses of Justice	Participacion Ciudadana	2006-2015
Labor Justice Strengthening Program	Management Sciences for Development, Inc.	2007-2010
Justice Project (Proyecto de Justicia)	DAI; Tetra Tech DPK	2008-2012
Criminal Justice System Strengthened Project	Chemonics	2015-2021

MAJOR ACHIEVEMENTS

USAID's investments yielded four concrete and sustained achievements during the review period: 1) enhanced justice administration through judicial reform from an inquisitorial to an accusatorial system; 2) strengthened criminal justice chain through increased inter-institutional coordination; 3) expanded access to justice and legal empowerment through CJHs; and 4) improved legal education and preparation to practice through support to the National Schools of the Judiciary and Public Ministry.

ACHIEVEMENT 1: ENHANCED JUSTICE ADMINISTRATION THROUGH JUDICIAL REFORM FROM AN INQUISITORIAL TO AN ACCUSATORIAL SYSTEM

The biggest achievement for USAID's ROL programming in the Dominican Republic was strengthening justice system institutions. As part of the Dominican Republic's transition from an inquisitorial to an accusatorial criminal justice system, USAID helped to establish and strengthen key justice system institutions that still exist today. Three institutions stand out as demonstrating concrete and sustainable achievements: the Public Defender's Service, the Supreme Court, and the National Police.

USAID built on its investments before the review period to consolidate the Public Defender's Office as an autonomous institution. USAID first provided technical assistance supporting the drafting of a public defense law. The law specified the new institution should remain independent and set forth provisions which led to the creation of a management model, as well as internal rules and regulations. USAID also provided training for public defenders that focused on strengthening practical skills through hands-on litigation exercises. USAID additionally supported the implementation of a 360-degree evaluation system with institutional management indicators for public defender staffers.

USAID supported the Supreme Court by advancing fundamental laws that govern the legal profession, strengthening the criminal chamber of the Supreme Court's internal management processes, and refining the criteria for selecting and promoting judges to guarantee access to and quality of justice. USAID also provided technical assistance for the criminal procedure code's implementation, such as by developing efficient management models for improved court management. This institutional development was complemented by technical staff training. Prosecutors and judges were also trained on handling criminal cases under the new accusatorial system. A study conducted indicated that prior to reforms, the average processing time for a criminal case was 400 days; the time dropped to 120 days after the reforms.

In partnership with the State Department's Bureau of International Narcotics and Law Enforcement Affairs, USAID supported the 2016 police reform law which established the National Police. USAID promoted the integration of the National Police into the justice chain by identifying where and how the police interacted with the Public Ministry and the judiciary and helped strengthen communications between the two. USAID went beyond these national-level interventions to strengthen police units at the municipality level in high crime areas. Stakeholders saw progress in addressing GBV and expanding access to justice for vulnerable populations, but believe that consolidation must occur for these efforts to achieve long-term sustainability.

Current sustainability is evidenced by the Public Defender Service continuing to manage its own budget and grow. Surveys reveal that the system's users report positive feedback regarding service quality. Furthermore, the Supreme Court continues to have a good reputation and is referenced as a model for the LAC region. Lastly, the National Police is still functioning, and its representation has expanded; the

ratio of officers to inhabitants has increased over time, which has improved users' perception of citizen security in the Dominican Republic, according to experts.

ACHIEVEMENT 2: STRENGTHENED CRIMINAL JUSTICE CHAIN THROUGH INCREASED INTER-INSTITUTIONAL COORDINATION

The breadth and complexity of these judicial reforms required inter-institutional coordination. In 2006, leaders of the Supreme Court, the Public Ministry, the Public Defender Service, and the National Police entered into a framework agreement that linked their organizations. USAID promoted this collaboration and coordination, which resulted in a CTS that facilitated information-sharing and scheduling. In addition, these institutions created a Bureau of Inter-Institutional Coordination for each judicial district.

In 2016, USAID investments provided support for consultations, reflection, and consensus-building with the participation of 1,900 stakeholders, including 1,079 judicial officials and employees, 343 other regional stakeholders, and 378 civil society leaders. The effort culminated in the 2016 National Judicial Summit (*Cumbre Judicial Nacional*). This investment also resulted in a series of inter-institutional agreements that achieved an expansion of the use of ADR methods; training in new law areas, including GBV; and increased effectiveness of inter-institutional coordination mechanisms.

Further, in 2009, USAID supported the establishment of the Institutional Integrity System between the Supreme Court, the Public Ministry, and the Public Defender Service. USAID facilitated the design and implementation of this system through technical assistance focused on preventing and controlling corruption and promoting transparency and employee engagement within these institutions. USAID helped the institutions cultivate a culture of service, draft ethics codes, update disciplinary systems, reorganize human resources and financial management systems, and disseminate their respective institutional integrity plans within their organizations to orient personnel. USAID also introduced technological innovations to promote data-sharing. Institutional integrity has been accepted in the Dominican Republic, and while the practice is uneven among some institutions, it is encouraging that President Danilo Medina in 2017 directed all government agencies to maintain commissions of public ethics and to work with the Directorate of Public Ethics and Integrity.

ACHIEVEMENT 3: EXPANDING ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH CJHS

The creation of CJHs to expand access to justice for vulnerable populations is a third major achievement. To date, the CJHs have addressed about 500,000 cases in nine municipalities around the country. In 2005, USAID supported the creation of these one-stop-shops for users to access justice services. The CJHs are safe places for resolving conflicts before they escalate into potentially serious scenarios. While each CJH is unique, depending on the needs of the local community, they feature a judge, prosecutor, and police officer so that users can address their case and obtain information about pathways to resolution, as well as psychosocial support and protection for survivors of GBV. Types of cases handled include debt resolution, tenant-landlord disputes, intra-family violence, and neighbor disputes. Since many cases included incidents of violence, the CJHs were established in high-crime areas to expand access to justice for vulnerable populations including women, children, and adolescents. The introduction of ADR at the CJHs resulted in increased conciliation cases and reduced caseloads for courts. In some cases, prosecutors were trained to conduct mediation to avoid having to refer citizens elsewhere.

The sustainability of the CJHs was achieved through management by a locally created organization called the *Centro Casas Comunitarias de Justicia*. The *Centro Casas Comunitarias de Justicia* provides the CJHs with training on management, fundraising, and reporting. Funding for CJHs is provided by the national government, local governments, and the private sector. While they struggle with sustainable funding sources, currently there are nine CJHs still in operation in key jurisdictions throughout the country that have seen an increase in the number of people accessing services. Repeat customers composed 40 to 75 percent of cases, and customers reported high satisfaction in user surveys.

ACHIEVEMENT 4: IMPROVED LEGAL EDUCATION AND PREPARATION TO PRACTICE THROUGH SUPPORT TO THE NATIONAL SCHOOLS OF THE JUDICIARY AND PUBLIC MINISTRY

A fourth concrete and sustained achievement for ROL is improving legal education and preparation to practice. During the judicial reforms preceding the review period, the Dominican Republic established the National School of the Judiciary. USAID provided capacity-building for public defenders, judges, and justices of the peace through the National School of the Judiciary and provided support to the National School of the Public Ministry, which is where prosecutors are trained.

USAID provided technical assistance to both schools for curriculum review and development, learning materials development, and training provision through local and international experts. Specifically, for the National School of the Public Ministry, USAID supported a career induction program, a diploma on GBV case management, and a diploma on human rights and vulnerable populations. For the National School of the Judiciary, USAID supported GBV training for judges and technical assistance on handling GBV and trafficking in persons cases.

These achievements are sustainable as they contributed to strengthening the capacity of educational institutions to deliver quality functional skills training repeatedly to multiple generations of justice system personnel. Several of USAID's capacity-building investments have been incorporated into both schools' academic programs, which has helped to elevate the reputation of these schools nationally and regionally.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

Stakeholders highlighted USAID's investments made in the 1980s to strengthen democracy in the Dominican Republic as important contributors to these achievements. Fundamental building blocks, such as a culture of citizen participation, public awareness of the importance of voting, free and fair elections, and civil society's capacity to engage with institutions, laid the foundation for subsequent ROL programming.

Building on these investments, a key factor that helped USAID sustain momentum over time was securing and sustaining stakeholder buy-in. Stakeholders attributed achievements to effective co-creation processes with national authorities and local system actors. From high-level diplomatic engagement to program-level dialogue, USAID was a steady presence that sustained host-country administration changes. The institutional memory USAID provided helped the government adapt to changing realities on the ground. Stakeholders also noted that USAID promoted coordination between its projects to share information and support collaboration. In the Dominican Republic, there were numerous donors working in the justice and security space. The State Department and UNDP supported police reform and the citizen security strategy; the EU supported gender equity programs; the Inter-American

Development Bank and World Bank supported transparency programs and justice sector assessments; and the Spanish Agency for International Development Cooperation, *Agencia Española de Cooperación Internacional para el Desarrollo* (AECID), coordinated forensic sciences. USAID recognized the importance of coordination with these international donors to yield concrete program results for ROL in the Dominican Republic. Finally, stakeholders emphasized how USAID's combination of capacity-building and structural reforms conducted at the institutional and implementation levels led to results.

GUATEMALA

INTRODUCTION

USAID's commitment to supporting the consolidation of Guatemala's democracy following its 36-year civil war (1960-1996) remained steadfast during the review period. Guatemala is the most populous Central American nation, has a highly stratified society along race and class lines, and was one of the first countries where USAID implemented ROL programming. USAID built upon its critical foundational work conducted during the 1990s to support structural and institutional reforms for the judiciary and its transformation to an adversarial justice system.

Guatemala has one of the world's highest levels of crime and violence. This includes intentional homicide, which is often inflicted because of domestic disputes, interpersonal violence, violent conflicts over land resources, intergang violence over turf control, and predatory violence and killing by armed groups. In 2005, the intentional homicide rate in Guatemala was 40.76 per 100,000 people and peaked at 45 in 2010, before falling steadily to about 22 in 2021, which still above the LAC regional average.

In response to rampant crime and violence, USAID shifted its investments during the review period to increase access to justice services for the most vulnerable populations, including the poor, women, and children, which are segments of society that are disproportionately victims of crime and violence, forced labor, and human rights abuses. These populations also historically have had little to no access to justice services. USAID also assisted Guatemala's Office of the Attorney General in establishing the Specialized Prosecutor's Office Against Extortion Crimes in 2015.

USAID's ROL investments helped brace Guatemalan institutions for a series of significant developments and challenges to the ROL. Stakeholders recalled that in 2015, news of the emblematic La Linea corruption case broke. Once investigated and brought to light, this series of intertwined corruption scandals led to the fall of President Otto Perez Molina's government. The Vice President, four of the last five presidents, one-third of congress, and thousands of companies were implicated on charges including embezzlement, tax evasion, corruption, and bribery.

Table 15: USAID ROL Activities, 2005-2020 (Guatemala)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
ROL Program	Checchi and Company Consulting, Inc.	2004-2009
Community-Based Policing/Guatemala ROL	Management Sciences for Development	2006-2009
Labor Justice Strengthening Program	Management Sciences for Development	2007-2010
Regional Youth Alliance (Alianza Joven Regional)	Creative Associates International	2008-2012
Project Against Violence and Impunity	Tetra Tech DPK	2009-2012
Central America Regional Security Initiative	Chemonics	2010-2012
Violence Prevention Project	RTI International	2010-2014
Security and Justice Sector Reform Project	Checchi and Company Consulting, Inc.	2012-2020

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
InfoSegura	UNDP	2014-2020
Youth and Gender Justice Project	Chemonics	2015-2020

MAJOR ACHIEVEMENTS

USAID’s investments yielded three concrete and sustained achievements during the review period: 1) enhancing administration of justice through the creation of specialized 24-hour criminal courts; 2) combating crime, violence, and impunity by establishing INACIF; and 3) expanding access to justice and legal empowerment through the creation of a MAINA.

