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# USAID RULE OF LAW ACHIEVEMENTS REVIEW, 2005-2020

## SUB-SAHARAN AFRICA REGIONAL SUMMARY

**August 2022**

Prepared under Contract No.: GS-10F-0033M/7200AA18M00016, Tasking N036 by Social Impact, Inc.

This publication was produced at the request of the United States Agency for International Development. It was prepared independently by Marilyn Zelin, Chantal Agarwal, Aimee Rose, Victoria Ayer, Achieng Akumu, Catherine Caligan, and Bailey Fohr of Social Impact, Inc. for the National Opinion Research Center. The authors' views expressed in this document do not necessarily reflect the views of the USAID or the United States Government.

# DRG LEARNING, EVALUATION, AND RESEARCH ACTIVITY II

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**TABLE OF CONTENTS**

**EXECUTIVE SUMMARY..... IV**

**SUB-SAHARAN AFRICA REGIONAL SUMMARY ..... 10**

STATE OF THE RULE OF LAW, 2005-2020 ..... 10

USAID PROGRAMMING RESPONSE AND APPROACH ..... 10

REGIONAL ACHIEVEMENTS ..... 10

CONCLUSION ..... 11

**COUNTRY PROFILES ..... 12**

DEMOCRATIC REPUBLIC OF THE CONGO ..... 12

GHANA..... 16

SOUTH AFRICA ..... 19

**TABLES**

Table 1: Summary of Achievements ..... v

Table 2: USAID ROL Activities, 2005-2020 (DRC) ..... 12

Table 3: USAID ROL Activities, 2010-2020 (Ghana)..... 16

Table 4: USAID ROL Activities, 2005-2020 (South Africa)..... 19

## ACRONYMS

<b>Acronym</b>	<b>Definition</b>
ADR	Alternative Dispute Resolution
CHRAJ	Commission on Human Rights and Administrative Justice
CJH	Community Justice Houses
CSM	Conseil Superieur de la Magistrature
CSO	Civil Society Organization
CTS	Case Tracking System
DOJCD	Department of Justice and Constitutional Development
DRC	Democratic Republic of the Congo
DRG	Democracy, Human Rights and Governance
HRD	Human Rights Defender
IT	Information Technology
LEA	Law Enforcement Agency
MAINA	Holistic Attention Models for Children and Adolescents
MOJ	Ministry of Justice
NEMO	Next Generation Evaluation, Measurement, and Observation
NGO	Non-Governmental Organization
NPA	National Prosecuting Authority
ROL	Rule of Law
SGBV	Sexual and Gender-Based Violence
SI	Social Impact
SOCA	Sexual Offenses and Community Affairs Unit
TCC	Thuthuzela Care Centres
U.S.	United States
USAID	United States Agency for International Development
USD	United States Dollar
USG	United States Government

## 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.<sup>1</sup> 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.<sup>2</sup> 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,

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

<sup>2</sup> 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.<sup>3</sup> 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
<b>1. GREATER JUDICIAL INDEPENDENCE</b>	
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
<b>2. ENHANCED ADMINISTRATION OF JUSTICE</b>	

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

<b>COUNTRY</b>	<b>ACHIEVEMENT</b>
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
<b>3. IMPROVED ACCESS TO AND TRUST IN THE JUSTICE SYSTEM</b>	
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
<b>4. PROTECTION FOR DEFENDERS, WOMEN, AND VULNERABLE GROUPS</b>	
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
<b>5. ENHANCED ABILITY TO COMBAT CRIME, CORRUPTION, AND INSECURITY</b>	
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.<sup>4</sup> 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.

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<sup>4</sup> 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>.

## **SUB-SAHARAN AFRICA REGIONAL SUMMARY**

### **STATE OF THE RULE OF LAW, 2005-2020**

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

### **USAID PROGRAMMING RESPONSE AND APPROACH**

United States Agency for International Development (USAID) investments reached 19 of 54 African countries during the review period, according to the inventory.<sup>5</sup> However, ROL investments in Africa, worth over United States Dollar (USD) 106 million, have been modest compared to the investments made in Latin America and the Caribbean and Europe and Eurasia, which respectively totaled USD 496 million and over USD 147 million during the same period. The African democracy, human rights, and governance budget dropped from over USD 300 million in Fiscal Year 2010 to about half of that amount in Fiscal Year 2015. Congressional directives like Power Africa and Trade Africa inadvertently reduced the amount of discretionary funding available for democracy and ROL promotion.

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

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

### **REGIONAL ACHIEVEMENTS**

This section summarizes the most important concrete and sustainable achievements across the three African focus countries selected for this study: the DRC, Ghana, and South Africa. During the review period, all three countries struggled to reform authoritarian systems, consolidate democratic

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<sup>5</sup> Access to the inventory developed for this study is limited to USAID staff only.

governance, and adopt a ROL culture. They do not represent the region as a whole and are only a small sample of programming, but offer discrete examples of regional USAID achievements.

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

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

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

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

## CONCLUSION

USAID worked in nearly two dozen African countries during the review period, with a range of achievements despite challenging circumstances. USAID's successes in increasing judicial independence and enhancing administration of justice reflect the agency's focus on foundational reforms. Progress in these areas was critical due to the lukewarm demand for ROL improvements and struggles to reform authoritarian systems. USAID's work to address human rights violations was particularly impactful in each of these countries, demonstrating successful administrative and logistical improvements that pave the way for future ROL reforms in other areas.

