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USAID RULE OF LAW ACHIEVEMENTS REVIEW, 2005-2020

MIDDLE EAST AND NORTH AFRICA REGIONAL SUMMARY

August 2022

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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
CJH	Community Justice Houses
CMS	Case Management System
CSM	Conseil Superieur de la Magistrature
CSO	Civil Society Organization
DRC	Democratic Republic of the Congo
DRG	Democracy, Human Rights and Governance
ICMS	Integrated Case Management System
IT	Information Technology
MAINA	Holistic Attention Models for Children and Adolescents
MENA	Middle East & North Africa
MOJ	Ministry of Justice
ROL	Rule of Law
SGBV	Sexual and Gender-Based Violence
SI	Social Impact
UN	United Nations
UNDP	United Nations Development Programme
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>.

MIDDLE EAST & NORTH AFRICA REGIONAL SUMMARY

STATE OF THE RULE OF LAW, 2005-2020

The United States Agency for International Development introduced rule of law (ROL) programming in the Middle East and North Africa region later than in other regions. In the two focus countries, Jordan and the West Bank and Gaza, assistance began in 2004 and 2008, respectively. Since then, USAID's investment in the ROL in the Middle East and North Africa (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.⁵ By 2018, the United Nations High Commissioner for Refugees reported more than 15 million refugees and internally displaced people in the MENA region, primarily due to conflicts in Syria, Iraq, and Yemen.⁶

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 for 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. Women who sought to work in the justice system, and likewise for women seeking to exercise their rights, faced significant challenges in gender equality. 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 decisionmakers to adopt challenging reforms.

⁵ United Nations High Commissioner for Refugees. 2006. "UNHCR Global Report 2006 - The Middle East Subregional Overview." <https://www.unhcr.org/4666d2510.html>.

⁶ 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 profiles. 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 both 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 with 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 the ROL to support the consolidation of effective and efficient public institutions.

COUNTRY PROFILES

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 Ministry of Justice (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 2: USAID ROL Activities, 2004-2020 (Jordan)

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Improved ROL Program	Tetra Tech DPK	2004-2008
Judicial Sector Reform in Jordan	American Bar Association Rule of Law Initiative (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 (CMS).

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 database of judges. 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 United States (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 that provided 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 also noted that 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 workflows, 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 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 information technology (IT) department was critical to the success and sustainability of MIZAN. At the beginning of MIZAN’s 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 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 United Nations (UN), the European Union, the Spanish Agency for International Development, 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 sexual and gender-based violence (SBGV) 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 that 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 3: 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 European Union, 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 the United Nations Development Programme, stepped in to ensure that 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 sexual and gender-based violence 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 consulted 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's 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 a 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, the President, and the Prime Minister. USAID was able to persuade influential judges to authorize activity implementation while also engaging in dialogue with regular court judges to ensure that 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.

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