ACHIEVEMENT I: ENHANCED ADMINISTRATION OF JUSTICE THROUGH THE CREATION OF SPECIALIZED 24-HOUR CRIMINAL COURTS

The biggest achievement for the ROL in Guatemala was establishing effective justice institutions to promote justice service provision. By providing institutional strengthening and technical assistance, USAID supported the creation of 24-hour criminal courts to help the Government of Guatemala better serve communities, victims, and vulnerable populations. Also known as *juzgados de turno*, the 24-hour courts include offices for the Public Ministry, the Public Defender’s Office, and the police in one physical space.

The co-location of all criminal justice institutions increased inter-institutional coordination and brought efficiencies to justice administration. Detainees were taken directly to the courts for processing after being arrested by the police. USAID’s support resulted in reducing the average detention time prior to seeing a judge from 6.4 days to 24 hours in a two-year period. First established in Guatemala City in 2006, the courts were rolled out gradually until 2009, which completed the first phase of the 24-hour court implementation.

Additionally, the 24-hour courts reduced corruption, particularly within the police, as the courts served as the exclusive processing point for all arrests. For example, the number of detentions for possession of drug consumption, which formerly were prime opportunities for police to improperly plant evidence, was reduced from 28 percent of total detentions in 2005 to only nine percent in 2006. The courts also greatly increased the number of alternatives to trial while reducing the number of dismissals for lack of evidence, given that arresting officers know that probable cause will need to be shown at the initial hearing. In 2005, 77 percent of all cases that entered the justice system in Guatemala City were dismissed after the first preliminary hearing, generally because the judge lacked necessary information. However, within six months of the establishment of Guatemala City’s 24-hour court, only 14.8 percent of cases were dismissed at that early stage. By 2020, the percentage of dismissed cases was 15.6 percent, which a testament of the impact of the 24-hour courts on the criminal justice system.

USAID’s technical assistance improved the performance of the 24-hour courts, which in turn significantly transformed the criminal justice system in Guatemala. These specialized courts supported judge’s compliance with the constitutional detention limit of 24 hours. The procedures of the new courts required the direct interaction and coordination of police, prosecutors, public defenders, and judges. Not only has the system resulted in the reduction of arbitrary arrests and the percentage of

cases dismissed due to lack of evidence, but the overall quality of prosecuted cases has improved. The courts reduced backlogs, strengthened criminal investigations, helped reduce pre-trial detentions, and ensured due process.

The continued operation of these courts demonstrates their sustainability. Currently, eight 24-hour courts provide justice services in jurisdictions with high homicide rates throughout Guatemala. Over time, through regular engagement and a permanent presence that built local stakeholder trust, USAID persuaded the Government of Guatemala to fully fund the 24-hour courts. As a result, the 24-hour courts are completely supported by government resources without the support of USAID or other donors. According to stakeholders, these courts will likely be maintained because the government views them as a valued part of the justice system and depends on them for the overall effectiveness of the criminal justice system.

ACHIEVEMENT 2: COMBATING CRIME, VIOLENCE, AND IMPUNITY BY ESTABLISHING THE INACIF

USAID also helped Guatemala establish the INACIF (*Instituto Nacional de Ciencias Forenses de Guatemala*). In 2006, the Guatemalan government prioritized the need for valid and reliable means of evidence analysis in judicial processes, including of fingerprints, bitemarks, blood and hair samples, and DNA. Recognizing that the preservation and analysis of evidence is key to effective investigations, and that the forensic sciences are a critical element of the criminal justice system, USAID invested in the establishment of the INACIF to strengthen the overall justice chain to combat crime, violence, and impunity and enhance the administration of justice in Guatemala.

USAID supported the national government in creating and sustaining the INACIF in collaboration with the State Department's Bureau of International Narcotics and Law Enforcement Affairs. USAID provided resources and support for investigators to learn scientific methods and techniques for criminal investigations. USAID also provided assistance for the accreditation of INACIF's Ballistics, Serology and Genetics, Toxicology and Physicochemical laboratories, by ensuring they complied with the requirements established by the International Organization for Standardization (ISO/IEC 17025-2005). USAID also promoted the access and use of criminal and forensic databases for generating scientific proof, which included the digitalization of laboratories' paper archives and support for the procurement of computer and audio forensics capabilities. Additionally, USAID supported the implementation of a video-conferencing system to allow forensic experts and laboratory staff to testify in criminal hearings virtually, without having to leave the lab, which is crucial for security reasons. This assistance strengthened the capacity of forensic science professionals to help investigators and prosecutors more effectively solve crimes by processing and analyzing various types biological, chemical, and digital evidence.

The INACIF remains a fully functional, autonomous institution in Guatemala and provides services at the request of judges and prosecutors. By maintaining high standards, producing high quality work for the justice system, and maintaining its International Organization for Standardization accreditation, the INACIF demonstrates the sustainability of USAID's original investment. Furthermore, the INACIF has grown over the years; in 2017, a training center for new and existing staff was established. By creating INACIF, USAID expanded prosecutorial effectiveness and accountability, which resulted in the increased institutional legitimacy of the justice system writ large.

ACHIEVEMENT 3: EXPANDING ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH THE CREATION OF MAINA

A third concrete and sustainable achievement is USAID's support for the establishment of MAINA. In response to growing evidence of trafficking in persons, including forced labor and the sexual exploitation of children and youth along the border areas and throughout the country, USAID expanded access to justice services and strengthened rights protections through the design and implementation of MAINA. MAINA stems from an initial activity called *Modelo de Atencion Integral*, or Holistic Attention Model, and is unique because it is a one-stop-shop where child victims and their families can access support services from the justice system.

USAID employed a targeted, victim-centered approach focused on the users of the justice system and emphasizing victim support and combating GBV. Incremental steps to success include creating the MAINA intake center, promoting national dialogue initiatives, and developing a national vulnerable populations protection system. USAID implemented activities in multiple focal areas, including community-based policing, strengthening rights of trafficking in persons victims, crime and violence prevention, juvenile justice, and judicial strengthening. USAID promoted communication, collaboration, and coordination between these activities through regular stakeholder meetings and information-sharing. Stakeholders cited USAID's reluctance to find economies of scale by joining with other donors such as the UN Children's Fund, which might have served to leverage resources and yield additional development outcomes like improved quality of justice services to vulnerable youth, or increased inclusion of vulnerable populations in the justice system. MAINAs continue under the management of the Public Prosecutor's Office and is completely supported with government funds. They continue to expedite justice services to children, adolescents, and vulnerable populations.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

Several mutually reinforcing factors contributed to the aforementioned achievements in USAID's ROL programming in Guatemala. The main factor that led to these achievements was USAID's involvement in securing the political will of the Guatemalan government to implement reforms through regular engagement at diplomatic and programmatic levels. Beyond providing financial support, securing local institutional buy-in was also critical to sustainability; stakeholders observed that the continued support from the Office of the Attorney General throughout the review period was key to ensure achievements' sustainability. In addition, USAID fully aligned activities with the government's strategic plan, which prioritized institutional strengthening. USAID also worked collaboratively with key government leaders throughout reform processes.

USAID promoted synergies between and among its programs by encouraging implementing partners to seek out commonalities, conduct regular meetings, and collaborate regarding activities, when possible. These linkages helped strengthen communication along the justice chain. For example, implementing partners supported the connections between MAINA, the police, and CSOs by strengthening referral mechanisms to MAINA and its services. Stakeholders expressed a consensus that without USAID's continued efforts to win hearts and minds, promote dialogue, and persuade key decision makers to adopt reforms, the achievements would not have been as concrete or sustained.

Our research with stakeholders revealed that sound program design, including activities based on assessments, data-driven interventions, tailored activities that fit the local context, and gradual activity implementation that allows for adaptation and learning were all factors that facilitated the achievements.

USAID also provided training to justice system actors on the proper use of new technology so it would be effectively used.

MEXICO

INTRODUCTION

USAID's ROL assistance in Mexico began later than other LAC countries due a complex bilateral history and sensitive regional agreements involving security and trade commitments. Prior to the review period, USAID supported nascent ROL programming through cross-border judicial exchanges, the introduction of ADR, and training for justice system actors in states like Chihuahua, Nuevo Leon, and Oaxaca where the beginnings of a nationwide justice reform effort had taken root. Due in part to the Merida Initiative and the agreement between Presidents Bush and Calderon to strengthen security, USAID deepened its ROL investments in 2008 when President Calderon approved a constitutional reform, which provided a mandate for a new criminal justice system that recognized due process and the presumption of innocence. As a result, Mexico's 32 states and the federal government were required to transition from an inquisitorial justice system to an accusatorial system by 2016, with an aim to improve justice services' breadth and quality for all citizens.

USAID supported this ambitious judicial reform process by providing significant and ongoing ROL assistance, primarily at the state level. During and since the review period, reforms in Mexico faced several challenges. Mexico is a large country that spans many cultures and legal frameworks with vastly different sets of resources. It is a federal republic, and its courts and justice institutions are organized accordingly into federal and state jurisdictions, both of which have been ill-equipped to tackle significant criminal justice obstacles. Mexico's skyrocketing homicide rate has set new records annually since the beginning of the judicial reform; in 2019, the rate was approximately 29 per 100,000 people with 35,588 homicides. Additional obstacles include transnational criminal organizations that challenge the state for control over large swathes of territory, persistent pockets of entrenched poverty, high rates of femicide, a highly centralized government and law enforcement resource allocation system, and the state's complex network of law enforcement bodies. Further, entrenched interests in various administrations promoted hardline *mano dura* (firm hand) responses that result in rampant human rights abuses committed with impunity.

Mexico's justice reform is more recent than many of its regional counterparts, and much progress remains necessary to consolidate it. Many of the justice system's deficiencies were on display in an emblematic 2008 case involving Rubí Frayre's murder in Chihuahua. The victim's mother embarked on a relentless mission to find the person responsible for her death. Rubí's mother encountered a lack of coordination between the municipal police and prosecution, a lack of direction of the investigations, and deficiencies in the presentation of the evidence before the courts, which were all factors that delayed justice for her slain daughter. These deficiencies and others, such as a high rate of violent crime, called into question for many Mexicans the effectiveness of the new accusatorial system over the previous inquisitorial system. While most Mexicans are in favor of the new system, this counter-reform is a continuous threat, should strong justice system investments not continue apace.

Table 16: USAID ROL Activities, 2005-2020 (Mexico)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
ROL Program	Freedom House	2001-2006

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
PRODERECHO (Mexico ROL Strengthening)	Management Systems International; DAI; National Center for State Courts	2004-2007
PRODERECHO (ROL Program II)	Management Sciences for Development	2007-2010
Justice and Security Program	Management Systems International	2009-2014; 2014-2018
Mexico Judicial Exchanges: Support for Law Schools, Bar Associations, and Judicial Exchanges in Mexico	ABA-ROLI	2010-2015
Protecting Human Rights and Freedom of Expression in Mexico	Freedom House	2011-2016
Crime and Violence Prevention Program	Tetra Tech DPK	2012-2015
Promoting Justice Reform/Promoviendo la Justicia	Management Systems International	2014-2019
Crime and Violence Prevention Program II	Tetra Tech DPK	2015-2016
Juntos para la Prevención de la Violencia	Chemonics	2015-2020
Human Rights Public Policy Activity (HURPP/EnfoqueDH)	Chemonics	2015-2021
ProVoces Justice Project	Tetra Tech DPK	2017-2021

MAJOR ACHIEVEMENTS

USAID’s investments in the ROL in Mexico yielded four concrete and sustained achievements during the review period: 1) enhanced administration of justice through systemic criminal justice reform; 2) strengthened rights protections through human rights laws and mechanisms; 3) improved legal education and preparation to practice by supporting law schools and professionalizing the practice of law; and 4) expanded access to justice and legal empowerment through support to Mexican civil society.

