


INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

annual report / 2014







IDLO enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity. We contribute to creating stable and inclusive societies where every person can live free from fear and want, in dignity and under the rule of law.

International Advisory Council



Abdel-Latif Al-Hamad

Chairman and CEO, Arab Fund for Economic and Social Development



Abdou Diouf

Former President of the Republic of Senegal



William H. Gates Sr.

Co-Chair, Bill and Melinda Gates Foundation



Thomas Pickering

Former United States Ambassador and Under Secretary of State



Mary Robinson

Former President of Ireland and UN High Commissioner for Human Rights



Albie Sachs

Former Justice, Constitutional Court of South Africa

Contents

Message from the Director-General 06

Institution building 08



Justice sector development 10

| | |
|-------------|----|
| Afghanistan | 11 |
| Kenya | 14 |
| Kyrgyzstan | 16 |
| Myanmar | 20 |
| Somalia | 22 |
| South Sudan | 24 |
| Tunisia | 28 |
| West Africa | 32 |
| Yemen | 34 |

Constitution making 34

| | |
|---------|----|
| Kenya | 35 |
| Somalia | 36 |

Access to justice 39



Women's empowerment 40

| | |
|-----------------------|----|
| Afghanistan | 41 |
| Costa Rica & Honduras | 48 |
| Kenya | 49 |

Rights for marginalized people 50

| | |
|--------------------|----|
| Children | 51 |
| Youth | 52 |
| Indigenous peoples | 54 |
| The urban poor | 58 |
| Trafficked persons | 60 |

Public health 60

| | |
|---------------------------|----|
| People living with HIV | 61 |
| Non-communicable diseases | 65 |

Sustainable development & economic opportunity 66



Rule of law & development 68

| | |
|-------------------------------|----|
| Sustainable Development Goals | 69 |
| Linking law & development | 69 |
| Rule of law & food security | 69 |

Building strong economies 72

| | |
|-----------------|----|
| Kenya | 73 |
| Kuwait | 74 |
| Mongolia | 76 |
| Montenegro | 79 |
| Tajikistan | 80 |
| Nagoya Protocol | 82 |

Partnerships & engagement 84



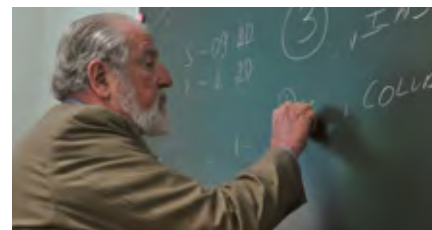
| | |
|-------------------------------|----|
| IDLO at the United Nations | 86 |
| Strategic partnerships | 90 |
| Business & the private sector | 94 |

Governance 96



| | |
|---------------------------------------|----|
| Member Parties & Board of Advisers | 98 |
| Committee membership | 99 |

Management & finance 102



| | |
|-----------------------------|-----|
| Management & operations | 104 |
| Evaluation & accountability | 104 |
| Financial & donor data | 105 |



© Jamie Wilson

Irene Khan
IDLO Director-General

Dear friends,

In many parts of the world, 2014 was marked by flagrant disregard for the rule of law – from mass killings of civilians and deliberate displays of cruelty to horrific violence and discrimination against women and girls, unfair trials and gross miscarriages of justice. Widespread corruption robbed citizens of resources, agency and dignity. Weak and failing institutions showed scant respect for rights and justice. Where rights were violated and justice denied, insecurity and poverty flourished. Lives were lost, destinies thwarted and opportunities missed.

It would be wrong, however, to characterize 2014 only in negative terms. This was, after all, also the year when the international community finally acknowledged that there could be no viable agenda for sustainable development without the rule of law and access to justice.

As the United Nations debated the post-2015 development agenda, IDLO championed the rule of law as a fundamental element of the Sustainable Development Goals (SDGs). Our message was clear: no matter where on the development spectrum a particular country stands, whether protecting the planet, eradicating poverty or encouraging economic opportunity, it needs good laws and regulations that

are fairly administered by transparent and accountable institutions, and that produce fair outcomes for all.

Our policy advocacy, we believe, contributed to the eventual consensus to include access to justice and the rule of law in the draft SDGs.

At the national level, we worked with governments, institutions and civil society groups to meet the need – and satisfy the demand – for justice. Building the capacity of the Kenyan judiciary to resolve electoral disputes; supporting Afghan women’s groups to provide victims of gender-based violence with shelter; increasing the transparency and independence of courts in Kyrgyzstan – our results in 2014 were encouraging and wide-ranging.

In some of the poorest and most insecure parts of the world, we have acted against great odds. Our largest programs in 2014 were in countries (such as Afghanistan and Somalia) where courts and justice professionals found themselves increasingly under attack from terrorists seeking to derail peacebuilding moves. Notwithstanding the insecurity, thanks to the resolve of the judges, prosecutors and lawyers themselves, and to the commitment of our colleagues in field offices, our programs remained on track.

As ‘post-conflict’ morphs into what may be described as ‘perma-conflict’ – asymmetrical violence spluttering alongside efforts to embed peace – the new configuration highlights the operational and security risks confronting IDLO. It also underscores the growing demand for IDLO’s presence and skills in precisely such fragile, frontline situations. That is why we persisted in South Sudan, despite limited donor support, and why we were deeply disappointed at the turn of events that compelled us to suspend work in Yemen.

The rule of law is an essential ingredient for economic development. Economic opportunity, in turn, is a powerful antidote against political instability. From Mongolia to Montenegro to Tunisia, we helped

countries strengthen their capacity in commercial law, trade and investment – and bolster good governance in the process.

But as well as opportunity, the rule of law promotes equality. An important development in 2014 was the deepening of our work on women and children’s rights, and on legal empowerment and access to justice. In addition to policy advocacy and concrete programmatic work in Afghanistan, Kenya, parts of Latin America and the Arab world, we rolled out a new organization-wide gender strategy. This will ensure that a gender perspective is present in all our programs, and will further strengthen our work on women’s access to justice globally.

The pages that follow, which highlight both our achievements and challenges, aim to convey the breadth and geographic diversity of our activities in 2014. Overall, it was our busiest year on record, with our program portfolio, program implementation and revenue reaching their highest levels since IDLO was created, in its current form, in 1988.

Our growth is a reflection of the confidence of partners and donors in our internal reforms to improve results, and in the competence and commitment of our colleagues. It is also an indication that the rule of law and access to justice, which IDLO’s mandate seeks to further, are foundational pillars for inclusive and sustainable development.

As an organization, we are healthy, and energized to do more and better. It goes without saying that we could not carry out our valuable mission without your help and support. To all of you – our Member Parties, donors, host countries, partners and colleagues around the world – I extend my warm appreciation.



Institution building





© Jawad Jalali

Public trust and confidence in justice sector institutions are essential to ensuring that disputes are resolved peacefully: the alternative is an accumulation of grievances with the potential to result in violence, arbitrary rule or state failure. Without such trust and confidence, investment and commercial transactions are also at risk, and so are development and broader social progress.

Trust and confidence in justice sector institutions are determined by many factors, some historically or culturally defined. More than a few of these factors lie outside our control. In the most fragile states, poverty or conflict may severely test efforts to strengthen the rule of law. But we believe that even in the midst of adversity, we can make a positive contribution, chiefly through technical assistance, capacity building and policy advice. >

› Our approach to capacity building emphasizes the quality of performance of a country's institutions. This approach involves training, but goes further to encompass change management, organizational work processes, resource mobilization, and cooperation among organizations and institutions that drive justice sector reform. Over time, capacity building enables a justice sector and its constituent actors to offer people timely, transparent and fair outcomes.

Specifically, we promote and help craft laws and policies that clarify the independence, authority and responsibilities of justice sector institutions. We enhance the ability of these institutions – and of related government and civil society structures – to coordinate, consult, plan and monitor progress. And we strengthen organizational capacity and legal expertise, both at the institutional and the individual level.

Building trust and confidence also entails promoting integrity. With this in mind, we seek to enable the justice sector to address corruption, abuse and arbitrariness – both by governing institutions and within their own ranks. The ability to hold the state and other constituencies (including the private sector) accountable is intrinsic to the rule of law and good governance.

Finally, the rule of law and good governance rarely flourish in the absence of constitutions (and laws in general) that successfully reconcile local specificity, national aspirations and international human rights standards. Based on our experience in East Africa, we aim to respond positively to growing demand for support with constitutional processes and implementation.

Justice sector development

Afghanistan

Kenya

Kyrgyzstan

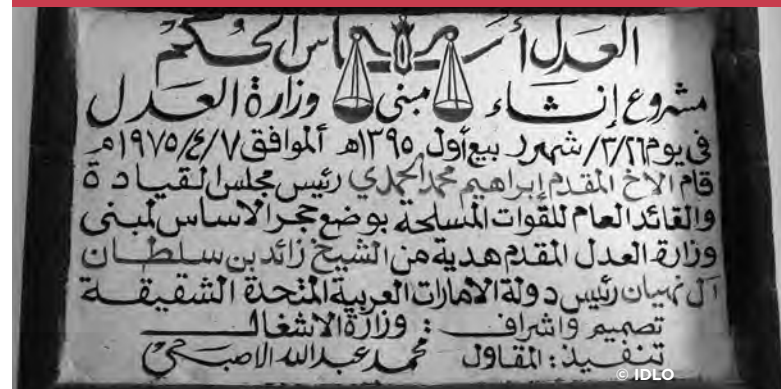
Myanmar

Somalia

South Sudan

West Africa

Yemen



Afghanistan

Afghanistan's presidential election of 2014 marked the first transfer of power since the fall of the Taliban in 2001. The vote ushered in an extension of Afghan ownership over all areas of governance. The justice system, devastated under Taliban rule, continued its transformation – a process IDLO has been assisting for more than a decade. This has been taking place amid persistent terror attacks, with courts and justice institutions increasingly targeted – in itself an indication that the rule of law, which Taliban militants view as a threat, is making inroads into Afghan society.

Justice Training Transition Program (JTTP)

Afghanistan's justice sector has historically suffered from insufficient understanding and application of the law. The imperative to rebuild the state post-2001 has created an enormous demand for legal personnel and specialized skills – and this in a war-scarred society, with low overall levels of education.

The Justice Training Transition Program is IDLO's largest and most ambitious program to date. It is designed to build capacity and sustainability into Afghanistan's justice institutions, allowing legal professionals to deliver justice to a high standard according to national law. The program has trained thousands of Afghan legal staff – judges, prosecutors, defense attorneys, police – with a special emphasis on criminal law, investigative techniques and criminal procedure.

JTTP's reach is comprehensive: it covers most Afghan territory, including the violence-afflicted provinces of Helmand and Kandahar. IDLO is committed to promoting local ownership of rule-of-law programs and projects. In Afghanistan, the transition component is critical: JTTP's mission is to empower national justice institutions to train and develop their own staff, as part of a strategy of self-sustaining, Afghan-led legal education. In 2014, the second year of JTTP operation, progress towards this goal intensified – training of trainers was scaled up, with much of the input provided by Afghan professionals.

11,005

The number of training hours dispensed

3,577

The number of graduates, including 448 women

154

The number of courses dispensed

60

The percentage of courses already being taught by Afghan graduates

spotlight

JTTP IN ACTION

ENFORCING GUN CONTROL

Kunar province. A man is arrested for carrying two pistols, four magazines and 64 bullets. He admits to police that he bought the guns in Pakistan. Local prosecutor Massoud* asks the JTTP team for assistance in identifying the proper articles of law and formulating a strong indictment. The team advises that the suspect be charged with possession of illegal weapons under article 92 (2) of the Weapon Trafficking Law; it is also recommended that the court be asked to consider confiscating the illegal weapons under art. 119 of Afghanistan's Penal Code, which provides that the court can, in cases where the law has not anticipated confiscation as a punishment, order confiscation of goods obtained through commitment of crime, used during commitment, or procured for use in the commitment of crime. Prosecutor Massoud accepts the team's advice and proceeds accordingly.

SECURING DUE PROCESS

Nangarhar province. A man is arrested on suspicion of murdering a local District Chief, who was blown up in his vehicle after leaving home for work. The arrest follows claims by the victim's relatives that the man, a close friend of the late Chief, had been his house guest the night before the assassination. The family insists he must therefore be guilty. During the investigation, the suspect admits he spent the night at the victim's home but denies any link to the bombing. Still, the local prosecutor charges the man with murder. Enter defense lawyer and JTTP graduate Mohammad. He argues that the Prosecution has presented no evidence other than the family's suspicion. Calling upon his JTTP Trial Advocacy training, Mr. Mohammad tells the court that a direct claim can initiate an investigation, but is insufficient to secure an indictment. The court clears the suspect and releases him from custody.

SOLVING HOMICIDE

Takhar province. A man's body is found: he has been killed. His friend is suspected of the murder, but is cleared by primary and appellate courts for lack of evidence. The dead man's family appeals to the Supreme Court in Kabul, where the case is taken up by Prosecutor Ehan. Applying skills developed in JTTP's Critical Thinking module, Mr. Ehan discovers that the suspect had in fact called the victim on the phone and asked him to come out of the house: the victim was never seen again. The case is sent back to Takhar for reinvestigation, during which records from the phone service provider are summoned: they confirm that the last person to have spoken to the victim was indeed his friend. The suspect confesses to the crime, explaining that the victim was having an affair with his wife. Under article 396 of the Penal Code, the Supreme Court jails the man for 16 years.

*All names in this section have been changed for security reasons.