## COUNTRY PROFILES

### DEMOCRATIC REPUBLIC OF THE CONGO

#### INTRODUCTION

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

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

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

**Table 2: USAID ROL Activities, 2005-2020 (DRC)**

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

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

**MAJOR ACHIEVEMENTS**

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

**ACHIEVEMENT 1: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH FREE LEGAL AID AND ADRS**

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

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

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

USAID’s legal literacy activities enhanced citizens’ abilities to hold officials accountable for abusive or arbitrary conduct. To achieve this level of citizen engagement, USAID supported information dissemination about legal assistance services, access to courts, and local ADR mechanisms. USAID collaborated with traditional authorities to deliver this information through community workshops and broadcast radio announcements. One example of citizen engagement is “open days” forums. Through these forums, citizens have engaged with magistrates on various issues related to judicial procedures and raised questions about ongoing trials or prosecutions. Public hearings and forums resulted in citizens feeling empowered to demand legal reforms without fearing retaliation and increasing public buy-in

around the development of stronger legal institutions. Additionally, forums between judicial officials and constituents influenced communities' attitudes towards the justice system.

The combination of available free legal aid and reduced court fees have significantly decreased the time and cost for victims to bring a case to court. Further, consistent with the goal of increasing legal awareness and providing transparent, public information, legal fees are now displayed at courts' entrances. USAID further provided technical assistance for mobile court standardization to reduce case backlogs and process cases efficiently. USAID's logistical support for mobile court deployment in remote areas was critical to alleviate case backlogs for HRDs, SGBV victims, and detainees.

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

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

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

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

Since 2002, USAID has been a major donor for SGBV response and prevention in the DRC. USAID provided emergency programming to SGBV survivors while simultaneously strengthening court, tribunal, and police capacity to address and resolve SGBV. USAID pursued a multi-layered approach to support SGBV survivors, which integrated psychosocial, medical, legal, and economic activities and provided survivors with quality, timely, and appropriate care and treatment services. USAID's support also increased and improved organizational and community capacity to identify and respond to SGBV cases. Training sessions for paralegals and traditional leaders were instrumental in remote communities to sensitize these actors to SGBV cases. USAID assistance also successfully forged partnerships between CSOs and pro bono lawyers to defend SGBV victims and secure legal remedies, and empowered women to advocate for legal assistance for SGBV survivors. Due to USAID interventions, SGBV victims increasingly demand legal services and courts enforce more decisions favoring victims.

### ACHIEVEMENT 3: ENHANCED JUDICIAL INDEPENDENCE THROUGH A STRONGER CSM

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

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

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

### ACHIEVEMENT 4: ENHANCED ADMINISTRATION OF JUSTICE THROUGH ACCESS TO LEGISLATION

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

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

### FACTORS CONTRIBUTING TO ACHIEVEMENTS

USAID programs demonstrated flexibility over the review period in the face of continuous instability and conflict in the DRC. USAID successfully seized the momentum for reform after the 2006 elections and worked with progressive officials who were advocates and champions of reform. USAID engaged these officials in preparing national and local assessments and designing and implementing activities in target provinces. Stakeholders appreciated USAID's collaboration and understanding of the complexities of designing activities in conflict areas. Stakeholders also noted that USAID's cooperation with development partners, CSOs, and human rights organizations was key to pragmatic and successful interventions in locations where the state lacked a meaningful presence. USAID worked with the United Nations Development Program, the European Union, and other development partners to share materials and training modules and avoid overlap.



## GHANA

### INTRODUCTION

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

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

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

**Table 3: USAID ROL Activities, 2010-2020 (Ghana)**

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

### MAJOR ACHIEVEMENTS

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

#### ACHIEVEMENT 1: ENHANCED ADMINISTRATION OF JUSTICE THROUGH THE CTS

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

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

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

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

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

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

USAID developed strategic partnerships with influential NGOs and CSOs that strengthened their ability to hold national and local governments more accountable and push for criminal justice reform. Through USAID's support, citizens' groups became empowered with knowledge, tools, and skills to effectively monitor, engage, and advocate in annual planning and budgeting sessions and lobby policymakers. USAID successfully institutionalized CSO engagement with district governments through a memorandum of understanding between organized citizen groups and more than 30 respective District Assemblies. With respect to the ROL, these key NGOs convened a roundtable to review and assess the progress of the Office of the Special Prosecution in fulfilling its mandate, which resulted in several practical recommendations to strengthen the prosecution of corruption cases. Additionally, USAID capacity-building activities resulted in advocacy strategies using media, public opinion surveys, and civic education to empower citizens in demanding the passage of key legislation, including the Right to Information Law, Public Financial Management Law Regulations, and the Office of Special Prosecution. As a result of these efforts, there has been considerable progress to expose and curb corruption and enhance the responsiveness of national and local representative institutions to citizens. The transformational impact

of USAID assistance forged alliances between civil society, Parliament, and the media to monitor, track, document, and expose corruption through formal reporting mechanisms.

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

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

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

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

### **FACTORS CONTRIBUTING TO ACHIEVEMENTS**

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

Along with other donors, USAID has been credited with changes in attitudes and perceptions on how Ghanaians think about the ROL as a distinguishing feature of its accomplishments. USAID has successfully co-convened meetings that brought together key stakeholders to seek consensus among donors and host country partners, as well as to share information and views on ROL issues. Such interactions have often led to professional relationships and productive working groups.

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

## SOUTH AFRICA

### INTRODUCTION

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

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

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

**Table 4: USAID ROL Activities, 2005-2020 (South Africa)**

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

### MAJOR ACHIEVEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Also, in support of enhanced administration, USAID introduced and institutionalized a court management model based on decentralized decision-making, which allowed court administrators to

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

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

#### FACTORS CONTRIBUTING TO ACHIEVEMENTS

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

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

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

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