ACHIEVEMENT I: ENHANCED ADMINISTRATION OF JUSTICE THROUGH SYSTEMIC CRIMINAL JUSTICE REFORM

The most significant achievement for the ROL in Mexico was enhancing the administration of justice. USAID supported Mexico’s criminal justice reform, particularly at the state level, by providing technical assistance to government entities to draft a new criminal code and criminal procedure code. This exercise was first conducted at the state level and ultimately adopted as a unified code at the federal level in 2014.

Following the adoption of the new criminal codes, USAID provided technical assistance to assist in the consolidation of the new criminal justice system. This support included institutional capacity-building to courts, state-level attorney-general’s offices, and bar associations. USAID projects provided litigation skills training for thousands of prosecutors, judges, and private practitioners to give them with the tools to operate effectively in the new criminal justice system. Stakeholders highlighted that a core cadre of justice system operators now know how to litigate, investigate, and prosecute criminal cases.

Stakeholders stated that this achievement's sustainability will be seen if this cadre of trained justice operators passes their knowledge onto to others.

Since 2018, USAID has been testing new innovations to spur change management in state prosecutor's offices to improve prosecution rates and intra-institutional coordination in processing criminal cases. USAID's efforts have combined innovations with continued support for core, operational aspects of reform, given the high levels of backsliding and institutional inertia. For example, USAID introduced a strategy called 100-Day Challenges that attempted to disrupt the entrenched methods of resolving problems, such as heavy case backlogs, while also addressing the need for interagency coordination, which is a prerequisite for implementing their respective criminal policies. The sustainability of more recent innovations will have to be tested over a longer term, as stakeholders note that a risk of backsliding is possible when methodologies are not institutionalized.

ACHIEVEMENT 2: STRENGTHENED RIGHTS PROTECTIONS THROUGH HUMAN RIGHTS LAWS AND MECHANISMS

USAID also strengthened rights protections through the development of human rights laws and mechanisms. USAID supported successful activities around the country, including Women's Justice Centers (WJCs) and the adoption of a specialized criminal prosecution policy for human rights cases. Additionally, efforts to reduce pre-trial detention began and remain ongoing, as over 40 percent of the prison population in Mexico is in pre-trial detention.

USAID supported the government's creation of a national model for quality management of pre-trial services called the Pretrial Service Units, or *Unidades de Medidas Cautelares* (UMECAS). The model intended to strengthen the quality and substance of bail hearings, increase the use of alternatives to pretrial detention, and promote greater understanding by the public and media of the presumption of innocence. Manuals to guide standardized pre-trial service implementation in all 32 jurisdictions in Mexico were produced, and implementation of the UMECAs has been slow but sustained.

Through technical assistance, USAID contributed to the prevention and punishment of violence and criminality by providing individuals with effective access to justice through WJCs. USAID supported the first WJC in 2011. By March 2017, 34 WJCs were operating in 29 states. WJCs are based on the U.S. Family Justice Center model, which recognized the need for a specialized service center for victims of violence. USAID conducted an in-depth study of all WJCs. By applying similar guidelines to each case, they were able to identify a specific action plan for comprehensive WJC development. The guidelines have been adopted by federal authorities as an evaluation and certification model that guides funding decisions. This achievement is significant; the WJCs serve a critical need due to the extremely high levels of femicide and GBV in Mexico. Even though Mexico ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981, it has one of the highest levels of femicide in the world, which has grown 145 percent since 2015. Women have little trust in the system and often do not report femicide or GBV because Mexico's formal and alternative justice institutions are largely staffed by men. This is changing, albeit from the bottom to the top. Notably, the WJCs are currently funded by the government.

A major innovation of the reform effort is the introduction of victims as active participants in criminal proceedings through State Commissions on Victims' Assistance (CEEAVs). These commissions continue to be underfunded, understaffed, and politicized. However, USAID has supported the creation of an

Operations Management Model for the Legal Advice Unit of the Federal Commission for Victims' Assistance, which provides legal guidance to victims of violence.

USAID also supported the development of a specialized criminal prosecution policy for human rights cases, which provides actionable mechanisms for immediate victim protection. This policy is key in increasing access to justice for victims of abuse and provides guidance for Mexican justice operators on how to handle victims' rights cases. USAID also provided technical assistance for the creation of a manual for journalists covering judicial issues that focused on rights guarantees and protection mechanisms available to victims of violence.

ACHIEVEMENT 3: IMPROVED LEGAL EDUCATION AND PREPARATION TO PRACTICE BY SUPPORTING LAW SCHOOLS AND PROFESSIONALIZING THE PRACTICE OF LAW

A third concrete and sustainable achievement was USAID's support for advancing legal education and improving the legal profession. USAID provided support to academia, civil society, and think tanks to strengthen legal education in Mexico. Since there is no national accrediting body for law schools in Mexico, there was a proliferation of law schools that were not beholden to any nationally recognized standards. While it was not possible to address this challenge, USAID provided support to targeted law schools based on a series of criteria including the location (whether the university was in the USAID target states for program intervention), willingness to participate in USAID programs, and reputation. USAID also supported the teaching of the accusatorial system by providing technical assistance for curricular reform, support for national mock trial competitions for thousands of law students to practice and perfect their trial litigation skills, and support for post-graduation employment, including by organizing job fairs and networking events.

In addition, USAID supported the expansion of legal aid clinics housed at law schools (*centros juridicos gratuitos*) to provide legal assistance to people who are unable to afford legal representation and access to the court system. Prior to USAID's support, only a few law schools housed legal clinics, but this has now expanded to 11 clinics throughout the country. The nature of cases includes neighbor disputes, tenant-landlord disputes, labor disputes, and intra-family violence. Since legal clinics employ law students, USAID's investment has also increased the number of law students that can practice their skills as lawyers. Activities included conducting client intake interviews, assessing the facts of the case, utilizing communication skills to relay case details, and conducting analytical and logical reasoning. While some of these clinics struggle to operate, increasing numbers of law faculties have been willing to allocate their own resources to support their operation, which indicates a burgeoning legal aid culture.

Mexico's criminal justice reform requires a significant mindset change towards accountability, transparency, and adherence to universally accepted standards for the legal profession. In pursuit of that goal, USAID revived a discussion on the regulation and accountability of the legal profession and supported the drafting of legislation that was ultimately presented to the Mexican Senate in 2014, though it was subsequently tabled. Although there are still no designated national-level entities overseeing the legal profession or law school accreditation in Mexico, the achievements discussed above have advanced the uptake of an accusatorial system in Mexico.

ACHIEVEMENT 4: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH SUPPORT TO MEXICAN CIVIL SOCIETY

A fourth achievement for the ROL in Mexico was the legal empowerment of Mexican civil society. USAID prioritized local systems approaches and local groups through grants mechanisms as part of larger projects to support a more active role for civil society in the promotion of evidence-based research and public debate about criminal justice issues. USAID funded *Mexico Evalua's* Hallazgos report, which rates and ranks state performance and has become a go-to source, currently in its eighth edition. Some USAID partner organizations participate in collectives that have successfully countered backsliding in the reform process. USAID has also provided funding for innovative communication strategies, including public radio (*Mujeres en Frecuencia*) and documentary films (*Documental Ambulante*). Finally, the private sector and local CSOs have been instrumental in the development of the state criminal prosecution policies described above. These entities have provided expertise, services, and funding in support of interagency coordination efforts.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

Several mutually reinforcing factors contributed to these achievements in the ROL sector in Mexico. The primary factor was USAID's involvement in securing the political will of Mexican justice sector institutions, the executive, and other key stakeholders. USAID factored a keen understanding of the local context into its programming. In addition, USAID remained the Mexican government's partner from the beginning of reforms. This was especially important since USAID had developed a strong relationship with the Technical Secretariat for the Implementation of Penal Reform, a national-level entity charged with overseeing the reform process, prioritization, and resource allocation. USAID was also able to establish a solid working relationship with the National Security Commission, which took over the mandate of the criminal justice reform when the Technical Secretariat was dissolved in 2016. USAID has since shifted to direct support to state-level institutions, which has allowed it to adopt differentiated approaches to adapt its technical assistance to the local context and abilities.

USAID's tailoring at the state level is reflective of an additional factor in these achievements: its emphasis on hands-on technical assistance. While reform implementation required big shifts in mindsets and institutional design, day-to-day operations remained largely unchanged. USAID understood quickly that training was of limited use on its own. Coaching, mentoring, and embedding program staff within state institutions helped to make the reforms operational. These efforts, in combination with an emphasis on data-driven decision-making, political economy analyses, and interagency coordination, continue to guide USAID's efforts. Another contributing factor to these achievements was USAID's ability to conduct stakeholder mapping, to identify key champions of reform among government institutions, and to align itself with the federal and state authorities that favored reform and distance itself from entities that were not aligned with the reform. Flexibility in program implementation was also critical. For example, when implementing partners realized that the initially identified indicators to measure civic justice were not applicable, USAID responded by exploring more robust indicators to measure success. Likewise, USAID combined the justice and citizen security teams to effectively integrate the justice and citizen security portfolios to promote synergies and information-sharing, and to improve designs across programs.

MIDDLE EAST AND NORTH AFRICA

STATE OF ROL, 2005-2020

USAID introduced ROL programming in the MENA region later than in other regions. In the two focus countries of Jordan and the West Bank and Gaza, assistance began in 2004 and 2008, respectively. Since then, USAID's investment in the ROL in MENA has grown significantly. While most countries in the region are considered middle-income countries, many experience obstacles to sustainable development such as fiscal challenges, armed conflicts, water scarcity, and protracted refugee crises. Many states in the MENA region are either directly affected by conflict or experience the consequences of regional instability and cross-border crises. The beginning of the review period saw the conflict in Iraq as the primary driver of displacement in the region, causing refugees to flee to Jordan and other nearby countries.²⁴ By 2018, the UN High Commissioner for Refugees reported more than 15 million refugees and internally displaced people in the MENA region, primarily as a result of conflicts in Syria, Iraq, and Yemen.²⁵

However, as evidenced by the public protests calling for political and economic reforms during the Arab Spring in the early 2010s, these challenges did not inhibit ordinary citizens' desire for jobs, public services, or their voices to be heard. In response to these events, USAID's ROL assistance in Jordan and the West Bank and Gaza focused on judicial independence and oversight, modernizing the justice system through court automation, strengthening legal education, and increasing gender equality and access to justice for women, children, and vulnerable populations. Such assistance was provided against a backdrop of a consolidated executive branch, a corrupt and opaque justice system closed off to citizens, and a crumbling court infrastructure. The lack of gender equality for women who sought to work in the justice system, and likewise for women seeking to exercise their rights, were also significant challenges. Jordan and the West Bank and Gaza have witnessed tremendous advances as evidenced by the following achievements, though significant investment will be required to sustain these advances into the future.

USAID PROGRAMMING RESPONSE AND APPROACH

USAID's approach to ROL assistance in the region addressed significant development obstacles to the ROL including: 1) lack of judicial independence and opaque governments; 2) outdated court management; 3) excluded citizenry; 4) lack of clear standards for a civil service; and 5) weak legal education systems that did not adequately prepare legal professionals.

As addressing these obstacles required host government buy-in, USAID employed a consultative approach with both the governments of Jordan and the West Bank and Gaza. USAID forged strong relationships built on trust with national, departmental, and local levels of government. USAID also aligned its Country Development Cooperation Strategy and interventions with host country priorities and national plans, which helped to gain trust. USAID further used its convening power among international donors to persuade host government decision-makers to adopt challenging reforms.

²⁴ United Nations High Commissioner for Refugees. 2006. "UNHCR Global Report 2006 - The Middle East Subregional Overview." <https://www.unhcr.org/4666d2510.html>.

²⁵ United Nations High Commissioner for Refugees. 2018. "UNHCR Global Report 2018." <https://www.unhcr.org/en-us/5e4ff98f7.pdf>.