Kenya

Kenya has overcome the eruption of post-electoral violence in 2007-8 to become a vibrant laboratory for rule-of-law driven development. Notwithstanding terror attacks and a host of political challenges, the country – long an economic anchor for the Horn of Africa – is also shaping up as a legal pioneer in the region: its Constitution of 2010, adopted after widespread public consultation, has brought significant innovation in governance and administration. IDLO has been accompanying the Kenyan reform process since 2012.*

Elections for peace

The elections of 2013 were the first in Kenya's multiparty history in which disputes were resolved legally, peacefully and speedily – as opposed to resulting in violence or being allowed to drag through the courts. This was made possible by the Judiciary Working Committee on Elections Preparations (JWCEP), a great majority of whose staff benefited from capacity building by IDLO. Kenya's Election Dispute Mechanism is being continually improved, with IDLO support, ahead of the next national vote, scheduled for 2017.

199

The number of electoral petitions filed after Kenya's 2013 elections

90

The percentage of IDLO alumni among officials who ruled on electoral petitions

“This work would not have been possible without the support of Danida, USAID and IDLO. We thank the three institutions for their willingness to continuously engage in the accountability of the justice system in Kenya.”

Judicial Working Committee on Elections Preparations, Kenya

* For more on IDLO's support to the implementation of the Kenyan Constitution, see page 35



Kyrgyzstan

Uniquely in post-Soviet Central Asia, Kyrgyzstan has been the scene of two popular uprisings in the last decade. Five years after what became known as the Second Kyrgyz Revolution, the country boasts a measure of democratic stability unknown elsewhere in the region. But Kyrgyzstan's development remains hampered by weak institutional capacity.

The judiciary in particular has struggled with chronic underfunding, ingrained Soviet practices, and low social prestige as a result. In the words of one judge interviewed in Bishkek, "Our main challenges to date have been insufficient financing, a lack of security for the courts, and the poor conditions we have had to work in. For example, we couldn't recruit bailiffs, because there was no money. Also, we have had incidents of angry crowds occupying courthouses to protest against specific rulings. Our objectives are therefore to secure independence for the courts, and financial, logistical and technical support."

Given the scale of Kyrgyzstan's challenges, IDLO has been building judicial capacity across the board: we have been working to enhance the judiciary's accountability and independence; improved the capacity of justice sector individuals and institutions to provide quality justice; and helped reduce the disconnect between the country's courts and its people.

Bolstering judicial independence

In 2014, IDLO helped shape Kyrgyzstan's four-year National Target Program for the Development of the Judiciary, subsequently adopted by Parliament and currently being implemented. One outcome has been a higher budgetary allocation for the judiciary - a big step towards achieving greater independence. Also in 2014, bills on judicial accountability developed with IDLO assistance were prepared for Parliament's consideration.

Strengthening integrity

Underfunding and the lack of independence are drivers of corruption. As part of its overall strategy in Kyrgyzstan, in 2014 IDLO conducted anti-corruption training, including training of trainers; this involved methodology for reviewing lower-court decisions. We also partnered with the Kyrgyz Supreme Court in hosting a roundtable focused on combatting corruption.

Reducing the disconnect

Since 2013, IDLO has supported the launch and expansion of www.sot.kg, an online portal where judges report their decisions in real time. This has improved transparency while further reducing opportunities for corruption. In late 2014, building on this success, IDLO partnered with the Kyrgyz Supreme Court and national television to develop a TV program. The aim is to popularize mediation procedures and improve the public's understanding of how the courts work. As of early 2015, filming of the pilot episode of *Achyk-Aikyn* was underway. The program dramatizes typical disputes arising between Kyrgyz citizens, e.g. involving private property.

“The literal translation of ‘Achyk-Aikyn’ is ‘openness and transparency’. It implies both ease of access and a frank consideration of the issues at stake, of the court’s conclusions and the way the ruling is made. In my view, the title is democratic: viewers have the opportunity to watch, to think, to discuss, and to either agree or disagree. As it is often said, there are as many opinions as there are lawyers, so we do not aim to present the ultimate truth.”

Dilbara Maksimbekova, retired judge

PILOT EPISODE OF ACHYK-AIKYN
A herd of cows belonging to Bakyt Azizov has trampled over land belonging to Aybek Isaev. As a result, Mr. Isaev’s future oats harvest has been partly compromised.

Mr. Isaev is now claiming from Mr. Azizov 85,600 som in compensation, divided as follows: direct damage – 7,100 som; profit lost – 48,500 som; moral damages – 25,000 som; and lawyer’s fees – 5,000 som.

spotlight

MOCK COURTS

LEGAL EDUCATION IN KYRGYZSTAN IS **ESSENTIALLY THEORETICAL**. WE ARE HELPING MAKE IT LESS SO.

IDLO has partnered with the National Law Institute of the State University in Bishkek to equip current and future legal professionals with the practical tools to deliver fair, accountable and equitable justice. In 2014, a Mock Court course was devised, allowing students to try their hand at a variety of roles:

prosecutors, witnesses, investigators and judges in mock criminal trials.

“There are parallels to an internship. This course will help me prepare for my exams and be useful in my future work,” said participant Maksat Baktygulov. “It is a great opportunity to put what we have learnt into practice and to

gain new skills,” added fourth-year student Aizada Baisylbaeva. Gulnara Sultanbekova, a former judge and professor on the course, described students as very participative, with a real ‘passion for learning’. IDLO plans to expand the Mock Court course to civil cases and to additional universities throughout Kyrgyzstan.





20,668

The number of rulings published on the www.sot.kg portal created by the IDLO-USAID Judicial Strengthening Program

Myanmar

Myanmar's evolving political climate has facilitated access for international partners keen to aid the reform process – including in the judicial sector. IDLO's presence is part of broader efforts to support the transition from a military-ruled nation to one eventually governed by the rule of law.

Laying the bases for trust

Beginning in September 2014, IDLO partnered with UNDP to design and deliver a rule-of-law workshop series in the cities of Mandalay and Lashio. The aim was to reinforce legal knowledge and skills, increase public legal awareness, and create the premises for greater trust in the justice system.

In October 2014, the first set of national trainers were selected and rigorously trained to – in turn – train others in subjects such as judicial independence and the legislative process. From November, representatives of civil society organizations, private lawyers and university lecturers began benefiting from such training. The aim is to expand the range of beneficiaries in the near future.

Promoting due process

Also in late 2014, IDLO helped design a three-month induction module for new judges at Myanmar's Supreme Court and the Office of the Attorney General. Former judges, now in administrative or management positions, were designated as tomorrow's trainers. The program, which included an intensive workshop on curriculum development, heavily focused on two areas identified as key to strengthening the rule of law in Myanmar: judicial ethics and the elements of a fair trial.





Somalia

Somalia has been investing in institution building amid high levels of insecurity. Although in decline, the al-Shabaab insurgency remains profoundly destructive. In this difficult environment, IDLO maintained through 2014 its support for Somali efforts to consolidate statehood and the rule of law.

Justice Sector Action Plan

Our support to the Somali justice sector has been strongly geared towards fostering a peaceful society, in which sustainable development can flourish. To this end, in 2014 we continued our work on the country's Justice Sector Action Plan by establishing a unit in the Ministry of Justice to help put it into practice. The unit facilitated reporting on progress with the comprehensive assistance program known as the Somali Compact, signed in Brussels in 2013. It also enabled cooperation between the Somali Ministry of Justice, the judiciary, the Bar Association, and the Attorney General's Office.

Engaging with traditional justice

IDLO espouses a pragmatic and diverse approach to the rule of law. This involves working with customary justice systems where necessary, provided they comply with international human rights standards. In Somalia, where customary law is entrenched, we have engaged with a cross-section of society to foster dialogue on issues of formal and informal justice.

In 2014, a series of workshops and consultations held in Mogadishu convened a variety of justice actors, including government officials of both genders and tribal elders from the country's emerging federal units, to discuss clan responsibility versus individual responsibility for criminal offenses, women's participation in customary justice forums, and the rights of minorities in customary justice decision-making. This pioneering dialogue was focused on potential convergences between the formal and the traditional system, known as Xeer, and on identifying entry points for reform.

Reintegration of disengaged insurgents

In a fragile state such as Somalia, the customary justice system may also provide avenues for the reintegration of some insurgents into the community – a tangible security gain. A Traditional Dispute Resolution unit, established with our help, is now piloting a modified version of the system: its aim is to create a form of restorative justice in cases involving low-risk, disengaged al-Shabaab militants.

348

The number of Somalis interviewed as part of data collection on customary justice

80

The number of elders & women leaders trained on national law & human rights

16

The number of districts recovered from militants in which IDLO is active



South Sudan

In December 2013, newly independent South Sudan was once more engulfed by conflict. Political and ethnic tensions erupted, triggering a deadly cycle of human rights violations and disregard for the rule of law. The country's embattled justice system found itself under further pressure.

As the violence finally eased, IDLO – present in Juba since pre-independence days – was among the first international organizations to resume activities. Unlike many, we have maintained ties to the South Sudanese Ministry of Justice and the country's judiciary. In doing so, we have facilitated a consensus that justice sector institutions are crucial in building confidence in the rule of law, ensuring accountability for crimes committed, and advancing towards peace and stability.

Building justice in times of conflict

2014's harrowing challenges notwithstanding, IDLO continued to work for a fairer, more robust and transparent justice system by offering South Sudan's legal professionals context-specific courses.

Participants from around the country benefited from substantive legal training, with great emphasis on the acquisition of legal English language skills and of the judicial vocabulary required by South Sudan's transition from a civil law, Arabic-language legal system to a common law, English-language one.

Civil society inclusion

In times of war and instability, it is vital to build the capacity of the rule of law sector from outside as well as from within. In South Sudan, the conflict created an opportunity for civil society to act a promoter of justice, human rights and social cohesion.

This requires technical capacity, including advocacy, drafting and interviewing skills. Throughout 2014, we worked to integrate civil society into programs dealing with justice sector institutions, with a focus on legal awareness.

130

The number of newly-appointed judges, judicial support staff and public prosecution attorneys trained

4.56

The average level of satisfaction expressed by students, on a scale of 1 to 5



viewpoint

MAINTAINING HOPE

I first moved to South Sudan in December 2010, immediately before the milestone referendum in which 99 percent of the population voted emphatically for independence and created the world's newest country. The mixture of hope, joy and the successful culmination of a people's struggle for freedom, which had lasted over half a century, was infectious. Building a functional state in one of the least developed parts of the world seemed very much within reach.

To witness the unraveling of many of those hopes and ambitions over the course of three eventful years has been one of the most difficult experiences of my career. South Sudan's conflict has divided the country, with more than 50,000 casualties, two million people displaced, and over twice as many facing food insecurity and the risk of starvation.

In January 2014, as the scale of the humanitarian crisis became apparent, IDLO returned to South Sudan to assess whether support was still feasible and relevant. The relationships we had built with people across the justice sector provided valuable information on the role of justice institutions amid a breakdown of law and order.

These conversations were also remarkable for their numerous stories of everyday heroism – the judges who sheltered individuals targeted for their tribal identity, or the law students who left the Protection of Civilians (POC) sites and braved the insecure streets of Juba so they would not miss out on their legal education.

The incident that most clearly demonstrated the continued relevance of IDLO's engagement was the April 2014 trial of individuals accused by the government of

plotting a coup. Defying both international and domestic expectations, and withstanding intense pressure, threats and attempts at intimidation, the judiciary of South Sudan ensured that even in a time of war, the principles of fair trial were observed for some of the government's main political opponents.

IDLO's decision to continue engaging with the justice sector in South Sudan was driven in part by an understanding that justice is necessary for a lasting peace. Our commitment is to support the justice institutions and individuals – and ultimately the people of South Sudan – in establishing the rule of law as a credible alternative to violence, and curbing the cycle of revenge that fuels such conflicts.

Kartik Sharma, IDLO South Sudan field program manager





Tunisia

Tunisia is the birth place of the Arab Spring and by most criteria its one success. In less than half a decade, governance has been transformed, with democratic freedoms enshrined in a progressive new Constitution. Albeit overshadowed by violent militancy, civil peace has been preserved and pluralistic elections held. In this promising environment, IDLO has been working with the Tunisian authorities to ensure that rule-of-law gains are not jeopardized by the persistence of corruption.

Defending society against graft

IDLO has been strengthening the capacity of Tunisian law enforcement bodies and prosecutors to fight financial and economic crimes. This is being done through engagement with the recently created Pôle Judiciaire Financier. A court of first instance specialized in economic and social crime, the Pôle is a key weapon against graft and money laundering.

Simultaneously, we are helping empower civil society to act as public watchdogs. In 2014, an IDLO-designed, bilingual (French and Arabic) guide was launched in Tunis, in the presence of the Minister of Justice, senior officials and civil society actors. The publication sets out to galvanize the public response, from recognizing corruption to denouncing and fighting it.

