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USAID RULE OF LAW ACHIEVEMENTS REVIEW, 2005-2020

ASIA REGIONAL SUMMARY

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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
BWJA	Bangladesh Women Judges' Association
CJH	Community Justice Houses
CSJ	Council on the Selection of Judges
CSM	Conseil Supérieur de la Magistrature
CSO	Civil Society Organization
CTS	Case Tracking System
DRC	Democratic Republic of the Congo
DRG	Democracy, Human Rights and Governance
FLACC	Free Legal Aid Coordinator Center
GBV	Gender-Based Violence
HJTC	High Justice Training Center
KPK	Corruption Eradication Commission
MAINA	Holistic Attention Models for Children and Adolescents
MOJ	Ministry of Justice
NEMO	Next Generation Evaluation, Measurement, and Observation
NLASO	National Legal Aid Services Organization
NTP	National Target Plan
ROL	Rule of Law
SGBV	Sexual and Gender-Based Violence
SI	Social Impact
U.S.	United States
USAID	United States Agency for International Development

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>.

ASIA REGIONAL SUMMARY

STATE OF THE RULE OF LAW, 2005-2020

The United States Agency for International Development's (USAID) 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. Countries across the region bring vast differences in culture and tradition, including among justice systems. Several countries are former Soviet Socialist Republics with a tradition of rule of law (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, Indonesia, and the Kyrgyz Republic—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 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 profiles.

Increased Judicial Independence: In the Kyrgyz Republic, USAID seized opportunities presented by constitutional changes in 2007 and 2010 to support increased judicial independence by moving the country further away from its Soviet legacy of high levels 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 was also

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 case tracking system (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 their 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 the 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 stronger legal education systems. 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 lawyers, experienced professionals, and judges.

Improved Access to Justice: USAID support was critical for the establishment of a national bar association in the Kyrgyz Republic. After nearly a decade of USAID support for legislative drafting and advocacy, the Kyrgyz Republic passed the Law on the National Advocatura was passed, and formed a National Bar Association. 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 development of a ROL culture throughout the region.

COUNTRY PROFILES

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, Bangladesh is home to at least 45 minority ethnic groups.⁵ The legal system of Bangladesh has been influenced by four distinct historical phases, through 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, when the ruling Awami League won over 90 percent of the seats in the December 2018 election, the United Nations called for investigation. Police and courts have become increasingly politicized and access to justice is limited. In this context, USAID ROL activities in Bangladesh 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 citizens.⁶ USAID expanded support in 2011, which allowed the Trust to expand to over 2,000 panel lawyers (private lawyers paid by the government) working in 15 locations. Additional support from USAID supported legal services for garment workers and improved professional opportunities for women lawyers and judges.

Table 2: 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.

⁵ UNESCO Diversity of Cultural Expressions. “Periodic Report Bangladesh.” 2013. <https://en.unesco.org/creativity/governance/periodic-reports/2013/bangladesh>. pg .3.

⁶ 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 1: 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's 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.⁷ 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 that 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

⁷ 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's 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 skills 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, an organizational brochure, a pocket calendar, an 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 such as 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 the 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, and focused 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 3: 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
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 Ministry of Justice (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 information technology 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 United States (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 civil society organizations (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's 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, promotions, and transfers are 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.⁸ 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 4: 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
Millennium Challenge Corporation Judicial Reform Assistance Project	Tetra Tech DPK; ARD, Inc.	2008-2010

⁸ 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
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 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 I: 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, United States Dollar 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 was launched with USAID's support. This process included an electronic test, standardized interviews, and a voting stage. The re-selection process was not finished 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, the first National Target Plan (NTP) for Judicial Development (2014-2017) was adopted with continued USAID support. 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 the United Nations Development

Programme 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 FLACC 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.

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