

**Statement by Alberto Mora, Associate Executive Director, Global Programs,
American Bar Association to the Subcommittee on State, Foreign Operations, and
Related Programs, Committee on Appropriations, U.S. House of Representatives**
March 12, 2019

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

My name is Alberto Mora and I am the Associate Executive Director, Global Programs, for the American Bar Association (ABA). I am pleased to submit this statement to the Subcommittee on behalf of ABA President Robert M. Carlson and our more than 400,000 members around the United States and the world. Thank you for this opportunity to reiterate the importance of continuing U.S. leadership and support for the promotion of democracy, human rights, and the rule of law around the world.

The ABA appreciates that there is wide bipartisan agreement in Congress that programs to promote the rule of law internationally are valuable and cost-effective investments of U.S. taxpayer dollars that enhance both the national security and economic prosperity of our nation. Support for these programs is also consistent with our values as a nation. The ABA urges Fiscal Year 2020 funding for Democracy, Human Rights, and Governance (DRG) programs at no less than current year levels, including \$2.4 billion for Democracy Programs.

As a long-time implementer of DRG programs, the ABA can attest that the U.S. receives significant returns on this investment. For more than 30 years and in more than 100 countries, the ABA, through our Rule of Law Initiative (ABA ROLI), Center for Human Rights (CHR), and Section of International Law (SIL), has been protecting human rights, and promoting justice, economic opportunity, and human dignity through the rule of law. Founded just after the fall of the Berlin Wall, ABA ROLI's early efforts focused on assisting Eastern European countries to draft constitutions and laws. The program also helped embolden judges, prosecutors, lawyers and legal educators to take the lead in establishing – or in some cases re-establishing – the rule of law after decades of communism and repression. The early model of American lawyers offering pro-bono services to their colleagues in developing democracies remains at the heart of everything that the ABA's Global Programs do. In fact, lawyers, law firms, and other experts have contributed more than \$200 million in pro bono support for our programs.

Through ABA ROLI, CHR, SIL, and other initiatives, the ABA has a framework in place to respond to requests for assistance from every region of the world and can provide expertise in virtually every area of law, including such areas as advancing women's rights, combating trafficking in persons, fighting corruption, reforming judicial systems, ensuring access to

justice and defending human rights. In 2018, ABA ROLI executed 102 programs in 50 countries in every region of the world with funding from the U.S. Department of State, USAID, and other multilateral donors and private foundations. We'd like to share with you some examples of these programs and the results being achieved through their implementation.

Sub-Saharan Africa

In 2018, ABA ROLI supported twenty-four programs in nine Sub-Saharan countries -- the Central African Republic (CAR), the Democratic Republic of Congo (DRC), Ethiopia, Liberia, Mali, Mauritania, South Africa, Somalia, and Sudan. ABA ROLI helped free over 300 victims of slaves in Mali and Mauritania, and ensured access to justice to over 11,000 survivors of sexual and gender-based violence in the DRC and the CAR. ABA ROLI's endeavors have also helped build more accountable legal systems, train justice sector actors, as well as strengthen the court, evidence, and case management systems across the region. Also, in 2018, ABA ROLI began new programming in Ethiopia, Liberia, and the Southern Africa region. With these new programs, ABA ROLI currently focuses on training African Union staff in Ethiopia and supporting the African Prosecutors Association in South Africa to combat trafficking in persons in the region. Our pre-trial detention program in Liberia equipped participants with the skills to secure the release of over 1,500 detainees from Monrovia Central Prison.

Asia and the Pacific

In Asia and the Pacific, ABA ROLI supported seventeen programs in Cambodia, China, Indonesia, Malaysia, Pakistan, the Philippines, Sri Lanka, Thailand, and Vietnam in 2018. We continued to provide training to bar associations and lawyers advising those across Asia facing restrictions to their expression online. Our long-running regional anti-corruption program assisted governments wanting to better implement the UN Convention Against Corruption. With our partners across Asia, we sought to uphold the rule of law within anti-terrorism processes, increase protections and holistic support to survivors of sexual and gender-based violence and human trafficking, and increase access to legal services for vulnerable communities.

Europe and Eurasia

Our programs in the Europe and Eurasia region helped to strengthen legislation and legal institutions, to promote international human rights standards, to combat corruption and promote public integrity measures, to foster judicial independence, and to increase access to justice. In our work we emphasize building the capacity of local organizations and host country government entities to sustain reform efforts. In 2018, ABA ROLI implemented thirteen programs across fifteen countries in the Europe & Eurasia region including Albania, Armenia, Belarus, Bosnia-Herzegovina, Georgia, Hungary, Kosovo, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Serbia, Tajikistan, Ukraine and Uzbekistan. Last year,

ABA ROLI responded to the region's most intense challenges, from providing assistance to vulnerable populations in Armenia - primarily refugees displaced by the Syrian conflict - to supporting local partners in advocating for Internet freedom in the face of government surveillance, digital security threats and loss of privacy.

Latin America and the Caribbean

In 2018, ABA ROLI supported five programs in four countries: El Salvador, Guatemala, Mexico, Peru. We also initiated a new program in Colombia to strengthen the capacity of the Rodrigo Lara Bonilla Judicial Training school in a way that meets Colombia's dynamic criminal justice challenges and the needs of a diverse judicial system. ABA ROLI's program to Strengthen Forensic Capacity in Central America supported efforts to increase and enhance the capacity of justice sector actors and law enforcement agents to combat crime through the effective use of forensic evidence in El Salvador and Guatemala. In Peru, ABA ROLI continued its support of the implementation of criminal justice reforms that replace the country's inquisitorial model with an accusatorial model in thirty of its thirty-three judicial districts. As part of this ongoing effort, ABA ROLI works to strengthen the effectiveness of complex crimes enforcement, including environmental crimes, illegal gold mining, human trafficking, narco trafficking, and money laundering. In Mexico, ABA ROLI partnered with law professors and students to improve teaching methods for the new criminal justice system by training professors and students in oral advocacy.