01

LA CORRUPTION ET LES PRINCIPALES INFRACTIONS ÉCONOMIQUES ET FINANCIÈRES



La corruption proprement dite

| | |
|--|---|
| <p>Pour le corrompu</p> <p>Le principe Se rend coupable de corruption le fonctionnaire public qui demande ou accepte de recevoir un pot-de-vin pour accomplir ou s'abstenir d'accomplir un acte de sa fonction.</p> <p>Ce que dit la loi L'article 83 du Code pénal punit le fonctionnaire public ou assimilé qui accepte de recevoir, directement ou indirectement, pour lui-même ou pour autrui, des dons, des promesses, des gratifications ou des avantages de quelque nature que ce soit, pour accomplir un acte de sa fonction ou pour faciliter un acte en rapport avec les attributions de sa fonction ou pour s'abstenir d'accomplir un acte de sa fonction s'il est tenu.</p> <p>Les peines encourues sont de dix ans d'emprisonnement et d'une amende double de la valeur du pot-de-vin sans qu'elle puisse être inférieure à dix mille dinars, ainsi qu'une interdiction d'exercer des fonctions publiques, de gérer des services publics ou de les représenter.</p> <p>Si c'est le fonctionnaire qui a été à l'initiative de la corruption, les peines prévues sont portées au double (article 84 du Code pénal).</p> <p>Si les dons, promesses, gratifications ou avantages quelconques sont venus en récompense d'actes ou d'omissions déjà intervenus, la peine encourue par le fonctionnaire public ou assimilé est de cinq ans d'emprisonnement et de cinq mille dinars d'amende (article 85 du Code pénal).</p> <p>Exemple: un fonctionnaire chargé de l'urbanisme accepte de recevoir d'une personne privée une somme d'argent en échange de la délivrance d'un permis de construire un agent de police demande à un automobiliste une somme d'argent pour ne pas dresser un procès-verbal d'infraction.</p> | <p>Pour le corrupteur</p> <p>Le principe Se rend coupable de corruption toute personne qui grâce au rachat ou pot-de-vin à un fonctionnaire pour que celui-ci accomplisse ou s'abstienne d'accomplir un acte de sa fonction.</p> <p>Ce que dit la loi L'article 91 du Code pénal punit toute personne qui aura corrompu ou tenté de corrompre un fonctionnaire public ou assimilé pour qu'il accomplisse un acte de sa fonction ou facilite un acte en rapport avec les attributions de sa fonction ou s'abstienne d'accomplir un acte de sa fonction s'il est tenu.</p> <p>Les personnes ayant servi d'intermédiaire entre le corrupteur et le corrompu sont également concernées.</p> <p>Les peines encourues sont de cinq ans d'emprisonnement et de cinq mille dinars d'amende. Elles sont portées au double si le fonctionnaire public ou assimilé a fait l'objet de votes de fait ou de menaces exercées sur lui par un vote ou sur un membre de sa famille.</p> <p>Exemple: une personne qui sollicite un permis de construire propose une somme d'argent au fonctionnaire compétent pour que celui-ci délivre l'autorisation; un automobiliste accepte de remettre une somme d'argent à un agent de police pour que celui-ci ne dressé pas de procès-verbal d'infraction.</p> |
|--|---|

Ensemble contre la corruption launched in Tunis in October 2014



interview

**'YOU DON'T STOP
A GOOD THING
HALFWAY'**



TUNISIAN MINISTER OF JUSTICE **HAFEDH BEN SALAH** SPEAKS TO IDLO.

IDLO: How much does fighting corruption matter to the new Tunisia?

HAFEDH BEN SALAH: The importance of the fight against corruption is paramount. One cannot build afresh on an unsound foundation. This is not simply a fight in the punitive sense, but also one that involves prevention. It is about redesigning pathways and procedures, about better training of administrators and controllers, so that the scourge of corruption can be eradicated.

IDLO: So this effort is largely about institution building?

HBS: The institutional dimension is essential. We cannot content ourselves with small, disjointed steps. Practices must be rooted in solid institutions to ensure that the fight against corruption is durable and sustainable. But the fight against corruption also happens on a daily basis: it targets the actions of both the corruptor and the corrupted. From this perspective, IDLO's Guide is a pedagogical instrument which can influence citizens' behavior.

IDLO: More broadly speaking, where does IDLO fit in Tunisia's democratic efforts?

HBS: IDLO has allowed us to train a large number of magistrates. This is very important, because it is specialized training that equips magistrates with a peculiar sensitivity to corruption, development and related issues. Our cooperation has had good results, its impact has been positive. And we intend to continue. You don't stop a good thing halfway.





West Africa

In late 2014, as part of its incipient involvement with international criminal justice, IDLO co-hosted a pilot regional training seminar for defense counsel and other legal professionals in Dakar, Senegal. The training aimed to strengthen the capacity of national jurisdictions in francophone West Africa to investigate and prosecute crimes under international law.

Organized in partnership with the International Criminal Court (ICC) and selected judicial training institutes and bar associations of West Africa, the five-day seminar focused on preparing legal professionals from the region for eventual prosecution of international crimes before both domestic courts and the ICC.

Legal professionals from Algeria, Benin, Cameroon, the Central African Republic, Chad, the Democratic Republic of Congo, Gabon, Guinea, Ivory Coast, Mali, Senegal and Togo, as well as Belgium and France, attended the seminar.

Prosecuting war crimes

Under the Rome Statute, the primary duty to prosecute war crimes does not lie with the International Criminal Court (ICC): it lies with the jurisdictions where these crimes were committed, i.e. with sovereign states. Fears are often voiced that living up to this obligation may have a destabilizing effect on fragile post-conflict countries; that promoting justice domestically may compromise peace.

Most of these fears are misplaced. When conducted in accordance with international fair trial standards, in-country trials are the better option. They unite, rather than divide, communities in awareness and atonement. Rooting the proceedings locally gives them legitimacy. Proximity dispels the suspicion that court cases may be either tainted by cultural or linguistic imperialism, or highly politicized. Justice actors have easier access to evidence. Visibility of the process fosters engagement; it consolidates perceptions that justice has been served.

That said, the reluctance to prosecute domestically cannot be entirely dismissed or rationalized away. Some of it has an objective basis. We must accept that some countries are too low on infrastructure, expertise, or even basic security – particularly when it comes to high-stakes cases. In some jurisdictions, everything is in short supply: skilled police forces, forensic specialists, witness protection schemes, legal staff, adequate court premises, the ability to collect and store evidence.

From this perspective, enabling countries to conduct their own trials becomes a matter of capacity building – in other words, something for development practitioners to address as part of wider reform programs, with far-reaching implications for national reconciliation, social cohesion, economic progress and long-term peace.

Monica Martínez,
IDLO Rule of Law Specialist



Yemen

Following its revolution of 2011, Yemen – one of the world’s least developed countries – appeared to make progress towards a more democratic and inclusive future. The opening up of the political system created a chance for Yemen’s underdeveloped judicial sector to enter a phase of modernization – an opportunity which allowed IDLO to begin programs in 2013. But tensions and localized violence erupted into civil conflict, forcing us to suspend activities in late 2014. IDLO has maintained engagement with Yemeni alumni and partners; we hope to resume operations when the security situation improves.

Resources on commercial and maritime law

From 2010 to 2014, IDLO supported Yemen’s Judicial High Institute and Ministry of Justice in improving the knowledge and skills of judges in commercial and maritime law, identified as most relevant to the nation’s development: the country had long been relatively isolated, failing to capitalize on its long coastline, port facilities and seafaring traditions. We also assisted in the development of two benchbooks on civil and commercial law procedures, and provided technical support to the revision of the curricula for judge candidates. The next – yet unrealized – steps would see IDLO build capacity and mentor the judiciary in matters of family law; establish an online platform for judges and citizens; and enhance access to justice through awareness-raising campaigns and a legal aid clinic.

Constitution making

Kenya
Somalia



© UN Photo/Tobin Jones



© Flickr/David Watterson

Kenya

IDLO has been working to ensure that Kenya's 2010 Constitution, which provides for one of the most ambitious devolution processes anywhere in the world, helps bolster the quality of justice, the delivery of services and the legislative process.



© istock/miroslav_1

Supporting the implementation of the Constitution

In 2014, IDLO supported the review of proposed legislation and policies covering human rights, land, natural resources and the environment to ensure alignment with the Constitution. The process benchmarked all laws and policies against international examples and best practices, identifying gaps and making recommendations where necessary.

Public finance management

IDLO has provided technical assistance to Kenya's National Treasury in developing an intergovernmental strategic plan on fiscal relations. We also helped review and finalize a Public Audit Bill, as well as developing public finance management regulations. At the local level, we have supported efforts by Kenya's county governments, which now have devolved fiscal responsibilities, to deliver improved public finance accountability. Finally, we provided Budget Preparation training to staff involved in public finance management.

County-level attorneys

In 2014, IDLO worked closely with Kenya's County Attorneys Forum, a representative body for local-level lawyers, to further their engagement with the national legislative system. This is particularly necessary in relation to bills capable of drastically affecting county-level legal operations, but also to ensure that county-level legislation does not contravene national frameworks and constitutional stipulations.

Devolution can save lives

Prior to 2010, Kenya was highly centralized. The amount of work imposed on the central government led to inefficiency and delays in the delivery of services. There was little or no use of resources at the county level, which meant existing social opportunities were insufficient. Against this background, citizens and lawmakers saw the importance of devolving governance. Article 11 of the new Constitution embraced devolution. The document was adopted by referendum and promulgated on 27 August 2010.

The rationale was to ensure that services were taken closer to people and made more accessible. Since then, there have been notable changes. Most significant has been the devolution of health services, which have now become available to many more (though still not all) citizens. A perfect example is Samburu County, historically one of Kenya's poorest and most disadvantaged regions, where in 2014, devolution made it possible to conduct the first Caesarean section since independence. This means that health as a devolved function has greatly impacted the livelihoods of ordinary Kenyans, especially those in marginalized settings.

Barbara Kawira Japan,
IDLO Field Program Associate, Nairobi

Somalia

Somalia's Provisional Constitution was adopted in 2012, after benefiting from considerable input from IDLO and other partners. The document constitutes major progress towards rebuilding the basic functions of the state. Since then, we have been working to help realize the Constitution's rule-of-law dimension.

Policy and legal drafting

IDLO has supported the establishment of a Policy and Legal Drafting Unit within the Ministry of Justice. Its role is to review draft legislation for conformity with both the Somali Constitution and international standards. The next step will be for the Unit to provide legislative drafting to other ministries. Policies - including those focused on traditional dispute resolution which may discriminate against women - will be tackled and reformed. We are

also helping enhance the skills of lawyers whose role is to defend the Constitution on behalf of all Somalis.

In 2014, IDLO worked with the fledgling Somali Bar Association and the Chief Justice of the Supreme Court of Mogadishu to determine the most pressing needs of the country's legal community. The first tangible result of this collaboration is a Fair Trial Manual - a significant contribution to the nascent stock of tools and resources specifically tailored to the Somali legal system.





© istock/sadikgulec

viewpoint

SOMALI CONSTITUTIONALISM

For the Somali Provisional Constitution to realize its transformative potential, it must have advocates not just within government, but outside: people dedicated to ensuring that the principles of constitutionalism and rule of law are guaranteed to all.

The Somali Bar Association (SBA) was formed to protect the rule of law and people's rights. But due to the civil war, it lost much of its ability to carry out its core functions; indeed, it now comprises only 60 members.

With the help of IDLO, SBA members have begun to regroup and gain strength in the practice of law, in supporting and critiquing government institutions, and in pursuing a civil society role. And in addition to mentoring the next generation, members of the SBA are finding that they must educate the different arms of government itself on their roles under the Provisional Constitution.

Over the last three years, the Provisional Constitution has created a near-total transformation in Somali governance, establishing the basic tenets of rule of law (all but destroyed during the civil war) and a democratic constitutionalism that had never existed.

Among the SBA's main tasks has been to uphold Somali citizens' fundamental right to a fair trial. Currently, individuals are often arrested and detained without charge, denied their right to consult a lawyer, and held for months, even years, without appearing before a judicial officer. Families only know that their relatives have disappeared; they do not know why they have been arrested or where to locate them.

A group of SBA lawyers has been working diligently to support those detained. They scour the jails to find them, represent them at no cost, and fight for their right to a fair hearing. This intervention by members of the SBA helps re-establish the rule of law and protect individuals from a law enforcement system that has been largely wiped out over the last two decades.

Christopher Kerkerin,
Somalia Legal Advisor

Access to justice





A Central Asian saying puts it bluntly: “Who will you go to when the judge rapes your mother?” While extreme in spirit and form, the question illustrates something IDLO and other development practitioners have long known: the existence of a court system – even a functioning one – does not guarantee justice. Courts may be opaque, biased, corrupt, and physically or linguistically remote. They may be simply too costly to use. Societies may be intensely hierarchical or stratified, or beset by discrimination along multiple axes.

Experience shows that the further individuals and groups find themselves from the epicenter of power, the less likely they are to access justice, either within the confines of the judicial system or in society at large. >

› In many developing countries, conventional legal and justice reform initiatives often fail to address gender inequalities and are unresponsive to women's needs. There is underinvestment in judicial subsectors and legal arrangements such as family courts, legal aid for family proceedings, or small claims tribunals that can address the competing demands of work and family. Cultural and institutional tolerance of gender-based violence continues to claim countless lives. Against this backdrop, legal reform processes have tended to focus on the typology of justice systems (formal versus informal), rather than on the overall justice outcomes that would benefit women most.

In addition to women, other groups – children and youths, migrants, indigenous peoples, people living with HIV – may find themselves marginalized and struggle to access justice.

IDLO's activities stem from the fundamental need to bridge the gap between procedural and substantive justice. It is our position, moreover, that access to justice implies, beyond access to courts, access to the other basics of human development, such as education and health. In line with UN standards, we see access to justice as an 'essential prerequisite for the protection and promotion of all other civil, cultural, economic, political and social rights'.