REGIONAL ACHIEVEMENTS

The most significant achievements regarding ROL in the focus countries during the review period are highlighted below, with further details in the country summaries. USAID implemented large-scale justice reform in the focus countries to increase the effectiveness of justice services and increase transparency in government institutions.

Improved Efficiency of Courts and Justice System: USAID supported the design and implementation of the MIZAN court automation system in the West Bank and Gaza, and subsequently scaled the program in Jordan in response to stakeholder demand, based on the success of the West Bank and Gaza experience. USAID provided court automation experts, computer scientists, and infrastructure support to overhaul the courts in the focus countries. Similar automated systems are now being considered for application in other public institutions due to the increased transparency and efficiency and reduced corruption caused by the automated systems.

Strengthening Judicial Independence and Self Governance: In addition, USAID provided technical assistance to strengthen judicial effectiveness and oversight by creating and strengthening the high judicial councils of both countries. As justice systems of both countries were heavily nepotistic and favor-based, USAID supported efforts to professionalize the judiciary through embedded advisors who assisted with planning, conducting judicial inspections, and promoting a culture of transparency and ethics in the legal profession.

Enhanced Skills and Capacity of the Legal Profession: USAID also provided significant support for strengthening the legal profession as a result of standardized tests for entry into law schools, curricular reform for law faculties, and legal clinics. Standardizing entrance exams led to increased matriculation of women in law schools. Over a short period of time, more women not only studied law, but also went on to work in the justice system, especially in Jordan.

CONCLUSION

A common thread that tied these achievements together was USAID's promotion of a culture of efficiency in public institutions to make these institutions more user-friendly and service-oriented. In the West Bank and Gaza, queuing systems were installed in some courts that assigned numbers for service and created order in court lobbies and waiting rooms. Further, USAID provided material and financial support to select family courts to construct private rooms for lactating mothers and playrooms for children to better accommodate court users with families. As further discussed in the individual country sections, USAID's achievements in MENA have created opportunities for further investments in ROL to support the consolidation of effective and efficient public institutions.

JORDAN

INTRODUCTION

Since the Mission's first Country Development Cooperation Strategy was published in 2003, strengthening ROL has remained a constant pillar of USAID's support to Jordan. During the review period, USAID provided significant support, technical assistance, and equipment to strengthen the following institutions and actors: the Judicial Council, the judiciary, the MOJ, courts, the Judicial Inspection Service, the Judicial Institute of Jordan, civil society, legal aid providers, and law schools. USAID also provided support for legislative reform, leading to the passage of important laws that open doors to access to justice, including the Anti-Trafficking in Persons Law and the Domestic Violence Law.

In 2010, as the Arab Spring began across the Middle East, Jordan witnessed largely peaceful public demonstrations for democratic reforms. King Abdullah II responded in a nationally televised address in 2011 by announcing his plan to chart a path toward political reform leading to a more democratic society. Since then, Jordan has been exploring its vision for democratic governance while maintaining a constitutional monarchy. One important step was the establishment of the Constitutional Court and the Independent Elections Commission through constitutional amendments passed in 2011. Other reforms included the process for the January 2013 parliamentary elections, the approval of the Judicial Authority Strategy, the creation of administrative units, the establishment of juvenile courts, and the introduction of programs to strengthen prosecutors. Despite these steps, power remains largely with the executive. The Jordanian constitution, recently amended in 2016, provides broad powers to the king, including the sole authority to appoint the crown prince, senior military leaders, justices of the Constitutional Court, all 75 members of the senate, and all cabinet ministers.

Table 17: USAID ROL Activities, 2004-2020 (Jordan)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Improved ROL Program	Tetra Tech DPK	2004-2008
Judicial Sector Reform in Jordan	ABA-ROLI	2005-2011
Legal Education Project	ABA-ROLI	2004-2011
Legal Education/Human Rights Program	ABA-ROLI	2011-2014
ROL Program	Tetra Tech DPK	2015-2020
ROL Program	Tetra Tech DPK	2008-2013
Together Achieving Women's Advancement in Services, Opportunities & Legal Rights	Freedom House	2007-2010
Women's Legal Rights in Jordan	Freedom House	2004-2006

MAJOR ACHIEVEMENTS

During the review period, USAID's investments yielded three concrete and sustained achievements: 1) strengthening judicial independence and self-governance through support to the Judicial Council; 2) strengthening judicial independence and self-governance by professionalizing the judiciary and elevating

the role of women; and 3) improving internal court administrative operations through the creation of the MIZAN case management system.

ACHIEVEMENT 1: STRENGTHENING JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE THROUGH SUPPORT TO THE JUDICIAL COUNCIL

The biggest achievement for ROL in Jordan was strengthening judicial independence and self-governance through support to the Judicial Council. This support transferred important functions from the MOJ to the Judicial Council, including the appointment of judges. Stakeholders noted that USAID's support to the Council as a semi-independent institution was significant because it shifted power from the executive to the judiciary. The shift fundamentally changed the structure of the judiciary and was a major accomplishment given the centralized nature of the monarchy. Through high-level ministerial meetings, USAID persuaded authorities that such a structural change would build the judiciary's credibility.

USAID followed up with specific interventions to implement this structural change. USAID first helped draft and implement the Judicial Council Administrative Units Regulation of 2010, which provided the legal framework for the creation of three administrative units that greatly enhanced the Council's ability to independently manage the judiciary's affairs: Judge's Affairs, Strategic Planning and Reporting, and Training and Specialization. The MOJ then requested USAID develop a strategic plan for 2010-2012 and aid the Strategic Planning and Reporting Unit in preparing the next plan for 2012-2014, which defined a pathway to judicial development and reform. USAID provided an instructor to lead the Strategic Planning and Reporting Unit through the process of preparing the new strategy, including workshops to gather input from the Chief Justice, the Judicial Council members, and chief judges of courts. This process produced a new vision and mission for the judiciary.

USAID provided support for implementation of the 2012-2014 strategy through targeted support to the Judicial Council administrative units. This included support for drafting legislation such as amendments to the Judicial Independence Law and the Administrative Courts Law. Another important intervention was assistance to the Judicial Inspection Unit to build the Judicial Council's capacity to monitor judicial performance. While the Judicial Inspection Unit is nominally within the MOJ, it has close ties to the Judicial Council. As a result of USAID assistance, criteria for the evaluation and promotion of judges have been adopted. USAID also provided training which resulted in improved disciplinary proceedings and the fair and transparent evaluation of judges.

Recognizing that the independence of the Judicial Council would only be sustainable if the institution had its own government funding, USAID helped the Judicial Council work with planning ministries to obtain its own annual national budget allocations. This required USAID to build the Council's understanding of how the national budget and policy planning is conducted and how to advocate for its interests before decision makers on policy and planning committees. The Council operates today with funds from the central government, although the current funding is insufficient due to the country's ongoing fiscal crisis. The practice of earmarking funding allocations for the Council is sustainable because the reform is codified in law.

While the executive still maintains broad powers and some challenges remain for the Judicial Council to fully carry out its mandate, its independence and sustained operation is a major step forward for the ROL in Jordan. Further, as stakeholders noted, mid-level justice sector actors who benefitted from

USAID training and technical assistance are now decision-makers committed to furthering the consolidation of these improvements.

ACHIEVEMENT 2: STRENGTHENING JUDICIAL INDEPENDENCE AND SELF-GOVERNANCE BY PROFESSIONALIZING THE JUDICIARY AND ELEVATING THE ROLE OF WOMEN

The second achievement in ROL programming was professionalizing the judiciary and elevating the role of women. Stakeholders recalled that for centuries, a tribal custom called *wasta*, described as “who you know” or the exchange of favors and nepotism, was widely practiced in Jordanian society. This practice was pervasive in the Jordanian justice system. To address this problem, USAID engaged with other development partners and the justice system to lay out a roadmap for strengthening education and ethics in the profession. USAID persuaded institutions to use standardized tests for entry into law schools and justice institutions, rather than determining eligibility based on factors such as family standing, personal relationships, or gender.

USAID’s assistance to the Judicial Institute of Jordan and the Judicial Council’s Training and Specialization Unit was critical to professionalizing the judiciary. The Judicial Institute of Jordan conducts the Judicial Studies Diploma Program, a one-year program for new judges, and a continuing legal education program. USAID technical assistance focused on improving the breadth and quality of instruction to develop the quality and skills of future and current judges, which resulted in a new course on ethical conduct and courtroom procedures for new judges. The new course became a regional model of excellence for continuing legal education and new judge preparatory programs.

To track participation in continuing legal education of judges and better plan for future training, USAID assisted the Judicial Council Training and Specialization Unit in developing a judges database. USAID also assisted the Unit in developing an Annual Continuous Training Plan that includes training for judges from all courts, public prosecutors, and other judicial departments. Some of the training is for mixed groups of justice system actors. Stakeholders noted that through joint training and other activities, USAID helped break down silos within the legal profession. For example, judges were not necessarily trained as lawyers. However, in collaboration with donors, decision-makers, and the Judicial Training Institute, technical assistance that had previously been compartmentalized was diversified and streamlined so that judges, prosecutors, and public defenders could learn about the same topics that impact the legal profession, such as ethics.

To attract top students to the judiciary, USAID assisted the MOJ in creating and administering the Future Judges Program which provides scholarships to top university students to study law in an undergraduate program in Jordan or a graduate program in Jordan, the U.S., or the United Kingdom. The majority of program participants have been women, so the program has served to bring highly qualified women into the legal profession.

Stakeholders noted that a result of the professionalization process was that more women were included in ROL programming and in the justice system. By using standardized tests and set criteria, the percentage of women represented in the justice sector increased from three percent to 25 percent from 2008 to 2020. This was achieved by USAID urging implementing partners to involve women in leadership, training, and mentoring programs, and USAID projects providing educational program scholarships for women. Whereas decades prior, the justice system was male-dominated, USAID ROL programming spurred women into leadership positions at the Judicial Institute of Jordan and key

positions in the Judicial Council and led to the creation of the Arab Women’s Legal Network, a non-profit organization that provides training to women lawyers in Jordan. Stakeholders noted that the culture has shifted, and women are now fully integrated in the justice system.

Stakeholders recognized that USAID also helped justice system actors be more self-critical and self-reflective. Senior judges now look at the whole justice system, not just their own institution. Stakeholders noted USAID’s ROL programming was critical in helping the judiciary achieve important advances in judicial efficiency and effectiveness by promoting the idea that justice sector institutions are there to provide justice services for users and need to operate fairly and transparently, which would entail adhering to standards rather than favors. These improvements have proven to be sustainable because both users of the justice system and the justice system actors themselves expect a greater standard of efficiency than previously provided.

ACHIEVEMENT 3: IMPROVING INTERNAL COURT ADMINISTRATION OPERATIONS THROUGH THE CREATION OF THE MIZAN CMS

A third concrete and sustainable achievement was USAID’s support for improving internal court administration operations through the creation of the MIZAN CMS in 2005. Based on host-country interest and on the success of the MIZAN system developed and implemented in neighboring West Bank and Gaza, USAID replicated this system for Jordan. MIZAN is a single, unified CMS that automates court processes; connects all courts, including civil, special, religious, and family courts; and helps court administrators to facilitate workflow, reduce bottlenecks, and monitor efficiency. MIZAN allows trial level and appeals case files to be better coordinated and facilitate the execution of judgments. As a result of MIZAN, chief justices, lawyers, clients, and the public have improved access to case information such as rulings, hearing dates, meeting minutes, and case filings. The availability of this information has resulted in faster case processing times and has deterred the practice of judges “shopping” for certain cases. Prior to USAID’s ROL programming, the justice system was paper-based, which caused delays in case processing, increased the potential for the loss or destruction of physical case files, and created opportunities for corruption and loss of operational integrity.