The Middle East and North Africa

ABA ROLI in 2018 supported twenty-one programs in nine Middle Eastern and North African countries, specifically Bahrain, Egypt, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Syria and Tunisia. In partnership with Ministries, Judicial Councils, Bar Associations, Universities and Civil Society, ABA ROLI trained judges, prosecutors, lawyers and court staff on legal issues and skills related to traditional and emerging areas of the law. In Jordan, Morocco, and Tunisia, ABA ROLI focused on anti-trafficking efforts, including training on investigation and protection of victims, and increased public awareness and training for targeted stakeholders such as police and shelter staff. ABA ROLI supported implementation of a new law in Tunisia on gender-based violence; in Egypt, ABA ROLI trained prosecutors on cases involving sex- and gender-based violence. At the university level, ABA ROLI enhanced the education of future judges and lawyers through a practical legal skills program for women law students in Saudi Arabia, a series of training sessions on interactive teaching methodology for law professors in Egypt, and sessions on legal skills for Syrian law students in Jordan. ABA ROLI technical assistance helped to launch and develop a broad program introducing alternatives to detention in Bahrain's court system, and began planning for an assessment to introduce alternatives to detention in Lebanon's criminal justice system. In Libya, ABA ROLI strengthened key aspects of the criminal justice sector through a focus on detention procedures. Our support to Egypt's training and research institute for prosecutors included building a cadre of prosecutors trained in

interactive teaching, and curriculum on substantive areas of the law and skills such as criminal investigation.

Global Thematic Programs

ABA ROLI also works on a series of programs with objectives that cut across regional lines including advancing labor rule of law through technical assistance; providing technical assistance to solve environmental problems; advancing the status of women and girls worldwide through integrated, multidisciplinary programming that seeks to combat gender-based violence; advancing the women, peace and security agenda; and supporting women's economic empowerment and protecting LGBTI persons globally, in particular by bringing together and guiding state and non-state actors to combat impunity for perpetrators of bias-motivated violence. Another global thematic program is the International Justice Sector Education and Training (IJET) Program, which brings small groups of justice sector professionals to the U.S. for month-long fellowships to empower them to implement strategic reform in their home country's justice sector.

The Center for Human Rights

The ABA's Center for Human Rights, established a decade after ROLI, promotes and protects human rights worldwide by defending advocates who face retaliation; rallying thought leaders on crucial issues; and holding abusive governments accountable under law. Through its Justice Defenders Program, funded since 2011 by a grant from the Department of State's Bureau of Democracy, Human Rights, and Labor, the Center supports lawyers, journalists, and advocates protecting human rights, anywhere in the world. To date, the program has leveraged more than \$2 million in free legal assistance to more than a thousand advocates worldwide. The Center recently has enhanced this program with significant funding from the Clooney Foundation for Justice.

The Center also combats impunity by helping to strengthen U.S. and international law to ensure that people who commit mass atrocities are held accountable. In this vein, the Center recently began an initiative with the Carnegie Corporation of New York to study and improve legal frameworks governing the use of proxy fighters in foreign conflicts. The Center fights modern slavery by working with the Uniform Law Commission to fortify state law to ensure that human traffickers find no haven anywhere in the United States, and empowering trafficking survivors to rebuild their lives. Other work includes advocacy to protect LGBTQ persons, advance global health by shaping a human rights framework for confronting public health challenges, and improve international standards to protect human rights from harmful business practices.

Modes of Delivery and Choice of Implementing Instrument

We urge the Subcommittee to continue to recognize the benefits of assistance delivered through non-profit, non-governmental organizations (NGOs). We note that previous bill

language directs USAID to implement civil society and political competition and consensus building programs abroad in a manner that recognizes the unique benefits of grants and cooperative agreements, and request that the Subcommittee expand the language to include rule of law programs. Non-profit organizations funded through grants and cooperative agreements are more likely to develop long-term relationships that build capacity and allow for sustainable assistance efforts. In addition, NGOs are more likely to leverage U.S. assistance dollars through the contributions of volunteers and additional sources of funding. Independent U.S.-based NGOs are best positioned to work as true partners with local leaders to make sure the outcomes are owned locally, but are operated under the oversight of experienced implementers that also serve as fiduciaries of American taxpayer dollars.

Contributions to International Organizations

As you know, the Contributions to International Organizations account funds the U.S. dues payment for the United Nations regular budget, along with assessments for specialized agencies such as the International Atomic Energy Agency, the World Health Organization, and other key multilateral organizations such as NATO. These organizations act as a critical force-multiplier in promoting international peace and security, strengthening democratic governance, and protecting human rights. While none of these organizations is perfect, the United States can lead reforms from a stronger position when we meet our financial obligations and actively support those organizations that help advance our national interests.

Conclusion

We recognize that Congress faces many competing budgetary demands and appreciate the Subcommittee's past support for this essential funding for Democracy, Human rights and Governance programming. The United States has been able to play a critical leadership role in the world because it has, over multiple administrations of both parties, maintained a values-based foreign policy that advances the conditions for a peaceful and prosperous world. Failure to sustain and fund that policy risks ceding our leadership position to those who would remake the global order in ways that will certainly not serve U.S. interests. Establishing governments, legal structures and institutions based on the rule of law are necessary prerequisites to establishing resilient democratic societies and successful market-based economies. Programs such as those outlined above are cost-effective means through which to advance both the interests of individuals in participating countries and U.S. foreign policy, and we urge you to continue to support them for Fiscal Year 2020.

Thank you for this opportunity to share our views.