IDLO promotes legal and institutional reforms that advance gender equality and women's rights; non-discriminatory policies and regulations which put services within the reach of the poor and disenfranchised; and targeted measures that empower those – women and others – whose rights are most at risk.

Women's empowerment

Afghanistan

Costa Rica

Honduras

Kenya



© IDLO



© UNAMID

Afghanistan

Afghanistan's justice architecture has long been a patchwork of formal and customary systems. Various traditional justice mechanisms have co-existed in the country, superseding government-sanctioned courts, overlapping with them, or satisfying – however imperfectly – the demand for justice in legally deprived jurisdictions. Recent history has not helped: in their radically different ways, the Soviet and Taliban regimes were both hostile to the rule of law. Civil conflict only increased the fragmentation and deepened the justice deficit.

National Justice Sector Strategy (NJSS)

Vast sectors of the Afghan population – women in particular, and rural women above all – have historically been unable to access justice. Too often, they have found themselves at the mercy of patriarchal court structures with little training or legitimacy, or oblivious to international human rights standards.

To remedy Afghanistan's justice deficit, IDLO has been supporting efforts under the National Justice Sector Strategy to improve the quality of justice in line with constitutional, Shari'a and international standards. We are contributing to the Afghan government's strategy on legal awareness, while promoting gender justice, human rights and access to legal services.

Elimination of Violence Against Women units

Reducing violence against Afghan women and girls has been one of our priority areas of intervention. As far back as 2009, within the framework of the Law on the Elimination of Violence against Women (LEVAW), IDLO worked with Afghanistan's Attorney General's Office to create a prosecutorial structure specialized in cases of gender-based violence.

The first such structure, known as an ERAW unit, was established in March 2010 in Kabul. Half a decade later, IDLO is supporting ERAW units in as many as 15 provinces – Badakhshan, Baghlan, Balkh, Bamiyan, Farah, Herat, Jowzjan, Kabul, Kapisa, Kunduz, Lagman, Nangarhar, Parwan, Saripol and Takhar. The ERAW units help combat gender crimes and injustices including rape, forced marriage, underage marriage, domestic violence and self-immolation.

Women's shelters

In a country with high levels of domestic abuse, cruel punishments meted out to women and attempted 'honor killings,' it is vital to create safe havens for victims. IDLO has supported the creation of an umbrella network of organizations managing women's protection centers, the Afghan Shelter Network (ASN).

The mission of this network is to speak with one voice on matters of women's rights and access to justice. In 2014, members of the network collaborated with the Ministry of Women's Affairs to produce the Women's Protection Centers Guidelines, a reference book for best practices in shelter operations.

Afghanistan (continued)

Rights awareness

IDLO has developed a series of legal awareness graphic booklets, aimed at giving the Afghan public a greater understanding of their rights. The books are available in Dari, Pashto and English. Their illustrated nature makes them an effective tool, even with illiterate populations.

The production process for *Masooma's Sunrise*, which tackles violence in the family, involved identifying an Afghan creative company, Tea House, which then sketched out the storyline with guidance from IDLO staff. We worked closely with the graphic artist to ensure the story addressed anti-violence awareness, knowledge, attitudes and behaviors.

The booklet was pre-tested with focus groups of women and men. In 2014, *Masooma's Sunrise* was selected as a finalist by the Avon Global Communications Award for Exemplary Messages to Reduce Violence against Women.

1,674

The number of cases of violence against women registered with ERAW units

162

The number of women defense lawyers trained

35

The number of protection centers supported by IDLO





report

OUT OF THE SHADOWS, ONTO THE BENCH

IN MARCH 2014, IDLO FINALIZED ITS FIRST STUDY ON **GENDER EQUALITY, WOMEN'S RIGHTS AND WOMEN'S EMPOWERMENT** IN AFGHANISTAN.

Women's Professional Participation in Afghanistan's Justice Sector: Challenges and Opportunities is a thorough assessment of Afghan women's advancement as lawyers, advocates, prosecutors, judges, law professors and legal experts in national justice and formal degree-granting educational institutions. It provides insights into a key challenge that will face the new Afghan government.

The report, featuring an entirely Afghan-led data collection process, was launched in New York and Kabul, and is available in both English and Dari.

"Afghanistan's perennial struggle with gender violence, discrimination and marginalization will not be won until investments in women – their freedom, their education, their academic and professional opportunity – match those in men," Director-General Irene Khan said at the launch of the report in New York. "This report is a reminder that the rule of law cannot prevail when one half of society is excluded."

Despite an almost complete disintegration of gender equity during the Taliban years, an impressive number of Afghan women have entered or re-entered the labor force since 2001. Yet justice institutions still struggle to recruit and retain qualified professionals generally, and women legal professionals in particular.

The report reveals that in 2013, women made up just over eight percent of judges, six percent of

prosecutors and less than a fifth of lawyers, in a country where almost nine women in 10 experience some kind of abuse. The overwhelming majority of female judges work in Kabul. In the provinces, fewer than one in 30 prosecutors are women. Among law faculty lecturers, women constitute less than a sixth; among Shari'a University lecturers, they are fewer than 1 percent.

"Improving women's ability to work in justice institutions is essential – not only to ensure that women enjoy democratic freedoms and equality of opportunity in the workplace, but also to ensure that the specific interests of women are represented and advanced in justice institutions," Ms. Khan added. "Without women in the justice sector, the fairness of judicial outcomes for women, and their access to justice, are compromised."

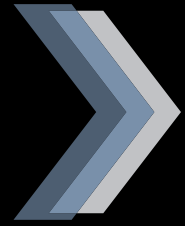
As a result of Afghanistan's strict gender-segregated social code, the low presence of women legal professionals – lawyers, prosecutors and judges – has meant that many Afghan women continue to fear, and be intimidated by, the formal justice system, which in turn dissuades them from reporting abuses against them. The lack of female staff means that women are less likely to come forward to access the justice system, particularly when the matter is sensitive. This causes forced marriage, sexual violence, mutilation and domestic abuse to go unreported due to cultural barriers.

"We are living in a society in which women face violence, almost daily," one woman interviewed for the report said. "In order to provide justice for women and victims, women should be recruited to the justice and judicial sector." "In our community boys have supremacy over girls," said another. "Even families consider the wishes of boys and believe that girls should be housewives. I want to change this idea."

In IDLO's study, 62 percent of the women surveyed said they believed women faced obstacles when working in the justice sector. These include social pressures, sexist attitudes, and family and societal stereotypes which maintain that a woman's place is in the home. In addition, women face many practical impediments, such as lack of safe transportation and appropriate accommodation facilities for them to attend law or Shari'a faculties, or compulsory legal training based in Kabul. Security was also cited as a major barrier.

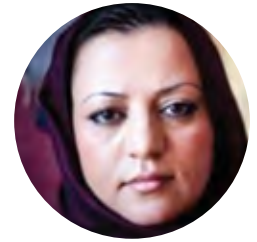
"The government elected in April must prioritize and secure women's participation in the justice sector by taking simple, low-cost steps that will help secure a peaceful and prosperous future for the nation," said Ms. Khan. "These include: reforming curricula, particularly at Shari'a faculties; providing safe transport for women students; and instituting affirmative action in law school admissions and scholarships."

WOMEN'S PROFESSIONAL PARTICIPATION IN AFGHANISTAN'S JUSTICE SECTOR: CHALLENGES AND OPPORTUNITIES



interview

'IF I BECAME A PROSECUTOR, SO CAN YOU'



FROM 2006 TO EARLY 2015, **MARIA BASHIR** WORKED AS **CHIEF PROSECUTOR GENERAL FOR HERAT PROVINCE**. DURING HER TENURE, HER HOUSE WAS BOMBED AND HER CHILDREN THREATENED. IN 2014, MS BASHIR - WHO RAN A CLANDESTINE SCHOOL FOR GIRLS UNDER THE TALIBAN - SPOKE TO IDLO.

IDLO: What did your career look like in the Taliban era?

MARIA BASHIR: When the Taliban took over, I was working as a prosecutor and interrogator for crimes against women in the Herat Prosecution Office. The Taliban said women shouldn't work and must stay at home. I was officially told not to come to the office anymore. I was shocked, I didn't think the order could apply to me. This was illegal. We were graduates; we were professional women and there was no reason not to work. I told the Taliban governor that I was educated and should work. I said women needed my services, but he ignored me. So I had to stop.

IDLO: You continued to work in hiding during that time. But many women found themselves, in effect, imprisoned in their homes for many years. How did things change after the fall of the Taliban?

MB: Suddenly women could see real value in their education. They were able to take up any kind of work, free of bias, and to demonstrate their abilities. They proved they could work side by side with men. And so they started to regain the social status they'd lost under the Taliban. This was a really important and auspicious moment.

IDLO: Women do enjoy more freedoms today. But the Afghan Independent Human Rights Commission says that violence against women is on the rise. As the only female Chief Prosecutor in the country, how do you think the issue of women's rights should be tackled?

MB: Access to justice for women is a long-term process. We cannot expect to achieve this overnight. We need to make women aware of their rights and at the same time tell men about women's rights. We need to

launch public awareness campaigns. We need to educate women and girls, to organize literacy courses for them, to send them to schools and universities. Clerics too should conduct awareness campaigns in mosques and encourage their own daughters and wives to go to school.

IDLO: What would you say to those women and girls who want to follow in your footsteps?

MB: I hope that if I can do my job properly, protecting women and children from injustice, then other women and girls - particularly those studying at university - will see me as a role model. So I have two messages for them. The first is that the legal authority to prosecute criminals, defend your rights and practice law gives you huge spiritual satisfaction. And the second one is this: if I could become a prosecutor, then so can you.





Costa Rica and Honduras

Despite its record on peace, stability and good governance, Costa Rica is not immune to social ills such as gender violence. Not all of it is homegrown: Costa Rica's comparative wealth makes it a magnet for migrants from the region. Some of those crossing its borders in search of better lives are women fleeing abuse in their homelands. In Honduras, violence is widespread; femicides nearly tripled between 2005 and 2013.

Houses of Rights

Since 2014, the House of Rights, an IDLO-supported initiative, has provided protection for women who cross the border from Nicaragua into Costa Rica. Often lacking official documentation, they had been unable to access services or defend themselves against gender-based violence. Conceived as a one-stop shop and opened jointly by Costa Rica's judiciary and the local authorities, the House of Rights gives women access to redress, as well as crucially needed health and social services provided by the authorities or NGOs.

The pilot, along with a sister project in the Honduran capital, Tegucigalpa, has received overwhelmingly positive endorsements. Costa Rica's judiciary is now considering scaling up the program nationally. A communication strategy (radio and print) has been designed to ensure that information reaches vulnerable women in remote areas.

Empowering migrant women

After a tour through the border town of Upala - one-story concrete houses painted in bright colors, commercial streets buzzing with people, horses grazing placidly in a field opposite the national bank - we drop in on Don Rafael, a life-long teacher and president of Radio Cultural de Upala, whose signal reaches every house in the department and across the border.

As he shows us around the radio station, newly decorated and equipped with Japanese Cooperation funding, Don Rafael gives us one example of why Upala needed a 'House of Women's Rights'. A neighbor of his, he tells us, went to the judiciary because her live-in partner was sexually abusing her 13-year-old daughter.

She was turned away and asked to 'provide evidence' of what she was saying. Sadly, this is not an isolated case, nor is the response from the institutions an uncommon one.

The next day, we meet with members of the Red de Promotoras Comunitarias - a network of women helping other women in their communities - to get their insights on how best to spread the news about the House. Doña Reyna - her long, black ponytail belying her grandmotherly age - lives on the other side of the border. She has traveled by bus but tells me she has to walk two kilometers on a dusty road to get to the bus stop.

Living in makeshift homes with no security, and often with no neighbors to hear their cries for help, many Guatemalan migrant women are exposed to all sorts of abuse. All too often, the biggest danger lies within the family: husbands, partners, and even sons who have soaked up a culture of machismo and gender-based violence.

In the words of Doña Reyna, "the family of a violent man becomes a violent family. My husband was as aggressive as a mountain jaguar and when he turned on me, I remember thinking, 'If it comes to that, I will kill you first.' And the saddest thing is that now my own sons are ill-treating their wives, because that is what they've learned to do."

The advice of these women, who have found the courage to turn their lives around, is crucial to make sure we find the right channels - and the right words - to convey the message that all women have a right to live free from violence. And that finally, with the House of Women's Rights, help is at hand.

Simona Beltrami,
IDLO/EUROsociAL consultant

Kenya

In an OECD study of 2014, Kenya ranked 57th out of 102 countries surveyed for gender equality. This intermediate position hides great disparities: while women are achieving much greater visibility in central government and business, profoundly discriminatory practices still mark lower-tier settings, especially where customary law prevails. The potential for change lies with Kenya's devolution process, which puts great emphasis on gender mainstreaming.



© istock/master2

Kenya (continued)

Violence prevention

IDLO has assisted Kenya's Ministry of Devolution and Planning in drafting a National Policy for Prevention and Response to Gender-Based Violence (GBV). This provides for an enabling framework across all government ministries and agencies, and at both national and county level, to coordinate, monitor and standardize the fight against GBV. IDLO's expertise has also guided the Ministry in implementing constitutional provisions which ban all elective public bodies from being more than two-thirds same-gender.

Gender mainstreaming in public service

In 2014, IDLO supported the design and development of an innovative training program on Gender Management Systems for Kenya's civil service. All 18 gender officers were sensitized and trained in accordance with constitutional and legislative provisions, as well as regional and international best practices. A training manual, also developed with IDLO's support, will be used by the gender officers to train and educate other public servants in order to ensure effective gender mainstreaming.