MIZAN was piloted in the first instance court in Amman and was been rolled out to all courts by 2007. USAID continued to work with the MOJ to update and increase the functionality of MIZAN. USAID supported implementation through procurement of the physical hardware to operate the system, including computers, servers, and software. In some cases, USAID also provided support for brick-and-mortar infrastructure, such as refurbishments for government buildings, so the MIZAN system could operate. USAID’s support to the MOJ’s IT department was critical to the success and sustainability of MIZAN. At the beginning of MIZAN development, the MOJ did not have an IT department, so USAID embedded ten technical experts at the MOJ. These IT experts are now employees of the MOJ and can provide system maintenance and upgrades, which help ensure MIZAN’s sustainability. USAID also supported training for judges and court staff on how to use MIZAN as well as the creation and publication of user manuals for future reference. By the end of the review period, the MOJ was working on Version 3 of MIZAN.

MIZAN has helped improve e-services for users by automating several administrative processes including notarial services, pretrial services, adjudication, sentencing and sanctions, and corrections. Stakeholders said that the most satisfying aspect of MIZAN is that the technology facilitates easy access to data. These stakeholders noted that the number of types of criminal cases, such as the number of

violent crimes committed against children, could be reported, studied, and most importantly, utilized to inform decision-making and sector planning. USAID helped introduce a culture of internal surveys to measure and improve user experiences with the justice system.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

USAID's ROL achievements in Jordan during the review period were a result of several factors. The main factor was USAID's strong relationship with Jordan resulting from continued support to Jordanian justice system institutions over the course of 17 years. This helped USAID secure buy-in and steer stakeholders towards priority reforms in a collaborative, consultative, and friendly way. As the King was in favor of justice reform, another important factor that helped galvanize support among justice sector decision-makers was the condition precedent requirements in the bilateral U.S.-Jordan cooperation agreement that provided a framework of certain events before foreign assistance could be distributed. For the ROL programming, the condition precedent helped USAID apply political pressure to spur justice reforms among system actors and decision makers. Finally, USAID's collaboration with other development partners such as the UN, the EU, AECID, and the governments of the United Kingdom, Canada, and the Netherlands allowed for a coordinated approach to ROL programming in Jordan.

THE WEST BANK AND GAZA

INTRODUCTION

The USAID DRG portfolio in the West Bank and Gaza aimed to strengthen the Palestinian Authority’s capacity to provide strong, sustainable, transparent governance, while focusing efforts on providing and improving essential citizen services. During the review period, USAID supported reforms that fundamentally re-oriented sectors of the justice system towards prioritizing end users. This included automating the regular and family courts, increasing access to justice for women and children in the family courts, and improving legal education to better prepare the next generation of legal professionals.

The Palestinian justice system reflects aspects of Ottoman law, Egyptian-era law, Israeli military law governing criminal offenses and traffic violations, and Jordanian legal constructs, which complicated attempts at comprehensive judicial reform. Justice institutions were plagued by a systematic scarcity of resources, a lack of skilled personnel, and poor infrastructure. Additionally, though the legislative groundwork had been laid for judicial independence, a history of executive interference in judicial decision-making had negatively impacted the functioning of the judiciary. Courts experienced enormous backlogs due to a paper-based, handwritten document system, which resulted in slow, bureaucratic processes, extensive discretion among justice actors, and disorganized case management. Furthermore, basic legal protections for victims of SGBV are still weak, as evidenced by the 2019 death of Israa Ghrayeb. This death sparked protests in Ramallah and the West Bank, with citizens calling for women’s rights and an end to “honor killing” laws. Despite the complex judicial system and barriers to justice, some reformers have advocated for a more professional and independent judiciary based on ROL principles in the West Bank and Gaza.

USAID provided technical assistance to the High Judicial Council and the regular civil courts it oversees, the MOJ, the Palestinian Judicial Institute, the Supreme Judge Department and its family courts, the Ministry of Women’s Affairs, law schools, and civil society. For example, USAID technical assistance to the MOJ resulted in the software development for the issuance of non-conviction certificates to citizens, which facilitated hundreds of routine civil transactions. Likewise, USAID’s support to the Ministry of Women’s Affairs helped create a National Action Plan which articulated a unified vision for the advancement of women’s rights. These resulting achievements are noteworthy as they were realized against a backdrop of political volatility, funding cuts, and civil unrest. These conditions negatively impact the Palestinian Authority’s ability to continue maintaining key infrastructure developed or improved during the review period, which threatens the sustainability of these investments.

Table 18: USAID ROL Activities, 2005-2020 (The West Bank and Gaza)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Supporting ROL Reform in West Bank and Gaza	Chemonics	2004-2007
ROL, Justice, and Enforcement Program - NETHAM	Tetra Tech DPK	2005-2010
Palestinian Authority Capacity Enhancement	Chemonics	2008-2013

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Palestinian Justice Enhancement Program	Chemonics; Women in Development	2010-2014
Enhanced Palestinian Justice Program	Chemonics; Women in Development	2013-2018

MAJOR ACHIEVEMENTS

USAID’s investments yielded three concrete and sustained achievements during the review period: 1) improved internal court administration operations through the creation of the MIZAN Court Automation System; 2) expanded access to justice and legal empowerment through support to sharia and family courts; and 3) improved legal education and preparation to practice law.

ACHIEVEMENT 1: IMPROVED INTERNAL COURT ADMINISTRATION OPERATIONS THROUGH THE CREATION OF THE MIZAN COURT AUTOMATION SYSTEM

The most substantial achievement for USAID regarding ROL in the West Bank and Gaza was the creation, implementation, and sustained use of the MIZAN court automation system. MIZAN was established in 2002, but several challenges threatened its uptake. During the review period, USAID responded by supporting MIZAN’s implementation and adoption through the West Bank and Gaza. The system provided real-time case information, including hearing dates, case status, and improved case flow to optimize court management and move the caseload forward. MIZAN employed user-friendly technology to automate key services, which provided faster, more transparent service for both attorneys and justice system users and resulted in faster adjudications.

After its creation, MIZAN was implemented in phases before being rolled out countrywide. The system referred to as Al-Mizan was implemented initially in the regular civil courts and the High Judicial Council but did not function as a single connected unit. Subsequently, USAID supported the establishment of the Wide Area Network which facilitated system interoperability between the High Judicial Council and the courts’ systems. The Wide Area Network enabled rich information sharing, including emails, court files, court notifications, and timesheet submissions. The existence of these data allowed for increased court operations oversight by the High Judicial Council, as well as increased efficiency for court personnel. Further, the Wide Area Network enabled the public to access information about court cases.

In coordination with the EU, USAID also supported training for judges, prosecutors, and forensics personnel on how to use MIZAN, which increased stakeholder buy-in. USAID complemented MIZAN uptake by providing refurbishments to buildings and often coordinated support with the Canadian International Development Agency so as not to duplicate donor efforts. MIZAN is sustainable because local authorities do not require outside assistance to keep the system running as it is supported by Palestinian budget allocations. Currently the High Judicial Council oversees MIZAN’s maintenance and employs software developers to troubleshoot and automate business processes, eliminating the need to outsource these responsibilities. MIZAN is useful to justice actors, easily accessible, and relatively easy to maintain. Around 2018, funding to the West Bank and Gaza was halted due to changes in U.S. policy toward the region. Other donors such as UNDP stepped in to ensure MIZAN’s development continued. Despite interruptions in USAID assistance, MIZAN remained in use and vital to the ongoing functioning of the justice system.

ACHIEVEMENT 2: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH SUPPORT TO SHARIA/FAMILY COURTS

USAID also provided technical assistance to Palestinian family courts that have jurisdiction over personal status matters such as marriage, divorce, maintenance, custody, inheritance, and SGBV cases.

Stakeholders reported that family courts were perceived as difficult to support for donors, but USAID was successful in winning the trust of the family courts and persuading chief judges, regular judges, and justice sector decision-makers to adopt practices and policies that expand access to justice to women, children, the elderly, and other vulnerable populations. USAID convinced the government to adopt the *International Framework for Court Excellence* in family court processes. The framework was implemented via a multi-step process that started with self-assessments in 14 courts, including in Ramallah, Nablus, Salfet, and Tulkarm. These assessments produced 37 recommendations for improving justice services; the majority of which consisted of improving court management to reduce the backlogs.

While the MIZAN system transformed the operations of the regular courts, USAID also developed ADALA, a CMS for the family courts. ADALA is similar to MIZAN in that it provides digitized case management capabilities, but case information is not interoperable with MIZAN and remains separate. Other support to the family courts included the creation of an operations and enforcement manual that established procedures for the courts internal departments, a code of conduct, and training for judges and court staff. This manual remains available to family court staff today.

USAID also supported simple but effective solutions to make family courts more approachable and user-friendly. Assistance included establishing a queuing system in the courts, so users are provided with a number and a wait time, which reduced frustration in the court lobbies and waiting rooms. ROL assistance also provided infrastructure refurbishments to crumbling court buildings and enhanced their accessibility to women and families. USAID supported renovations to family courts in Nablus and Ramallah that provided children with separate places to play while their parents consult with social workers and justice system actors. Some family courts were also remodeled to provide private places for lactating mothers to nurse while they await their consultations.

These improvements had meaningful outcomes: USAID recorded a seven percent increase in justice seekers who reported receiving gender-sensitive services over the span of two years. These activities were coordinated with other donors. For example, the UN operated a multi-agency initiative to support vulnerable groups including women and children in the Palestinian territories, which complemented USAID's work with the family courts. Due to funding uncertainties, these complementarities eased sustainability because the UN and USAID could sustain the others' programs when funding was interrupted.

ACHIEVEMENT 3: IMPROVED LEGAL EDUCATION AND PREPARATION TO PRACTICE LAW

A third concrete and sustainable achievement was the improvement of legal education as a result of USAID support. USAID invested in activities to strengthen law school curriculum reform, promote practical training in legal clinics and internships, and expand technical support to the following four law schools: Al-Quds University; An-Najah University; Hebron University, and Palestine Ahliya University. USAID also expanded the internships available for law students to prepare the next generation of attorneys. These activities served to build a legal education and prepared students to thrive in the legal profession.

In the first stages of the review period, USAID supported the development of resources and conducted training workshops to demonstrate legal writing methods, adapted from the U.S. to the Palestinian reality. For example, USAID supported a legal writing team composed of Palestinian lawyers that developed and updated course curriculum and materials for a legal writing course at Al-Quds University. USAID support enabled two legal team writing trainees from the Al-Quds University team to participate in a study tour to the U.S. to gain exposure to writing courses and teaching strategies. Upon the trainees' return, they conducted training for other faculty members. Towards the end of the review period, technical assistance involved updating curricula to ensure they reflected issues pertinent to the legal profession, such as women's rights, and training professors on experiential learning methods as opposed to rote memorization.

USAID expanded experiential learning through legal clinics to develop law students' practical skills. USAID provided international consultants with expertise who supplied training on legal skills development and effective legal clinic operations to the legal clinic at Al-Quds University. The consultants introduced "Street Law" approaches to work with the clinic's students to expand "Know Your Rights" information to clinic users, which they could then impart to clients. The consultants also provided information regarding methodologies for effective attorney-client conduct. This technical assistance was complemented by material support including law library upgrades, computer lab development, a faculty handbook for Al-Quds University law professors, and the development of courses on legal ethics. USAID also collaborated with the Department of State Bureau of International Narcotics and Law Enforcement Affairs to support law students' participation in International Jessup Moot Court Competitions.

FACTORS CONTRIBUTING TO ACHIEVEMENTS

USAID employed a consultative, multi-pronged approach to ROL assistance that consisted of engagement at all levels of government, responsiveness to local needs, alignment with national policies, and willingness to offer practical logistical support to resolve issues. Much of the support USAID provided was viewed initially as Western cultural constructs, but USAID's approach, including diplomatic-level meetings and operational-level consultative sessions, increased the adoption of interventions and principles. For example, stakeholders reported that no other donors in the justice space provided sustained support to the family courts over such a broad period. For all activities, USAID obtained stakeholder buy-in at the top levels of government, including the Supreme Court, President, and Prime Minister. USAID was able to persuade influential judges to authorize activity implementation while also engaging in dialogue with regular court judges to ensure they supported changes to introduce automation and streamline court management processes. Stakeholders noted that USAID was responsive to counterparts' needs and designed interventions accordingly. USAID aligned ROL programming with the Palestinian Authorities National Development Plan and the Justice and ROL National Strategy. Alignment with the host-country's priorities facilitated Palestinian cooperation. USAID's assistance with procurement and practical, ground-level concerns beyond technical assistance were also key to achievements.