Gender advocacy and reporting

IDLO was instrumental in organizing, alongside the Government of Kenya, the National Stakeholder's Forum on the 58th Session of the Commission on the Status of Women (CSW). The aim was to identify and build consensus on the priority areas for gender equality and women's empowerment in Kenya in advance of the 59th CSW, as well as the review process on the Beijing process. The follow-up National Review Conference and Report on Kenya's progress under the Beijing +20 Platform for Action also benefited from IDLO expertise.

Rights for marginalized people

Children

Youth

Indigenous peoples

The urban poor

Trafficked persons



© Chris Booth



© Flickr/waterdotorg

Children

Rarely empowered as individuals with rights, children suffer disproportionately from wars, disasters and broader social dysfunction. Natural cataclysms; health emergencies; armed conflict; difficulty in obtaining registration or citizenship; judicial practices that are unfriendly or outright punitive – in many developing countries, children may struggle with one or more of these challenges at any one time.

All too often, judicial systems are insensitive to children’s needs and ill-equipped to address them. Courts for minors are absent or in short supply. So are specialized judges, prosecutors and investigators. Violence against children may be shrugged at, while cultural norms make it hard to lodge complaints without parental consent. In parts of Asia, routine levels of cruelty to children, including forced labor, are integral to social life.

Justice for children in transition countries

In 2014, in partnership with UNICEF, IDLO undertook research studies in Albania, Georgia, Kyrgyzstan and Montenegro, synthesized in a report titled *Children’s Equitable Access to Justice* (results to be fully available in 2015). Featuring the participation and insights of both justice sector professionals, and children and family members, the report focuses on why children become involved with justice systems; where they go to seek justice; the main obstacles they face in the process; and whether justice procedures are child-sensitive.

The research signaled an overall deficit in the rule of law and a dearth of investment in child-responsive justice mechanisms and institutions. These gaps, our

research found, are likely to cause or exacerbate a range of violations and prevent the full achievement of development objectives for children in areas such as health and education.

Also in 2014, we again partnered with UNICEF – this time in Jordan, Sudan and Tunisia – to study factors in law and practice that support or inhibit community-based measures for children in conflict with the law. The research focused on diversion (conditionally channeling children in conflict with the law away from formal judicial proceedings), alternative measures to detention, and restorative justice approaches.

“We need to pour out what we have inside and tell our problems to somebody. Thank you for listening to us. Usually no one does.”

Kyrgyz child interviewed for the report



Youth

People in their late teens and early twenties often bear the brunt of unemployment or precarious employment, particularly when access to quality education is hindered by poverty or a perceived lack of social status. Marginalization and exclusion are frequently the result.

Legal awareness for education

In Argentina, IDLO has worked with the Ministry of Justice to promote legal awareness among the young urban population of Buenos Aires, with a special emphasis on education.

Workshops jointly hosted by IDLO-supported Centers for Access to Justice - community-run services developed to inform low-income and vulnerable communities of their rights - highlighted the prevalence of school drop-out and its social impact. The project involved the making of a video, *iNo te cuelgues!* (Don't Hang Up!)

“Awareness of rights is the essential condition for exercising them. It is vital to involve those who are directly affected when we craft messages and communication platforms.”

Elena Incisa di Camerana, Argentina project manager



spotlight

DON'T HANG UP!

THE VIDEO CAME OUT OF A COLLABORATION BETWEEN IDLO AND ARGENTINA'S **DIRECTORATE FOR ACCESS TO JUSTICE**, UNDER A PROJECT FINANCED BY THE EUROPEAN UNION'S EUROSOCIAL II PROGRAM.

Forty young men and women were involved in making *iNo te cuelgues!* All had previously dropped out of school, then, with government support, gone back to studying. Trained in communications by IDLO and supported by movie producer Subterránea Films, they wrote, directed and produced the four-minute film targeted at their age group (18-24). Its purpose is to create awareness of the right to education and the guidance offered by the Centers for Access to Justice, established by the Ministry of

Justice in poor neighborhoods across Argentina.

The theme of early school-leaving was chosen in participatory sessions. The group identified education as key to overcoming difficult personal and social circumstances. They decided to encourage their peers to face up to the hardships and prejudice that prevent them from completing their studies. In the words of one of the girls featured in the video, "You can be an artist, get a degree, raise a family. Don't get stuck, finish high school!"

"Knowing your rights is the essential precondition for exercising them," explained one of the program coordinators for IDLO. "Creating rights awareness is a key step, and rights-holders must be directly involved in the messaging and production of communications tools."

The participatory methodology designed for this pilot experience will be adapted and replicated in other rights-awareness projects, both in Argentina and in other Latin American countries.



Indigenous peoples

Despite growing awareness of their rights, enshrined in the UN Declaration of 2007, many of the world's indigenous peoples remain threatened by poverty, marginalization, the loss of their natural habitat – and in some cases, by outright extinction. Their social indicators are almost universally lower than those of ethnically dominant groups. Their life expectancy is shorter; the burden of unemployment and disease affects them disproportionately.

A voice for justice

Indigenous voices are rarely heard in processes and decisions that concern them directly. Indigenous cultures and traditions are also rarely taken into account in the establishment and drafting of development strategies. IDLO is increasingly helping design rule-of-law based solutions to enhance indigenous peoples' access to justice.

In 2014, we strengthened a framework established the previous year with the Ministry of Justice and the judiciary of Peru to create a Protocol on Intercultural Justice. The initiative – the design of which involved both indigenous leaders and formal legal actors –

aims to ensure that the nation incorporates indigenous perspectives, norms and linguistic diversity in the administration of justice.

By end-2014, the Protocol had been put into practice in three target districts of the Peruvian Amazon. IDLO also supported the development of an ancillary training manual to provide legal guidance to native community leaders. The project was the subject of *Mundos Encontrados*, a documentary which features cases of justice administration and conflict resolution in Peru's indigenous communities.

Protocols are being established on how to treat persons who identify as indigenous – and this, from the point they come into contact with the judicial system in any capacity whatsoever. I believe that we are making progress, both on the institutional front and in terms of a new awareness. Judges and other judicial staff now know that there must be specific approaches to those who don't necessarily conduct their lives within the norms prescribed by state laws.

Armando Guevara Gil, Intercultural justice expert, Peru





interview

'STILL AN UPHILL STRUGGLE'



GRAND CHIEF EDWARD JOHN OF THE TL'AZT'EN NATION (CANADA) SERVES ON THE UN PERMANENT FORUM ON INDIGENOUS ISSUES.

IDLO: Do you feel the UN Declaration has helped get indigenous peoples a better deal?

GRAND CHIEF JOHN: We never received a fair deal – ever. That's probably a truism. We've always had to fight for everything. The Declaration took over 20 years to come to fruition. It's always been an uphill struggle for indigenous people to ensure that minimum human rights are in place for their protection and advancement.

IDLO: When did you personally realize that you had rights, and that they weren't being respected?

GCJ: I grew up in a part of western Canada where we were the only people. That territory was our domain. And I saw that when we were building our cabins for winter –

for trapping, for hunting, for fishing – officials from the government of British Columbia would come and burn our cabins down. In those days there were no jobs, except very seasonal; the cabins were our livelihood, and to disrupt our ability to provide for ourselves was a very serious violation of our rights. When I went to law school, I began to understand that there was a completely different legal system to what I grew up with.

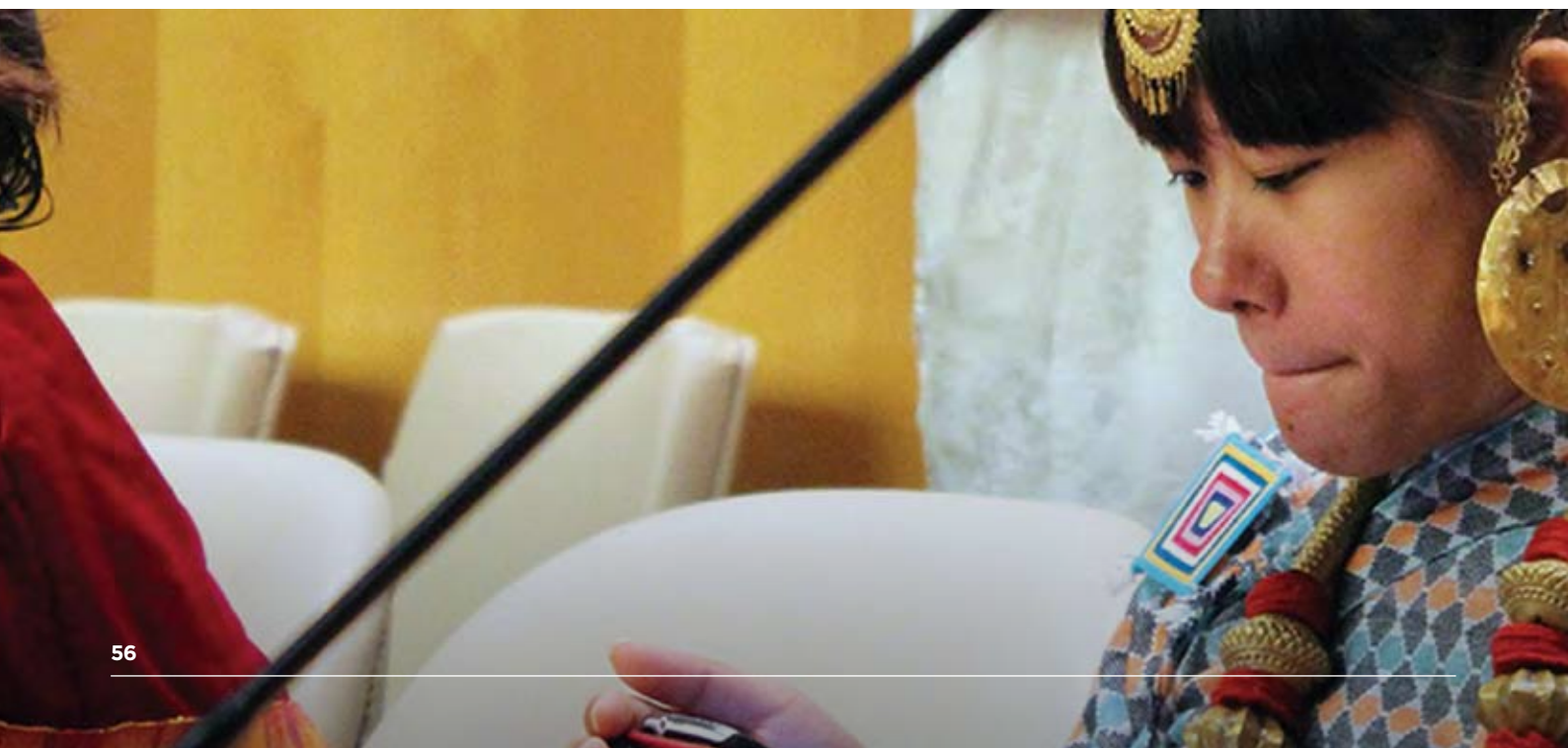
IDLO: Do you think it's important to preserve a plurality of legal systems?

GCJ: Among states there is a plurality [of systems], and within states there is a plurality when it comes to indigenous peoples. I am happy to say that in Canada the Supreme Court has recognized

that indigenous laws survived, and indigenous legal systems exist.

IDLO: What is your message to world leaders negotiating the Sustainable Development Goals?

GCJ: Work with indigenous peoples, respect their rights, and ensure that they are recognized in all the states where they exist. World leaders also ought to realize that the traditional knowledge and teachings of indigenous peoples may help in alleviating and mitigating our rush towards a perilous future. Scientists have talked about where the environment is headed, yet politicians seem oblivious to their findings. But if you combine traditional knowledge and scientific knowledge, there will be, I think, a better understanding of what we ought to be doing.





The urban poor

More than half of the world's population lives in cities. By 2030, some 5 billion of us will likely be urban dwellers. But while urbanization has the potential to drive creativity and progress, the reality of it for many people is crushing poverty, inequality and marginalization. Slums are often rule-of-law free zones, deprived of services and starved of justice. How we manage our cities is a litmus test for any ideals and policies that put justice at their heart.

Justice in Latin America's conurbations

The Cidade de Deus favela is one of Rio de Janeiro's most disadvantaged neighborhoods. The eponymous 2002 film by Fernando Meirelles established it in the world's consciousness as a symbol of lawlessness, violence and urban decay. The reputation was deserved; it also made the district an appropriate testing ground for rule-of-law driven urban and social transformation policies.

In 2014, in partnership with Brazil's Ministry of Justice, IDLO helped establish in Cidade de Deus a Casa de Direitos, or House of Rights. The move followed the establishment in the area of a Police Pacification Unit, which helped reclaim the streets from drug-related violence. The Casa de Direitos is a welcoming, well staffed, multi-functional space which brings a variety of government services under one roof. Favela dwellers can now complete a range of administrative and judicial procedures, receive identity papers or legal advice, or gain access to conflict mediation. The Casa de Direitos model has already been replicated in the north-eastern state of Alagoas and is expected to be rolled out across Brazil.

In neighboring Paraguay, we partnered with the Ministry of Justice and the Universidad Americana, alongside other municipal bodies and civil society organizations, to increase access to justice for communities lacking the financial resources to use professional legal services. A pilot project was designed to provide legal advice to the residents of a shanty town in the capital, Asunción. The aim was to reduce barriers to justice and enhance relations between the state, civil society and members of the community. Issues ranged from disputes over land tenure and neighbors' behavior to alimony-related disagreements and domestic violence.

20

The percentage of Cidade de Deus residents who have used Casa de Direitos services, one year into the project.

1

The average cost of the project per beneficiary (in US\$)

“It is important that we show that this space does not belong to drug dealers and criminals any more, that it belongs to the community, that it is a space of peace and respect for the law and for society.”

Flavio Croce Caetano, Secretary for the Reform of the Judiciary, Brasilia



Trafficked persons

Human trafficking is antithetical to the rule of law: the practice constitutes one of the most acute challenges to rights and dignity. Often a corollary of extreme inequality, human trafficking is concentrated in developing countries, with victims targeted both for domestic enslavement and smuggling across borders. Although human trafficking is outlawed by several international treaties and conventions, national legislations are frequently patchy, and enforcement weak.

Helping Chile combat trafficking

Chile's stability and strong economy have made it a destination for migrants from the region and beyond. Against this background, human trafficking has grown. In 2013, the US State Department identified the country as 'a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor'.

Under the auspices of Chile's Ministry of Justice, IDLO has supported the development and roll-out of a model for preventative intervention. In 2014, care professionals and legal and psychological counselors from all regions of Chile participated in IDLO-sponsored training-of-trainers focused on the needs and rights of potential trafficking victims. Representatives of the Bureau of Human Trafficking, the Ministry of the Interior and the Ministry of Justice were closely engaged in the design of the training.

Public Health

HIV/AIDS

Non-communicable diseases



© flickr_unicefethiopia



© UN Photo_Tim McKulka

HIV/AIDS

In many countries, stigma and discrimination prevent people living with HIV from accessing health and legal services. Marginalization and persecution not only have devastating consequences for the individuals and communities concerned: they also create a climate in which HIV/AIDS can spread unchecked.

IDLO's work includes strengthening the legal response to HIV and AIDS in developing nations; fostering awareness of public health goals and human rights among government officials, and among those communities most at risk of HIV infection; and building lawmakers' capacity for reform based on evidence, international law and best practice.

HIV as a matter of human rights

In Latin America, IDLO has worked with local counterparts to foster best practice sharing and networking between organizations providing legal services to people living with HIV. Replicating an IDLO-supported methodology pioneered in Mexico, an online legal service was established in El Salvador to register HIV-related violations of human rights. On the back of this innovative service, we provided technical assistance for litigation against forced sterilization, which covers a wide remit of rights violations, and published guidelines on HIV and human rights for paralegals.

In September 2014, we joined forces with UNDP and UNAIDS Latin America to develop partnerships between ombudsman offices, university legal clinics and civil society organizations in Bolivia, Colombia, Ecuador, Peru and Venezuela, with a view to fostering sustainability in HIV-related legal services.



In Algeria, Egypt, Jordan, Lebanon, Morocco and Tunisia, IDLO built the capacity of lawyers, community paralegals and rights activists. The overarching aim has been to strengthen collaborative dialogue between these important advocates for the rights of people living with HIV and healthcare professionals.

“I’d lost 40 kg in weight, I had hot flushes, a fever... I went to the hospital to do tests. That’s how I was diagnosed with HIV. I was pregnant, and when I was due to give birth, the doctor who was following my pregnancy refused to give me a Caesarean section. In the end, I received no assistance at all.”

Manal, HIV-positive mother of three, Cairo

interview

'OUR CLIENTS NEED PEOPLE WHO BELIEVE IN THEM'



DR. SULAFI MOSTAFA WORKS FOR **CARITAS EGYPT** IN ALEXANDRIA.

IDLO: What services do you offer people with HIV?

DR SULAFI MOSTAFA: Our center offers information on HIV/AIDS, free testing including pre- and post-test counseling, and a referral system which enables our clients to access further services. We also have a home-based healthcare program for people living with HIV. And we have a microcredit and loan program.

IDLO: How does IDLO help you?

SM: We have a very important and successful project with IDLO to

improve legal services for people living with HIV. Some of our clients are drug users; others are commercial sex workers; others are men who have sex with men. These are legally vulnerable people. Our clients may be fired from their jobs, or denied basic human rights. They need people who will accept them, believe in them, get them out of jail if need be, people who will help them realize their rights. So in partnership with IDLO, we are training lawyers and healthcare providers, we're helping change their attitudes towards the target

populations, and also enabling them to cooperate with each other in this effort to improve lives.

IDLO: So you see yourselves as agents of change in Egyptian society?

SM: Of course. We are working with at-risk populations, those who are socially rejected. It's a difficult path we've chosen, but we won't deviate from it. Personally, I love my country very much, and I'm determined to contribute to a better future for it. And I do think we'll get there soon.





spotlight

LAW ENFORCEMENT AND HIV

A Consultation in Amsterdam in October issued a fervent call to promote partnerships between police and other law enforcement agencies, people living with and affected by HIV, and those providing care, treatment and support.

The appeal came in the form of the Amsterdam Declaration on Police Partnerships for Harm Reduction, developed by delegates to the Consultation jointly organized by IDLO, the Centre for Law Enforcement and Public Health (CLEPH), and the University of London's Birkbeck School of Law.

Nick Crofts, IDLO's Senior Expert in Law Enforcement and Director of the Law Enforcement and HIV Network (LEAHN), described the Declaration as 'the brainchild of people from all sectors engaged in the global HIV response'.

Speakers illustrated the need to identify and eliminate policing practices that hinder the delivery of HIV services. Inspector Wilson Edung Lomali of Kenya set the tone by describing the negative effects of aggressive policing practices: "Drug users fear the police and run away instead of seeking treatment. That leads to aggression, withdrawal... When police enforce a law that's supposed to protect everyone, drug users can end up in prison, where they could ultimately die in cells."

Thai Police Lieutenant Colonel Krisanaphong Poothakool spoke of the 'arrest quotas' set under previous governments as the type of counterproductive demands made of police in many countries.

In the meantime, with support from their leadership, police can find creative ways to change attitudes and policing approaches. Chief Superintendent Jones M. Blantari of Ghana has made a habit of whipping out a condom from his pocket. The police officer explained that in his country, the possession of a condom had frequently been used as evidence for arrest. That, he said, drove sex workers underground. "If I, as a police officer, carry a condom, I will not have the moral authority to arrest anyone else who is carrying one," he concluded.

HIV in the former Soviet space

In October 2014, as part of its global advocacy for the rights of people living with HIV, IDLO was instrumental in convening an international dialogue on the subject. Held in Tbilisi, alongside co-host UNDP, the conference featured representatives from 11 states in Eastern Europe and Central Asia, including Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine and Uzbekistan. The dialogue covered the everyday experiences of the 1.6 million people living with the virus in the region, ranging from denials of confidentiality to outright criminalization of the behavior of the populations most at risk.



“HIV is a matter of human rights. States have the obligation to undertake legal, financial and administrative measures to bring these rights as close as possible to the highest standards of health.”

Evgeniy Spevak, Eurasian and Belarussian Union of People Living with HIV



Non-communicable diseases

Non-communicable diseases (NCDs) – notably cardiovascular and chronic respiratory diseases, cancer and diabetes – are now the leading global cause of mortality. IDLO, an active member of the UN Interagency Taskforce on the Prevention and Control of NCDs, has harnessed its convening power to foster dialogue and partnerships around building legal capacity to address NCDs.

Legal responses to NCDs

In April 2014, we co-hosted a pioneering Overweight, Obesity, Diabetes and Law Consultation in Manila. The first such event in the Western Pacific, the consultation brought to the table lawyers, public health experts and civil society representatives. There are more than 100 million people living with diabetes in the region. While the overwhelming majority of them live in China, seven out of the top 10 countries for the prevalence of diabetes are Pacific island nations.

The multidisciplinary dialogue explored priorities for law reform and legal strategies for the prevention of overweight, obesity and diabetes. These included restrictions on the marketing of junk food to children and the taxation of sugary drinks.

Also in 2014, IDLO signed agreements with the World Health Organization and the Caribbean Public Health Agency (CARPHA) to work together in building global, regional and national legal capacity to address NCD-linked public health challenges. Other IDLO partners in stemming the spread of NCDs in the Caribbean include the Pan-American Health Organization, the Healthy Caribbean Coalition, and legal institutions such as universities and bar associations.

Sustainable development & economic opportunity





© Chris Booth

Sustainable development is, at its core, a vision forged to correct the imbalances and injustices created by extreme poverty, growing inequalities and environmental degradation. The rule of law is gradually being accepted as central to this vision. There is an increasing understanding that the rule of law provides legal certainty for economic development, ensures equity for social development, and offers a sound basis for the use of natural resources and protection of the environment.

Much of our research bears out these linkages, and much of our advocacy is dedicated to enshrining them in the post-2015 development agenda. The complex drafting and negotiating process around the Sustainable Development Goals (SDGs) has reinforced our conviction that no single proposed SDG can be met unless the effort integrates the rule of law and access to justice. >

› Crucially, the rule of law is an important driver of economic growth. When the rule of law is absent, business finds it hard to operate; intellectual property protection is weak; legal transparency and arbitration mechanisms are lacking; contract enforcement and regulatory compliance suffer. These deficits stifle entrepreneurial creativity and discourage investment.

From this perspective, sustainable development is a natural focus of interest for IDLO. Building commercial law capacity in developing markets – historically one of our strengths – remains a significant area of our work. But while continuing to train judges and lawyers, we are increasingly pursuing a wider objective: contributing to the construction of viable commercial and economic legal systems in transition economies.

Historically, economic laws and regulations have tended to ignore environmental impacts and constraints, or failed to integrate sustainability perspectives. To this day, the emphasis in most economic reform processes is on whether this or that law has been passed. By contrast, the question of whether these laws are context-specific, ecologically sound and locally owned is frequently overlooked.

Our research, programs and convening power have been geared towards reversing this tendency: we promote innovative legal approaches to ensure that policies and regulations not only carry broad legitimacy, but promote effective governance and sharing of natural resources. IDLO anticipates that work on sustainable development will represent a growing share of its portfolio in the coming years.

Rule of law and development

Sustainable Development Goals
Linking law & development
Rule of law & food security



Sustainable Development Goals (SDGs)

In January 2013, the UN General Assembly tasked a 30-member Open Working Group (OWG), based on a constituency system of Member State representation, with preparing a proposal for the new SDGs. Throughout the OWG's lifespan, IDLO deployed sustained advocacy: we sought to ensure that the voices of our partners could be heard internationally, while arguing that the rule of law – possibly the most controversial topic on the table – must not be sidelined.

In February 2014, in a comprehensive statement to the eighth session of the OWG - focused on conflict prevention, post-conflict peacebuilding and the promotion of durable peace, rule of law and governance – we urged members of the Group to recognize the rule of law as a central element of the post-2015 agenda and a crucial aspect of any development initiative, from protecting the environment to establishing peace and security.

The rule of law, IDLO told the OWG, provides not only certainty and predictability of the law but also substantive justice. Equality, accountability and respect for human rights – economic, social and cultural rights, as well as and civil and political rights – are integral parts of the rule of law in this sense. Seen in this light, the rule of law is crucial and relevant to all three dimensions of development: economic, social and environmental.

Linking law & development

In June 2014, IDLO published a report demonstrating how and why the rule of law is indispensable in achieving sustainable development objectives. Titled *Doing Justice to Sustainable Development: Integrating the Rule of Law into the Post-2015 Development Agenda*, the publication draws from good practice case studies of IDLO program implementation in the field as it tackles the legal protection of social and economic rights, and methodologies for measuring the rule of law. *Doing Justice*, published to acclaim from partners and global governance bodies, unpacks the rule of law to argue for its value as a driver of equitable management of natural resources, inclusive and peaceful societies, and robust environmental stewardship.

Rule of law & food security

Throughout its advocacy activities, IDLO has sought to demystify the rule of law as an abstruse subject, emphasizing instead its centrality to livelihoods, nutrition and growth. While these concepts or areas of intervention are not traditionally associated with the rule of law, we strongly believe that they should be.

To further this understanding, in July 2014, in collaboration with Italy as the holder of the EU's rotating Presidency and in partnership with Rome-based international food agencies, we organized a conference on the rule of law focused specifically on food security.

The concept covers land tenure, environmental protection and the right to food. The conference provided a global opportunity to explore rule-of-law solutions to these intersecting development challenges.

“IDLO’s report is something that everybody, from governments to NGOs to leaders of indigenous groups, could and should use in the daily practice of sustainable development. Nowadays it is clear to all of us that we cannot protect the environment when basic liberties are non-existent, or when basic rights associated with human liberties are disrespected.”

Justice Antonio Herman Benjamin,
National High Court of Brazil

report

DOING JUSTICE TO SUSTAINABLE DEVELOPMENT

THE RULE OF LAW AS A PRINCIPLE OF GOVERNANCE, WHICH HOLDS ALL ACCOUNTABLE TO JUST LAWS, ENSURES THAT STATES HONOR THEIR COMMITMENTS AND WORK TOWARDS **ECONOMIC AND SOCIAL DEVELOPMENT** THAT IS INCLUSIVE AND EQUITABLE, AND TOWARDS **ENVIRONMENTAL SUSTAINABILITY**.