ANNEX A: ROL TECHNICAL APPROACHES TYPOLOGY

I: Strengthening Judicial Independence and Self-Governance

- I.1: Ensuring judicial review and oversight
- I.2: Improving transparency of judicial decision-making
- I.3: Enhancing judicial appointment and promotion
- I.4: Modernizing initial and continuing judicial education
- I.5: Ensuring judicial integrity and discipline
- I.6: Supporting independent advocacy and voice (Judges Associations)

2: Enhancing Administration of Justice

- 2.1: Improving normative frameworks and guidance
- 2.2: Developing a court administration profession
- 2.3: Revising court processes to ensure due process and fair trials
- 2.4: Making judicial budgets, processes, and services transparent and publicly accessible
- 2.5: Improving judiciary engagement with the media

3: Improving Internal Court Administrative Operations

- 3.1: Improving case management and tracking
- 3.2: Facilitating case backlog reduction strategies and processes
- 3.3: Strengthening court performance measurement and data
- 3.4: Enhancing court automation and technology for key services
- 3.5: Establishing specialized courts and adjudicative mechanisms

4: Expanding Access to Justice and Legal Empowerment

- 4.1: Developing systems for free legal aid and assistance
- 4.2: Improving legal literacy and rights awareness
- 4.3: Facilitating strategic and public interest litigation
- 4.4: Enhancing ADR
- 4.5: Supporting informal and customary justice systems
- 4.6: Strengthening paralegals and community justice advocates

6: Combating Crime, Violence, and Insecurity

- 6.1: Modernizing and professionalizing security sector governance
- 6.2: Strengthening internal affairs and oversight of policing
- 6.3: Improving community-focused and problem-solving policing
- 6.4: Expanding prosecutorial effectiveness and accountability
- 6.5: Facilitating citizen and community security planning and collaboration
- 6.6: Improving victim and witness services
- 6.7: Strengthening gender and juvenile justice
- 6.8: Promoting alternatives to detention and incarceration

7: Developing the Legal Profession and Services

- 7.1: Strengthening bar association governance and member services
- 7.2: Improving testing, licensing, and standards for legal practice
- 7.3: Enhancing continuing legal education and specialization
- 7.4: Strengthening the public defense bar
- 7.5: Promoting legal ethics and standards of professional conduct
- 7.6: Facilitating development and use of LawTech tools and services

8: Improving Legal Education and Preparation to Practice

- 8.1: Improving standards for law school accreditation
- 8.2: Modernizing law school management, budgeting, and operations
- 8.3: Strengthening curricula development, instruction, and quality assurance
- 8.4: Supporting centers of legal research and analysis
- 8.5: Expanding experiential learning (clinics, internships, and moot courts)
- 8.6: Facilitating career pathways into legal professions

9: Strengthening Rights Protections

- 9.1: Strengthening National Human Rights Institutions
- 9.2: Developing early warning systems for rights violations
- 9.3: Enhancing human rights documentation and reporting
- 9.4: Protecting human rights defenders

10: Cross Cutting

- 10.1: Women's Empowerment
- 10.2: Gender Integration
- 10.3: Key Population Protection
- 10.4: Youth Engagement
- 10.5: Public Trust and Confidence in Justice System

ANNEX B: ACHIEVEMENT STANDARDS AND SUPPORTING EVIDENCE

Table 19: Full List of Achievement Standards and Supporting Evidence

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
1: Strengthening Judicial Independence and Self-Governance		
1.1: Ensuring judicial review and oversight	The judicial branch routinely reviews the constitutionality and legality of executive and legislative actions at the first instance and appellate levels.	Court opinions and rulings upholding and striking down executive and legislative actions, with responsive actions by agencies and other government bodies.
1.2: Improving transparency of judicial decision-making	Decisions are rendered and published on a timely basis and available to the public.	Judicial records showing date of final decision and publication; opinions of legal professionals and experts and rulings are widely available online, with citations to appropriate constitutional, legal, and regulatory authorities.
1.3: Enhancing judicial appointment and promotion	Merit-based and gender-neutral criteria for judicial appointments and promotions adopted and publicized, and appointments and promotions consistently made according to these regulations.	Review of regulations and records indicate that criteria are applied consistently, without government interference and experts confirm.
1.4: Modernizing initial and continuing judicial education	Judicial training institute/center established, curriculum established and updated, training materials prepared and updated, cadre of trained instructors exists.	Availability/review of training curriculum and materials, diversity of enrollment and satisfaction in training, ability of judges to attend training per opinion of judges' association, and adequate funding in national budget.
1.5: Ensuring judicial professionalism, integrity, and discipline	Code of judicial ethics adopted, ethics training included as requirement in initial and continuing education, complaints investigated, discipline consistently applied.	Regulations requiring ethics training and records regarding disciplinary proceedings, including sanctions up to disbarment.
1.6: Supporting independent advocacy and voice (Judges Associations)	Judges' association meets regularly, leadership engaged, diverse membership by ethnicity, race, and gender, record of advocating for judges and taking active role in judicial and legal reform.	Records of membership and periodic meetings, press conferences, speeches and publications, opinions of judges and lawyers, media, and civil society representatives.
2: Enhancing Administration of Justice		

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
2.1: Improving normative frameworks and guidance: Enhancing access to laws	Codes are drafted with expert consultation and include annotations and clarifying authority, and training is available at judicial training center and for lawyers.	Publications of codes, with annotations and clarifying authority (e.g., case law); records indicate that these materials are available in all courts.
2.2: Developing a court administration profession	Regulation on court administrators adopted, administrators hired and promoted based on qualifications and merit, initial and continuous training available.	Court administrators appointed are trained and have authority to perform their duties without interference, have job satisfaction, and contribute to judicial efficiency.
2.3: Revising court processes to ensure due process and fair trials	Improve efficiency for ordinary citizens, promote transparency; reform and implement procedural codes that reflect human rights standards and criminal justice reforms; expand access to legal services.	Public court hearings held, publication of court records, removal of language and cultural barriers; establishment of public defenders, information on ADR available at booths and centers.
2.4: Making judicial budgets, processes, and services transparent and publicly accessible	Judicial system has written procedure for annual budgeting and monitoring expenditures; individual courts have input; budget is publicly available.	Judicial watchdogs have access and provide oversight on budgets.
2.5: Improving judiciary engagement with the media	Courts appoint judicial spokespersons or speaker judges that are trained to conduct proactive media outreach and public education campaigns.	Court spokespersons are accessible to media and public and conduct public education activities; media publishes information; citizens understand their legal rights and the role of the legal system protecting them; improved public confidence in the justice sector and legal process.
3: Improving Internal Court Administrative Operations		
3.1: Improving case management and tracking	Systems designed and used to improve case flow; strategic planning to ensure that courts can function and carry the caseload forward, etc.	Case processing systems continuously monitored; court records indicate that cases proceed efficiently and in accordance with deadlines.
3.2: Facilitating case backlog reduction strategies and processes	Strategies and processes developed and used by courts, backlog reduced, and, if backlog continues after USAID program ends, MOJ and courts continue process.	MOJ and courts adopt case backlog reduction strategies and processes and if necessary, processes continue after donor funding ends.
3.3: Strengthening court performance measurement and data	Courts have a monitoring, evaluation, and learning (MEL) program, and routinely use a tracking mechanism to measure performance against MEL goals.	MEL reports and analysis.

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
3.4: Enhancing court automation and technology for key services	Courts assess and establish functional, user-friendly technology to automate key services.	Appropriate technologies, maintenance, and training updates are adopted and sustained by judicial budgets.
3.5: Establishing specialized courts and adjudicative mechanisms	Courts have strategies, procedures and systems that address and litigate human rights violations, SGBV, truth and reconciliation tribunals and commissions; work with non-state justice institutions, such as religious and traditional, to improve adherence to and uniformity with the constitution.	Improved monitoring and documentation of abuses; improved investigative capacity of police and prosecutors; effective application of the law and enforcement of judgments; improved uniformity of access to justice.
4: Expanding Access to Justice and Legal Empowerment		
4.1: Developing systems for free legal aid, pro bono, and assistance	Courts have procedures for referring cases to free legal aid through law clinics, bar associations, civil society, or Legal Aid Commissions; information available to the public at courts.	Records of courts and legal aid providers; public opinion.
4.2: Improving legal literacy and rights awareness	Civil society, law schools, relevant government ministries and agencies, and other institutions such as judges or bar associations conduct public outreach when laws are being drafted; legislative hearings and administrative hearings occur prior to the adoption and implementation of laws and regulations.	Record of public awareness activities; opinion of public and civil society.
4.3: Facilitating strategic and public interest litigation	Organizations and attorneys introduced to the concept; procedures for identifying and trying cases established; funding sources developed; and litigation continues after donor support ends.	Case records; opinion of relevant organizations.
4.4: Enhancing ADR	Mediation and arbitration codes drafted; professionals trained; public awareness raised; and case referral proceeding to court annexes or independent centers established.	Number of mediators and arbitrators trained and certified; record of referrals; information available in courts; number of cases going to mediation and arbitration and percentage settled.

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
4.5: Supporting informal, religious, and customary justice systems	Legitimization and harmonization of non-repugnant relationships between customary, religious, and statutory institutions through laws, legislation and customary or traditional dispute resolution practices.	Formalized, accountable, democratic institutional linkages and processes are recognized between the formal and informal justice sectors; actors adhere to and are consistent with the constitution.
4.6: Strengthening paralegals and community justice advocates	Marginalized and disadvantaged populations gain information and financial and physical access to legal institutions, and are equipped with the knowledge to engage in legal processes.	Statutory recognition for support of paralegals and community justice advocates to state and non-state or informal justice institutions to resolve legal disputes efficiently.
6: Combating Crime, Violence, and Insecurity		
6.1: Modernizing and professionalizing security sector governance	LEAs have data-sharing protocols and interoperable software to share crime-related data for improved investigations; law enforcement is trained on reforms to criminal codes and capable of conducting effective investigations.	Crime data is regularly shared and contributes to an increase in the number of cases resolved; case files are increasingly digitized, which allows cross-agency data-sharing; updated training curriculum that reflects reformed laws; updated performance standards for law enforcement personnel.
6.2: Strengthening internal affairs and oversight of policing	LEAs have internal affairs offices that independently and thoroughly investigate allegations of wrongdoing, publicize their results when appropriate, and make referrals for discipline or sanction where appropriate; adequate law enforcement salaries.	Statutory and regulatory authority for internal affairs offices; data regarding staffing, resources, and funding; reports on the numbers of investigations, referrals, and results; compliance with the law.
6.3: Improving community-focused and problem-solving policing	Police precincts have the budgetary, human, and technical capacity to adopt public-health approaches to crime and violence including community policing and trust-building activities to build community resilience where they serve.	Implementation of community outreach activities and the development of community-based policing plans and legislation that affect civil society.
6.4: Expanding prosecutorial effectiveness and accountability	Prosecutor's offices have adequate budgetary, human, and technical resources with appropriate legal mandates and are overseen by independent authorities with meaningful disciplinary powers.	Statutory and regulatory authority for prosecutorial offices; data regarding staffing, resources, and funding; reports on numbers of referrals, cases filed, conviction and dismissal rates; statutory and legal authority for independent authorities.