To promote equitable economic development, the report advocates:

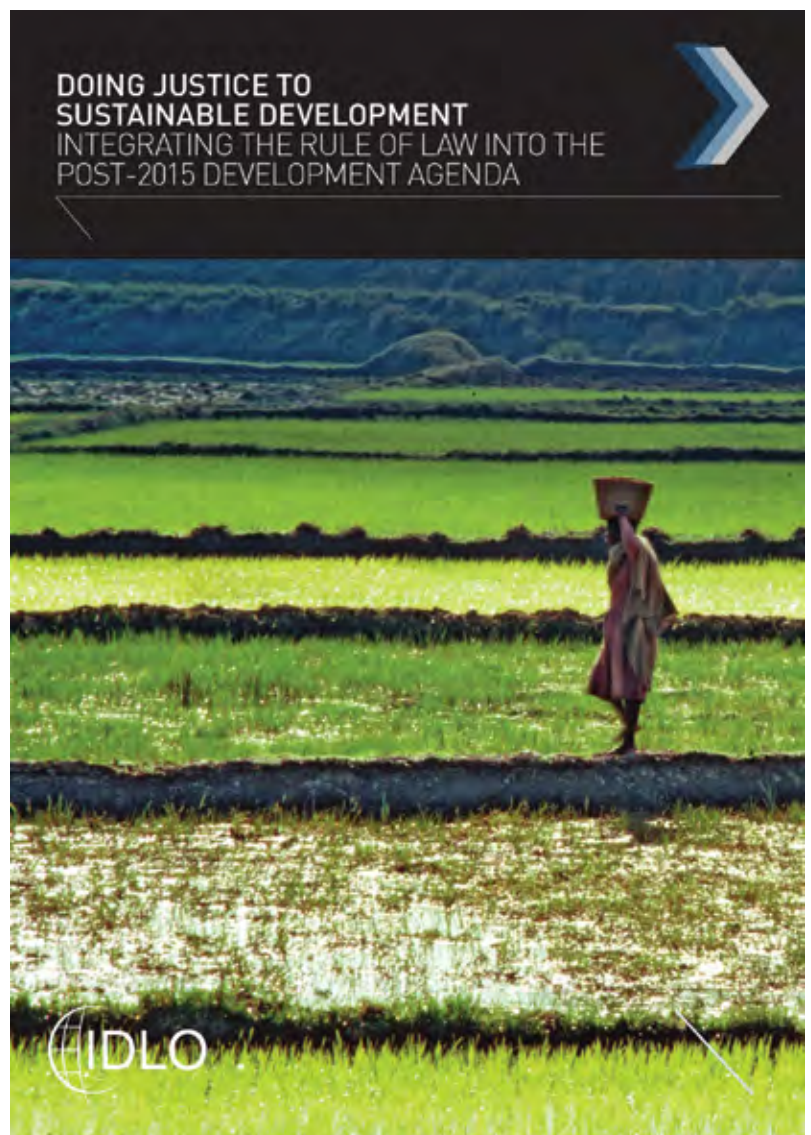
- strengthening laws and policies to ensure secure access to information and transparency
- fostering access to markets and financial services for the poor and marginalized
- providing for secure land tenure and property rights

To ensure inclusive social development, the report advocates:

- according health care, education and other social services their due status in law and policy
- providing a legal identity to all
- ensuring access to justice and administrative redress
- promoting gender equality

To promote environmental sustainability, the report advocates:

- strengthening legal instruments that safeguard the environment
- ensuring civil society participation in the elaboration of environmental regulation policies
- enhancing the capacity of institutions to fairly adjudicate natural resource and land use



PRECIS OF THE **ACHIEVING A TRANSFORMATIVE POST-2015 DEVELOPMENT AGENDA: THE CONTRIBUTION OF THE RULE OF LAW TO EQUITY AND SUSTAINABILITY** CONFERENCE, ROME, 21 JULY 2014

By empowering the poor, development economist and senior FAO official Jomo Kwame Sundaram argued at the Conference, the rule of law could be instrumental in shifting the world's focus from protection (i.e. helping rural communities at times of deprivation) to production (i.e. building resilience). At the same time, Prof. Sundaram warned against 'reifying' or 'fetishizing' the law: some law regimes could harm the poor through zealous enforcement of exclusionary property rights.

For her part, Chair of the Committee on World Food Security Gerda Verburg said there was a need for concrete indicators, reliable data and financial instruments to quantify the empowerment of the poor and vulnerable - including their access to food and services. In this, she echoed senior UN human rights official Flavia Pansieri, who argued forcefully that human rights and the rule of law were measurable concepts.

Italy's Vice Minister of Foreign Affairs, Lapo Pistelli, extolled the role played by the rule of law in delivering socio-economic progress - and the importance his government accorded it. Speaking for the Italian Development Cooperation, senior diplomat Giampaolo Cantini went on to outline his country's forthcoming agenda of access-to-food themed >



› initiatives, including the Second International Conference on Nutrition (ICN2) in Rome and Expo 2015 in Milan (‘Feeding the Planet, Energy for Life’). “Today,” Mr Cantini said, “we have had confirmation that food security and rural development are of crucial importance.”

The World Food Programme’s Ertharin Cousin also described the rule of law as essential. “We will not achieve zero hunger without good governance,” she said, adding that Syria’s civil conflict had set back development in that country by a startling 35 years.

It was a civil society figure, Faustina Pereira of Bangladesh’s BRAC, who made one of the day’s most widely acclaimed points. The leading lawyer for what is often described as the world’s largest NGO, she laid the emphasis squarely on rights. “Freeing humanity from hunger,” she said, “cannot be achieved through the strictures of law and institutions alone. The state must move away from a welfare model of meeting needs and recognize the centrality of the human voice and human agency; not just the need for development, but the right to development.”



© Roberto Apa

Building strong economies

- Kenya
- Kuwait
- Mongolia
- Montenegro
- Tajikistan
- Nagoya Protocol



© ZuzanaZelanova66



© Flickr_Ted McGrath

Kenya

Ongoing reform of its energy legal framework has made Kenya a regional leader in promoting policies and laws that encourage sustainable investment in energy development. The country, however, still struggles to meet its energy demands. More than 30 million Kenyan citizens are believed to live without electricity. IDLO has studied ways to ensure that Kenya – and the wider region – adequately meets the energy needs of both households and industry.

Legal Frameworks for Energy

In 2014, our study *Strengthening Legal Frameworks for Energy in Africa: Lessons Learnt from Kenya** synthesized the range of work we undertook to support legal initiatives used to harness Kenya’s natural resource potential. The study highlights the social impact of affordable and accessible energy; the advantages of sustainable resource management in view of the right to a healthy environment, as enshrined in Kenya’s Constitution; and the economic growth triggered by enhanced private investment in the sector.

The findings have been shared with academics, practitioners and policy makers, in line with IDLO’s

participation in the Community of Practice established under the UN’s Sustainable Energy for All (SE4All) initiative. The Community promotes renewable energy, energy efficiency and universal energy access. Our contribution is intended as a guide for other African countries as they launch legal reforms to encourage private-sector energy investment – and indeed, for ourselves as we pursue energy-focused rule of law work elsewhere on the continent.

Also in 2014, IDLO was invited by Kenya’s Ministry of Energy and Petroleum to participate in the national validation process for the National Energy Policy and Energy Bill.

*Scheduled for publication in 2015

“Africa has a great potential for energy development. There is a demand for an enabling legal and policy environment that takes into account the special needs and abilities of those affected and [offers an] optimal mix of regulatory and incentive-based actions, like those presented in IDLO’s report on Strengthening Legal Frameworks for Energy in Africa.”

Prof. Emmanuel Kasimbazi, Makerere University, Uganda

Kuwait

Petroleum accounts for over half of Kuwait's GDP: the emirate is a singular example of a wealthy nation which defines itself as a developing country. The country aims to diversify its economy and boost private sector participation. With regard to IDLO, Kuwait is all at once a Member Party, a donor and a program partner.*

Review and translation of trade and investment laws

IDLO is supporting Kuwait's efforts to make its trade and investment laws friendlier to foreign investors. Legal instruments related to economic, commercial and investment activities have undergone review, assessment and translation into English. Alongside this initiative, IDLO has developed ancillary legal terminology guidelines, directives and processes to ensure consistency and quality in the future.

“We are long-standing partners of IDLO so it is natural that we should be both funders and beneficiaries of its expertise.”

Salah Hussein Al-Massad, Head of Legal Advice and Legislation Department, Kuwaiti Council of Ministers

*For more on Kuwait's partnership with IDLO, see pages 90 and 100





Mongolia

Landlocked, sparsely populated and isolated for decades on the Soviet Union's periphery, Mongolia is now growing fast, largely thanks to considerable natural resources – gold, silver and copper, as well as a tenth of the world's known coal reserves. The country is peaceful and politically stable. But corruption, poor transparency and an ambiguous foreign investment framework have hampered its capacity to make the most of these assets and distribute more widely the benefits of growth.

In view of the country's expanding need for capacity in the justice sector, IDLO is working with the Mongolian authorities to create a stable, economy-friendly legal environment.

Alternative dispute resolution

Commercial litigation in Mongolia has often been marred by intimidation and delays. This acts as a barrier to investment and undermines the rule of law. In 2014, the country's IDLO-supported commercial mediation centers began processing their first cases: the aim is to replace litigation with the cheaper, faster services of internationally accredited mediators. The centers are helping foster a more hospitable and sustainable environment for investors.

Enforcement of decisions

As well as strengthening the pre-trial process, IDLO has worked along Mongolia's justice chain to promote enforcement of court decisions, particularly in the area of commercial law – an area of historic underperformance. In September 2014, IDLO convened international experts in Ulaanbaatar to share best practices on judicial decision enforcement reform and debate Mongolia's draft Judicial Decision Enforcement Act.

10,288

The number of commercial law cases made accessible for online consultation

206

The number of judges trained in one month alone in mid-2014

“I was skeptical of such an ambitious project to begin with. But seeing the results, I am converted to IDLO methodology.”

Lundendorj, Chairman of the Mongolian General Judicial Council





Montenegro

The EU has called on candidate country Montenegro to intensify efforts to consolidate the rule of law, fight organized crime and reduce corruption – a process IDLO has been accompanying since the start of EU membership negotiations in 2012. IDLO partner the European Bank for Reconstruction and Development (EBRD) has meanwhile rated the overall quality and predictability of judicial decisions in Montenegro as below the regional average. Frequent copyright infringement and the low capacity of the judiciary to adjudicate on matters of commercial and competition law have been flagged as areas of particular concern.

Competition and intellectual property

In 2014, IDLO convened a high-visibility workshop on competition law in Podgorica, targeted at case handlers from the Montenegrin Agency for the Protection of Competition. The workshop covered both legal and economic aspects of the subject. It placed a heavy emphasis on expert knowledge exchange and the sharing of best practices. Grounding EU expertise within the regional context, it drew experts from both Western Europe and the Western Balkans.

Also in 2014, we teamed up with the Judicial Training Centre, Montenegro's national institution tasked with the professional education of judges, to deliver practical training on maritime law, insolvency proceedings, consumer protection and intellectual property to members of the judiciary and other key public authorities. Bringing together Montenegrin and international expertise, the training covered restrictive agreements, monopolies, patents, trademarks and

copyright law, corporate governance, regulatory strategies, codes of best practice, and policy-making in the area of corporate and consumer protection law, as well as maritime regulations and insolvency disputes.

Handbooks for capacity advancement

By end-2014, two important capacity-enhancing tools had been finalized. The Montenegro Insolvency Law Handbook contains an overview of current Montenegrin legislation, as well as a compilation of international norms vital for integration with EU Member States. The Montenegro Maritime Law Handbook provides an analysis of current Montenegrin maritime legislation alongside international maritime law and standards. It is destined for judges, legal practitioners, scholars and sector professionals, in what is a heavily coast-focused economy.

“The support that IDLO provides to the Judicial Training Center is crucial and unique. No other organization is as adept at equipping judges to deal effectively with the topics that will allow Montenegro to move faster towards EU accession.”

Maja Milosevic, Executive Director, Judicial Training Center of Montenegro

Tajikistan

Once the poorest of the Soviet republics, and further crippled by civil war in the 1990s, Tajikistan still lags behind most of its neighbors. Much of the workforce has gone to Russia, leaving migrant remittances as a key source of revenue: in 2014, cash transfers exceeded half of GDP, deepening Tajikistan's vulnerability to external shocks.

In order to drive inward investment and boost regional integration, IDLO is working to improve the capacity of Tajikistan's judiciary in the area of commercial law.

Commercial law library

In 2014, IDLO supported the establishment of a Commercial Law section at the library of the Judicial Training Council (JTC), our capacity building partner in Dushanbe. The opening followed consultations with judges, lawyers and other legal professionals; a review of the JTC curriculum; and a comparative analysis of the resources used by judiciaries in neighboring countries. The exercise allowed us to develop a comprehensive bibliography relevant to Tajikistan's commercial law capacity and investment climate, including the latest resources in Tajik and Russian on civil law, land law, corporate law, housing law, bankruptcy law and other commercial law topics. The library - the only one of its kind in the country - became fully functional in November 2014.





spotlight

EAST TO EAST, PEER TO PEER

TO LAY THE BASES OF DOMESTIC DEVELOPMENT, **TAJIKISTAN**, NOW A FULLY-FLEDGED MEMBER OF THE WTO, IS TRYING HARD TO **ATTRACT INVESTMENT**. BUT A LEGACY OF BUREAUCRACY, WEAK RULE OF LAW AND CORRUPTION HAS MADE FOR LIMITED RESULTS.