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
6.5: Facilitating citizen and community security planning and collaboration	Courts, local government, and law enforcement adopt inclusive practices to develop policy and planning decisions; universities are supported to establish violence observatories.	Participatory budgeting; municipal citizen security plans; public space development forums.
6.6: Improving victim and witness services	Ombudsman's offices and police precincts have sufficient and capable staff to attend to victims and witnesses of violence; legislation guaranteeing access to information.	Service delivery to marginalized groups; public perception data on community safety; incident report data; victims and witnesses can access information regarding rights and services online and in person.
6.7: Strengthening gender and juvenile justice	Police officers know how to use Gesell chambers to protect SGBV victims; judges are aware of SGBV phenomena; cases are fairly adjudicated according to the law.	Number of cases of SGBV reported increases; increased number of diversion programs for juveniles.
6.8: Promoting alternatives to detention and incarceration	Alternatives to detention and incarceration commensurate with the Tokyo Rules such as bail, plea-bargaining, ADR, diversion programs, probation, and community service are introduced so detention and incarceration are used only to the extent necessary.	Percentages of pre-trial detention and post-conviction incarceration are reduced; increase in the number of legal frameworks defining non-custodial measures; reduction in court case volume over time.
6.9: Supporting transitional justice mechanisms to address systematic or massive past abuses, atrocities in post conflict and/or authoritarian environments	Reestablishment of the ROL and legal order to eliminate and address impunity; hold perpetrators accountable for massive human rights violations, atrocities, property crimes, and war crimes.	National consultation mechanism to conduct outreach to citizens; allow victims to provide inputs for the implementation of transitional justice mechanisms for remedy, sanctions, restitution, dialogue, historical records; legitimate ROL values are normalized to contribute to a post-conflict socio-legal culture and environment.
7: Developing the Legal Profession and Services		
7.1: Strengthening bar association governance and member services	Independent bar association established, charter and by-laws adopted, officers elected, meetings held, office established, and staffed and services such as continuing legal education offered.	Charter and by-laws published, meeting minutes published, office staffed and has regular hours and available services publicized and offered to members, members satisfied with services.
7.2: Improving testing, licensing, and standards for legal practice	Fair and public licensing requirements; bar exam developed, available to all law school graduates, and administered in a secure manner.	Regular announcement and administration of bar exam to all applicants; exams are proctored, fairly graded, and results published in a timely manner.

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
7.3: Enhancing continuing legal education and specialization	Continuing legal education offered, curriculum published, instructors trained and qualified in adult learning methodology, courses and materials updated and offered at reasonable cost.	Continuing legal education committee established and reviews program on regular basis, records of course delivery, attendance, and trainee satisfaction; members satisfied with continuing legal education curriculum and program administration.
7.4: Strengthening the public defense bar	Statute and rules governing court-appointed public defense attorneys promulgated; public defense bar organization or committee of national bar association that advocates for public defenders exist; sufficient number of public defense attorneys to meet needs of citizens; adequate compensation for public defense attorneys; training available.	Timely appointment of public defense attorneys by courts; funding for compensation included in court budget; citizens are aware of their right to defense counsel, records of training and advocacy for defense bar.
7.5: Promoting legal ethics and standards of professional conduct	Ethics code adopted and published; training included in continuing legal education program; ethics committee established; complaints investigated and judged on a timely basis; penalties are enforced.	Records of complaints, investigations, judgments, and enforcement.
7.6: Facilitating development and use of LawTech tools and services	Awareness of benefits of LawTech; technology and software to provide legal services or support the legal services industry developed and used by attorneys, paralegals, and organizations providing legal advice or services.	Attorneys and legal service providers use LawTech; developers engaged in further development of LawTech.
8: Improving Legal Education and Preparation to Practice		
8.1: Improving standards for law school accreditation	Accrediting authority established; by-laws and internal operating procedures adopted; rules of procedure promulgated, published and enforced; guidance on accreditation available to law schools.	Review of accreditation standards and procedures, reports of accrediting authority, records on accreditations and enforcement of standards.
8.2: Modernizing law school management, budgeting, and operations	Law schools have deans with the authority and resources to manage the law school; internal operating standards adopted and staffed; annual budgeting conducted.	Organogram, job descriptions, and written operating procedures; records of meetings of law school management; financial reports.

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
8.3: Strengthening curricula development, instruction, and quality assurance	Comprehensive curricula that include required and elective courses which are updated as needed; textbooks and other teaching materials are up to date and available to all students; professors and instructors are familiar with modern teaching techniques.	Published curricula with course descriptions and requirements; classes held as scheduled; records of training for professors and instructors; student and peer review of professors and instructors.
8.4: Supporting centers of legal research and analysis	Centers of legal research established by legal scholars and practitioners; research and analysis conducted by qualified experts and students.	Information on center work and publications available.
8.5: Expanding experiential learning (clinics, internships, and moot courts)	Experiential learning opportunities available and managed by a dedicated professor or instructor; standards for student participation and credit adopted and enforced; instructors or sponsoring institutions have experience and/or training in experiential legal education.	Review of curriculum and course materials; record of student participation and satisfaction.
8.6: Facilitating career pathways into legal professions	Career advice offered through a dedicated office or staff; information on career paths available to students through written materials, panels, and/or internships.	Law school records on career guidance activities; student satisfaction.
9: Strengthening Rights Protections		
9.1: Strengthening National Human Rights Institutions	Local and international monitoring systems, organizations, and agencies, including media and CSOs, report significant violations by government institutions including police, prisons, and security services; human rights promotion well-publicized by state institutions; education campaigns held; judicial system is equipped to investigate, report, address, and resolve violations of rights through special prosecutors, tribunals, or independent commissions.	Human and other key rights institutions are established by law, are well understood, respected, and protected in practice by the legal sector including police, prisons, courts, and legislative oversight committees writ large; citizens understand and exercise their rights as guaranteed by the constitution and international law without fear of retribution or retaliation.

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
9.2: Developing early warning systems for rights violations	Strategies and policies are in place for LEAs, CSOs, and HRDs to address and prevent atrocities and prompt timely responses; local or rural communities have access to technology and the skills to relay timely information and communications to map violations and collect evidence.	Defenders, LEAs, and communities are aware of early warning systems and monitor, document, and report patterns of abuse; state and non-state institutions implement policies and/or support justice system reforms based on evidence of non-compliance; community and informal dispute mechanisms are in place that have linkages to formal LEAs for enforcement.
9.3: Enhancing human rights documentation and reporting	National Human Rights Institutions or independent bodies monitor human rights and data collection; they have statutory mechanisms to conduct reviews of national legislation and compliance with human rights obligations; systems are in place with police, hospitals, clinics, etc. for data collection regarding reports of human rights violations.	Data collection is regularly conducted and reported by police, prisons, health institutions, watchdog groups and other state institutions in a uniform manner; legal reforms are based on reports and data collected; government funds legal aid schemes and justice system monitoring.
9.4: Protecting human rights defenders	Capacity of state institutions, especially LEAs, are strengthened to support, coordinate, and protect defenders and their work.	Legal policies and provisions are in place that shield and protect defenders and are well understood by LEAs; the information related to evidence and data collected is safeguarded and only shared with legitimate trusted individuals (consent required).
10: Cross Cutting		
10.1: Women's Empowerment	Community-driven and rights-based approaches promote ROL and the use of legal services; related development activities to spur socioeconomic growth and protect the rights of women.	Legal Services are integrated into socioeconomic development (property, land rights, natural resource management, public health, local governance).

APPROACH (FROM TYPOLOGY)	ACHIEVEMENT STANDARD	SUPPORTING EVIDENCE
10.2: Gender Integration	Domestic law is fully harmonized with international and regional treaty obligations with regards to women's rights and gender equality. Legal frameworks governing rights, institutions, and policies are in place within the justice sector and legislature; these are gender sensitive or effective at advancing gender equity and inclusion.	Laws, mechanisms, or policies exist to address inequalities or unequal access to justice; standards and procedures governing decision-making and delivery of public services are fair; specialized courts/judicial mechanism have jurisdiction to address GBV & women's rights; Women's legal rights and policies are understood and enforced: family law, inheritance, property, and GBV. Percentage of women in representation and leadership in justice, legal, and security sector institutions.
10.3: Key Population Protection	Domestic law is fully harmonized with international and regional treaty obligations with regards to the rights and protections of vulnerable populations. Legal frameworks governing rights, institutions, and policies are in place within the justice sector and legislature.	Laws, mechanisms, or policies exist to address inequalities or unequal access to justice; standards and procedures governing decision-making and delivery of public services are fair; specialized courts/judicial mechanisms. Procedural fairness and equal application of the law enabling citizens/vulnerable populations to access justice and services.
10.4: Youth Engagement	Youth (and relevant actors) are engaged in reforms through civil society advocacy and/or educational efforts.	Educational programs for youth; existence of outreach mechanisms.
10.5: Public Trust and Confidence in Justice System	Increased legal awareness through judicial outreach and education programs in local languages; advocacy initiatives to raise awareness about legal reforms; transparency of administrative laws and regulations (permits, licenses, fees etc.)	Procedural fairness and equal application of the law enabling citizens/vulnerable populations to access justice and services.

ANNEX C: DATA COLLECTION INSTRUMENTS

CONSENT FORM FOR KII

Note to researcher: The researcher must read the informed consent script aloud to the respondent exactly as written.

Introduction: Thank you for taking the time to speak with us today. We are researchers from Social Impact (SI), an independent research firm. We have been contracted by USAID to conduct a Rule of Law Achievements Review. Our task is to identify concrete and sustained achievements in selected countries resulting from USAID assistance activities conducted from 2005 to 2020. You have been selected to participate in this research because of your knowledge of USAID Rule of Law activities in [name country or region]. Today's interview is expected to last approximately 1 hour, and we will discuss USAID activities that you are familiar with and how they contributed to concrete and sustained ROL achievements in [name country or region].

Risks and benefits: We do not anticipate that you will incur any risk or direct benefit from participating in this interview.

Confidentiality: Your responses in this interview will be kept in confidence by SI and the researchers. If you give your consent to record, the interview will be recorded only for note-taking purposes to check for accuracy of responses and will be promptly deleted once notes have been finalized. No transcripts will be created from the recordings. Only SI staff and the research team will have access to the notes that are taken. Your name and position will appear on the list of interviewees in the ROL Activity Review but nothing that you say will be attributed to you unless you specifically authorize us to do so. However, for purposes of documenting evidence, statements by interviewees may be attributed to a category of interviewee, such as USAID staff, foreign service national (FSN), non-FSN country representative, implementing partner, civil society, or external expert.

Voluntary participation: Your participation is voluntary. If you do not want to participate or to answer specific questions you do not have to. Should you choose to participate, please know that you may change your mind at any point during our discussion. There will be no consequences to your decision not to participate.

Report: We expect to speak with approximately 105 people as part of this research. The information that you and others provide will be used to write a report. This report will be shared with USAID and other stakeholders for comment and eventually be made public.

If you have any concerns, you may contact the Social Impact Institutional Review Board at irb@socialimpact.com with questions about the study or results or you can contact Leslie Hodel, lhodel@socialimpact.com.

Do you have any questions for us before we get started? [Researcher to answer any questions]

Are you willing to participate in this interview?

KEY INFORMANT INTERVIEW PROTOCOL

KII PROTOCOL – USAID MISSIONS

_____ KII ID

CONSENT PROVIDED [Y/N]:	
DATE/TIME:	
COUNTRY TO BE DISCUSSED:	
RESPONDENT SEX:	
RESPONDENT TITLE (AT USAID/X):	
WHAT YEARS WERE YOU AT USAID/X?	
INTERVIEWER NAME:	
NOTETAKER NAME:	

Introduction: As noted in the consent form, the goal of this study is to explore the concrete and sustained achievements of USAID ROL assistance activities between 2005 and 2020. We are exploring X as one of our study countries and we are interested in your candid opinion, given your knowledge of USAID work in X country.

For purposes of the Achievements Review and this interview, we are defining Rule of Law broadly. This includes areas such as justice reform (judicial institutions, courts, judicial training, ethics and alternative dispute resolution); legal profession reform (bar associations, legal education, defense attorneys and prosecutors); constitution and legislative drafting; access to justice, legal empowerment and support to civil society; combatting crime, violence and insecurity; human rights protection; and juvenile justice.²⁶ By concrete and sustained achievements, we mean specific changes in the above sectors that have had or are likely to have a long-term impact.

Now we would like to discuss USAID activities that you are familiar with and how they contributed to concrete and sustained ROL achievements in [country].

Do you have any questions about the topic before we begin?

1. What concrete and sustained achievements have USAID ROL assistance activities made or contributed to in [country] since 2005? (Prompt if necessary, based on desk review – e.g., judicial independence, administration of justice, court operations, access to justice, citizen security, legal profession, legal education, rights protections).
2. Which USAID ROL assistance activities/programs contributed to these achievements? (Prompt with examples of activities carried out in country, if necessary)

²⁶ Interviewer will tailor to programs in that country.

3. How certain are you that these achievements are concrete and sustained? Is there evidence we can point to?
4. Do you expect that these achievements will be sustained after USAID ROL assistance ends, and why? Has there been any backsliding, and if so, why?
5. In your opinion, what factors accounted for these achievements? (Program design; implementer, stakeholder interest; USAID country strategy; regional trends) - it may be useful to ask questions on specific factors in order to determine what made certain projects successful/contribute to achievements.
6. Were other donor programs involved in this sector (USG entities; UNDP; World Bank; European Bank for Reconstruction and Development, Open Society, African Union, AfDB, Economic Community of West African States, etc.)? Did they contribute to any of the achievements from USAID ROL activities and if so, how?
7. Is there anyone else with whom we should speak to learn more about ROL achievements in [country]?

KII PROTOCOL – IMPLEMENTERS

_____ KII ID

CONSENT PROVIDED [Y/N]:	
DATE/TIME:	
COUNTRY TO BE DISCUSSED:	
RESPONDENT SEX:	
RESPONDENT PROJECT/ORGANIZATION/TITLE:	
WHAT YEARS WERE YOU AT X ORGANIZATION?	
INTERVIEWER NAME:	
NOTETAKER NAME:	

Introduction: As noted in the consent form, the goal of this study is to explore the concrete and sustained achievements of USAID ROL assistance activities between 2005 and 2020. We are exploring X as one of our study countries and we are interested in your candid opinion, given your knowledge of the USAID work in X country.

For purposes of the Achievements Review and this interview, we are defining Rule of Law broadly. This includes areas such as justice reform (judicial institutions, courts, judicial training, ethics and alternative dispute resolution); legal profession reform (bar associations, legal education, defense attorneys and prosecutors); constitution and legislative drafting; access to justice, legal empowerment and support to civil society; combatting crime, violence and insecurity; human rights protection; and juvenile justice.²⁷

²⁷ Interviewer will tailor to programs in that country.

By concrete and sustained achievements, we mean specific changes in the above sectors that have had or are likely to have a long-term impact.

Now we would like to discuss USAID activities that you are familiar with and how they contributed to concrete and sustained ROL achievements in [country].

Do you have any questions about the topic before we begin?

1. What concrete and sustained achievements did your program (or other USAID programs) make or contribute to in [country] since 2005? (Prompt, if necessary, based on desk review – e.g., judicial independence, administration of justice, court operations, access to justice, citizen security, legal profession, legal education, rights protections)
2. How certain are you that these achievements are concrete and sustained? Is there evidence we can point to?
3. Do you expect that those achievements will be sustained after USAID ROL assistance ends, and why? Has there been any backsliding, and if so, why?
4. In your opinion, what factors accounted for these achievements? (Program design; implementer, stakeholder interest; adequate funding; implementing partners; continuity of programming and/or staff; USAID country strategy; regional trends) Prompt regarding synergies with other donor programs, other USAID programs, country initiatives, etc.
5. Is there anyone else with whom we should speak to learn more about ROL achievements in [country]?

KII PROTOCOL – STAKEHOLDERS

_____ KII ID

CONSENT PROVIDED [Y/N]:	
DATE/TIME:	
COUNTRY TO BE DISCUSSED:	
RESPONDENT SEX:	
RESPONDENT ID:	
RESPONDENT ORGANIZATION/TITLE:	
INTERVIEWER NAME:	
NOTETAKER NAME:	

Introduction: As noted in the consent form, the goal of this study is to explore the concrete and sustained achievements of USAID ROL assistance activities between 2005 and 2020. We are exploring X as one of our study countries and we are interested in your candid opinion, given your knowledge of USAID work in X country.

For purposes of the Achievements Review and this interview, we are defining Rule of Law broadly. This includes areas such as justice reform (judicial institutions, courts, judicial training, ethics and alternative dispute resolution); legal profession reform (bar associations, legal education, defense attorneys and prosecutors); constitution and legislative drafting; access to justice, legal empowerment and support to civil society; combatting crime, violence and insecurity; human rights protection; and juvenile justice.²⁸ By concrete and sustained achievements, we mean specific changes in the above sectors that have had or are likely to have a long-term impact.

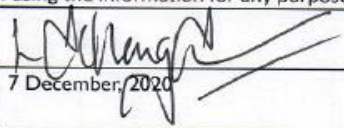
Now we would like to discuss USAID activities that you are familiar with and how they contributed to concrete and sustained ROL achievements in [country].

Do you have any questions about the topic before we begin?

1. In your opinion, did USAID ROL assistance from 2005-2020 make or contribute to concrete and sustained achievements in your country? (Prompt if necessary – e.g., judicial independence, administration of justice, court operations, access to justice, citizen security, legal profession, legal education, rights protections)
2. What were the most important achievements of the program? (Training; legislative drafting; embedded experts; etc.)
3. How certain are you that these achievements are concrete and sustained? Is there evidence we can point to?
4. Do you expect that these achievements will be sustained after USAID ROL assistance ends, and why? Has there been any backsliding, and if so, why?
5. In your opinion, what factors accounted for these achievements? (Program design; implementer, stakeholder interest; adequate funding; implementing partners; continuity of programming and/or staff; USAID country strategy; regional trends)
6. Is there anyone else we should speak to about the programs and achievements discussed?

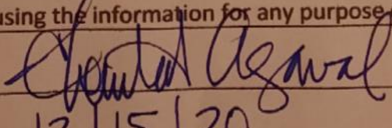
²⁸ Interviewer will tailor to programs in that country.

ANNEX D: CONFLICTS OF INTEREST


Name	Achieng Akumu
Title	consultant
Organization	Social Impact
Study Position?	<input checked="" type="checkbox"/> Team member <input type="checkbox"/>
Study Award Number (contract or other instrument)	GS-10F-0033M/7200AA18M000016 8389.036.01/100089.000.N036
USAID ROL Programming Reviewed 2005 -2020 (Include countries)	Global
I have real or potential conflicts of interest to disclose.	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes answered above, I disclose the following facts: <i>Real or potential conflicts of interest may include, but are not limited to:</i> <ol style="list-style-type: none"> 1. Close family member who is an employee of the USAID operating unit managing the programming being reviewed or the implementing organization(s) whose project(s) are being reviewed. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being reviewed or in the outcome of the review. 3. Current or previous direct or significant though indirect experience with the project(s) being reviewed, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USAID operating unit managing the review or the implementing organization(s) whose project(s) are being reviewed. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being reviewed. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the review. 	<p>I worked as Snr. ROL Advisor for USG from 2003-2016. Please note that I worked as Snr. ROL Advisor at USAID for 12 years, from 2003-2016; 2014 to 2015 I was seconded to State INL, where I served as the Snr. ROL US mission to the African Union.</p> <p>In my position I lead/co-lead, ROL Africa assessments, design, evaluations and review of all Africa ROL programmes, I also sat on TEC panels. I was not a COR for any country activities.</p>
<p>I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.</p>	
Signature	
Date	7 December, 2020

Name	Chantal Agarwal
Title	Rule of Law Expert
Organization	Social Impact
Study Position?	<input type="checkbox"/> Team Leader <input type="checkbox"/> Team member
Study Award Number (contract or other instrument)	GS-10F-0033M/7200AA18M000016 8389.036.01/100089.000.N036
USAID ROL Programming Reviewed 2005 -2020 (Include countries)	Colombia, DR, Mexico, Guatemala, El Salvador
I have real or potential conflicts of interest to disclose.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>If yes answered above, I disclose the following facts:</p> <p><i>Real or potential conflicts of interest may include, but are not limited to:</i></p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the USAID operating unit managing the programming being reviewed or the implementing organization(s) whose project(s) are being reviewed. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being reviewed or in the outcome of the review. 3. Current or previous direct or significant though indirect experience with the project(s) being reviewed, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USAID operating unit managing the review or the implementing organization(s) whose project(s) are being reviewed. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being reviewed. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the review. 	<ol style="list-style-type: none"> 1. No. 2. No. 3. I designed and managed a USAID-funded cooperative agreement in Mexico called "Support to Bar Associations and Law Schools in Mexico," that was implemented from 2010-2016 valued at about \$5M over life of program. 4. No. 5. I am currently working on a project design for an IP on a USAID Colombia procurement. 6. No.

I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

Signature	
Date	12/15/20

Name	Marilyn Zelen
Title	Team Leader
Organization	Social Impact
Study Position?	<input type="checkbox"/> Team Leader <input type="checkbox"/> Team member
Study Award Number (contract or other instrument)	GS-10F-0033M/7200AA18M000016 8389.036.01/100089.000.N036
USAID ROL Programming Reviewed 2005 -2020 (Include countries)	Kosovo, Georgia
I have real or potential conflicts of interest to disclose.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>If yes answered above, I disclose the following facts:</p> <p>Real or potential conflicts of interest may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the USAID operating unit managing the programming being reviewed or the implementing organization(s) whose project(s) are being reviewed. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being reviewed or in the outcome of the review. 3. Current or previous direct or significant though indirect experience with the project(s) being reviewed, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USAID operating unit managing the review or the implementing organization(s) whose project(s) are being reviewed. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being reviewed. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the review. 	<p>① N/A</p> <p>② N/A</p> <p>③ Kosovo - Technical Advisor: SEAD Evaluation: JSSP (MSI) - 2018 Georgia - ABA/ROLI: Country Director (2005-2007) Consultant/Mediation - EUMI (2016)</p> <p>4-5 ABA/ROLI IDLO EUMI Chocchi</p> <p>N/A</p> <p>200-2013 Chocchi / EUMI</p>
<p>I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.</p>	
Signature	
Date	12/4/20

Name	Victoria Ayer
Title	Consultant
Organization	Social Impact
Study Position?	Team member
Study Award Number (contract or other instrument)	GS-10F-0033M/7200AA18M000016 8389.036.01/100089.000.N036
USAID ROL Programming Reviewed 2005 -2020 (Include countries)	Guatemala, Colombia, Dominican Republic, Mexico, El Salvador, Bosnia, Georgia, Kosovo, Moldova Kyrgyzstan, Cambodia, Indonesia, Kazakhstan Jordan, West Bank/Gaza
I have real or potential conflicts of interest to disclose.	No
<p>If yes answered above, I disclose the following facts:</p> <p><i>Real or potential conflicts of interest may include, but are not limited to:</i></p> <ol style="list-style-type: none"> <i>1. Close family member who is an employee of the USAID operating unit managing the programming being reviewed or the implementing organization(s) whose project(s) are being reviewed.</i> <i>2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being reviewed or in the outcome of the review.</i> <i>3. Current or previous direct or significant though indirect experience with the project(s) being reviewed, including involvement in the project design or previous iterations of the project.</i> <i>4. Current or previous work experience or seeking employment with the USAID operating unit managing the review or the implementing organization(s) whose project(s) are being reviewed.</i> <i>5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being reviewed.</i> <i>6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the review.</i> 	
<p>I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.</p>	
Signature	
Date	November 23, 2020

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

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Washington, D.C. 20523