While Tajikistan has been the recipient of legal capacity building for a number of years, most projects have entailed training by international experts, with a focus on experience from developed nations. IDLO, by contrast, has facilitated training on company and bankruptcy law - issues integral to economic growth in Tajikistan - by two former Supreme Court judges from fellow ex-Soviet neighbor Kyrgyzstan.

Feedback suggested the trainers could readily relate to the issues of Tajikistan's judiciary. As the course progressed, the learning process became more dynamic and interactive, enriched by anecdotal and contextual advice - an effective methodology, given the nascent nature of the concept of commercial law within Tajikistan's justice sector.

During the training, Kyrgyzstan's online e-justice portal was introduced. Created with IDLO support, the portal allows Kyrgyz judges to publish decisions in real time - a tool to stem corruption and bribery and improve the accessibility of the justice system.* When Tajik judges reacted with great interest, IDLO decided to launch a feasibility study for a similar system to publicize and archive commercial law decisions in Tajikistan.

*For more on Kyrgyzstan's e-justice portal, see page 17

Nagoya Protocol

In 2014, more than a decade of international negotiations resulted in the entry into force of the Nagoya Protocol: named after the Japanese city, this is an ambitious endeavor to reconcile the imperatives of safeguarding biodiversity and promoting development. Rather than draw protective lines around nature, the Protocol seeks to strike a new deal between business, communities and governments: under it, companies obtain clear access to the genetic resources needed to create new products, while the people who nurture these resources share in the benefits. Making the Protocol a reality will provide a fresh pathway for countries to build stronger, greener economies.

A new generation of lawyers

Ratifying the Protocol involves setting clear rules for companies and communities – that is, building legal frameworks that clarify how resources can be utilized and the benefits shared.

Since 2012, IDLO has been strengthening the role of law and justice in meeting international goals to safeguard biodiversity for human development. We focus on helping lawyers bring the Nagoya Protocol to life in their own countries, while facilitating the flow of ideas through exchanges of experience between national actors.

Throughout 2014, we gathered and shared accounts from national lawyers on how laws in their own countries were working – or not. These perspectives – gathered from Brazil, India, Malaysia, Namibia, Norway and Panama, among others – were compiled into a toolkit that provides practical guidance for national lawyers.

Harnessing global support

In 2014, we held our first capacity building course directed specifically at national lawyers. Covering intellectual property rights, trade law, natural resources and indigenous rights, it drew participants from across Africa, the Pacific and the Caribbean. A community of practice was subsequently launched.

This has created a mutual support network of IDLO alumni, all of whom are working to implement the Nagoya Protocol at the national level.

In October 2014, as the Conference of Parties to the Convention on Biological Diversity (CBD) met in Pyeongchang, Korea, IDLO convened leading global experts, organizations and national actors. The outcome was a common vision to ensure countries receive the assistance they need to strengthen rule-of-law responses to biodiversity challenges.

108

The membership of the Nagoya Protocol community of practice

42

The number of innovative laws documented and shared





Partnerships & engagement



From left: UN High Commissioner for Human Rights Navi Pillay, the World Food Programme's Ertharin Cousin, and Phumzile Mlambo-Ngcuka of UN Women at IDLO headquarters in Rome



Through its presence in Rome, New York and Geneva, IDLO contributes to United Nations policies that promote respect for the rule of law and its related principles, and their integration in peacebuilding and sustainable development. We further interact with all agencies, Programmes and Funds of the UN system.

In 2001, the UN General Assembly granted us Observer Status, giving us an influential voice in the sessions and work of the UN General Assembly, as well as the Economic and Social Council (ECOSOC) and all the intergovernmental bodies reporting to them. IDLO also enjoys implementing partner status with UNDP and the UN Peacebuilding Fund.

Through its New York office, IDLO, in addition to being represented at the General Assembly and other UN intergovernmental bodies and negotiating fora, interacts with UNDP, UNICEF, and other UN intergovernmental entities and non governmental institutions on rule-of-law related policies and initiatives of common interest. Through its Geneva office, IDLO participates in the UN Human Rights Council and interacts with WHO, UNAIDS and other Geneva-based institutions dealing with economic issues and services and institution building.

In 2014, we signed Memoranda of understanding with a variety of bodies. We also deepened our engagement with the private sector as a rule-of-law actor.

IDLO at the United Nations

JANUARY



IDLO co-hosts a roundtable to support the sixth session of the Open Working Group on the SDGs. The event explores challenges and opportunities related to the impact of the rule of law on objectives central to the post-2015 framework.

"We must do more to ensure that robust legal frameworks are in place to support the full range of development outcomes, from health and management of natural resources, to women's empowerment and non-discrimination... The perspective of the International Development Law Organization - given its engagement on the ground in many countries - is invaluable."

Jan Eliasson

UN Deputy Secretary-General

Prof. Joseph Stiglitz leads UN roundtable to explore the role of justice in tackling the threat of growing inequalities and the contribution that building just and equitable societies can make to economic growth and sustainable development in the post-2015 era.

FEBRUARY



IDLO contributes to the eighth session of the UN Open Working Group on the SDGs by highlighting the nexus between the rule of law, peace and development.

IDLO's Director-General participates in a UN high-level panel on the rule of law, peace and security, human rights, and development, organized as a follow-up to the 2012 Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels.

MARCH



Findings from IDLO's *Freedom of Religion or Belief and the Law: Current Dilemmas and Lessons Learned* study are showcased at a roundtable in Geneva to explore the legal and human rights aspects of freedom of religion at domestic level.

IDLO contributes to the 58th Session of the Commission on the Status of Women, emphasizing that countless legal barriers continue to hold women back, denying them equal protection and opportunity.

IDLO holds a high-level discussion on the impact women's participation in the justice sector can have on the eradication of violence against women, using case studies from its report, *Women's Professional Participation in Afghanistan's Justice Sector: Challenges and Opportunities*.

"My biggest dream is a judiciary that rules every single case with a gender perspective. That is why I believe that it is very important to integrate more women as judges."

Olga Sánchez Cordero

Justice of the Supreme Court of Mexico

JUNE



IDLO's Director-General discusses 'symbiotic relationship' between human rights and the rule of law as chair of a panel of the High-Level Event on the Contributions of Human Rights and the Rule of Law to the Post-2015 Development Agenda, organized by the President of the General Assembly.

IDLO's report *Doing Justice to Sustainable Development: Integrating the Rule of Law into the Post-2015 Agenda* is launched at a gathering of ambassadors and experts, highlighting the contribution of the rule of law to the three pillars of sustainable development.

JULY



IDLO Director-General addresses Ministerial Dialogue of the High-Level Political Forum under the auspices of the Economic and Social Council of the United Nations (ECOSOC).

CARICOM ambassadors convene to discuss opportunities to strengthen the legal and regulatory response to non-communicable diseases (NCDs) in the Caribbean region.

IDLO adds to global discourse on enhancing transparency, accountability and good governance for trade and investment, addressing the New York session of the UN Commission on International Trade Law (UNCITRAL), and participating in a related side-event.

Thought leaders and policy makers discuss the contribution of the rule of law to the realization of food security and other post-2015 equity objectives at an IDLO-organized conference in Rome, under the auspices of Italy's EU Presidency.

SEPTEMBER



IDLO Director-General speaks about good governance, democracy and the rule of law at a high-level side event of the 69th Session of the UN General Assembly.

IDLO recognizes the positive role of indigenous peoples' justice institutions at the World Conference on Indigenous Peoples.

IDLO highlights the importance of women's access to land and justice as critical elements of the achievement of food security - part of the 69th Session of the UN General Assembly.

IDLO participates in an event to explore opportunities for private sector engagement in the post-2015 agenda, stressing the contribution the private sector can make to strengthening the rule of law for the achievement of the SDGs.

OCTOBER



Synthesis of developments in IDLO's program work and post-2015 advocacy, emphasizing the critical role of access to justice in the post-2015 era, is delivered to the session of the Sixth Committee of the UN dealing with the rule of law at the national and international levels.

Participation in the 20th session of the Universal Periodic Review.

NOVEMBER



IDLO Director-General addresses International Conference on Nutrition in Rome (ICN2).

DECEMBER



IDLO co-hosts multi-stakeholder discussion to examine linkages between business, human rights, the rule of law, and the new development paradigm, organized during the 2014 UN Forum on Business and Human Rights in Geneva.

spotlight

RULE OF LAW & THE GLOBAL AGENDA

IN APRIL 2014, IDLO'S CONFERENCE **CONSTRUCTING THE GLOBAL AGENDA: THE RULE OF LAW AS A DRIVER OF CHANGE** SAW JUDGES, LAWYERS, DIPLOMATS, POLICYMAKERS AND ACADEMICS CONVENE AT THE DUTCH FOREIGN MINISTRY TO MARK **THE OPENING OF OUR BRANCH OFFICE IN THE HAGUE.**

The conference explored ways to move the rule of law from the bench to the street. How, participants asked, can the rule of law become a daily reality? How does it further nation building? How do we create a culture of justice, and make it an integral part of the post-2015 development agenda?

"It takes time, integrity and ceaseless commitment to build a democracy where citizens have effective access to the courts," President of the Netherlands' Supreme Court Geert J. M. Corstens said in his keynote address.

In much of the developing world, justice is often lacking. Iranian human

rights lawyer and Nobel Peace Prize Laureate Shirin Ebadi blamed patriarchal cultures for denying it to women and sexual minorities.

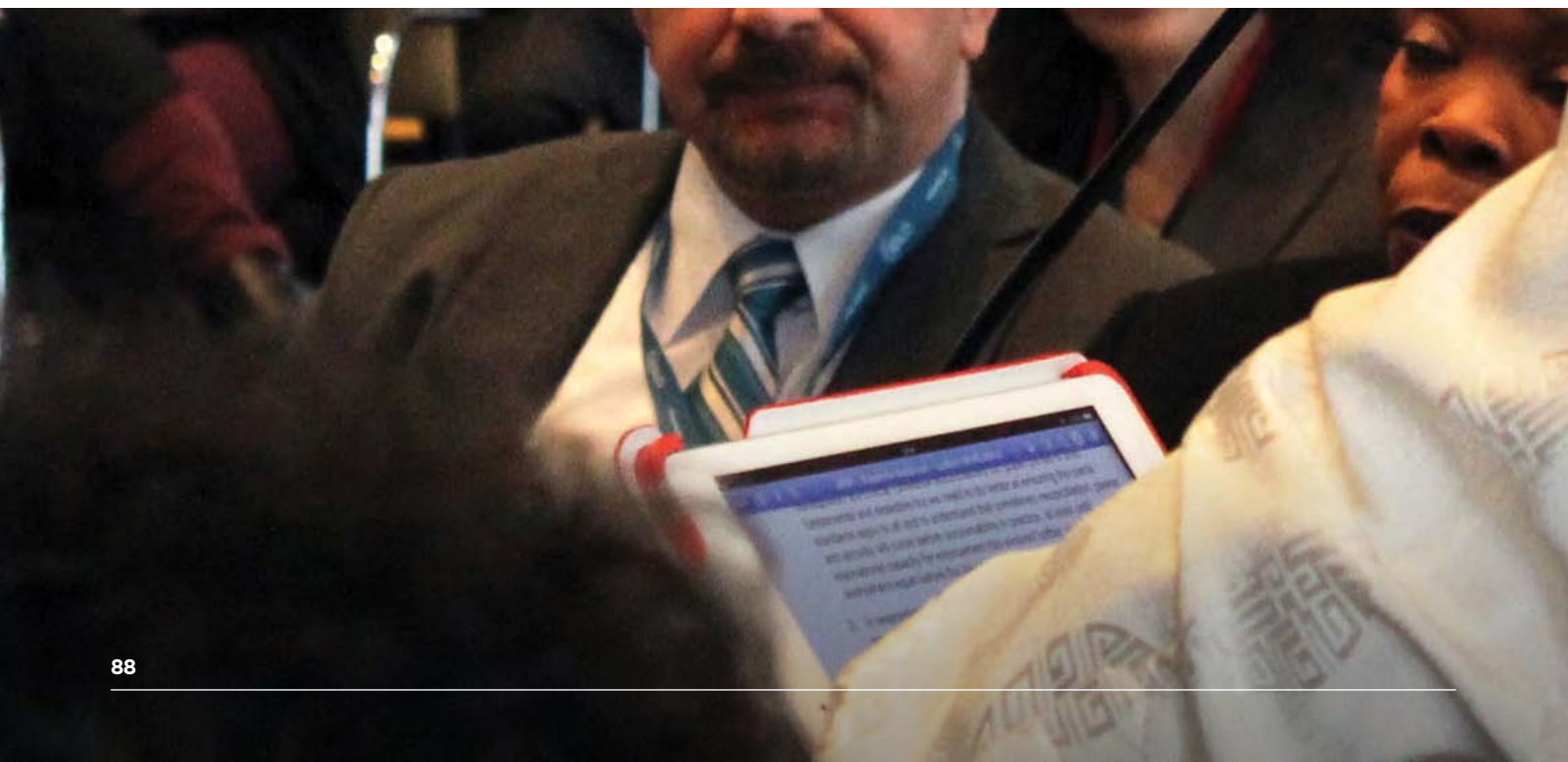
Her presence animated the Gendering Justice panel, which discussed legal barriers for women in accessing formal justice systems, and the ingrained prejudice they face from informal ones.

Opening the Peace, Security and Justice segment of the conference was former President of Timor-Leste, José Ramos Horta. Mr Ramos Horta discussed rule-of-law and nation-building efforts across post-conflict societies. "If you steal a cow, you go to jail," he said, outlining the

challenges. "But if you milk a country of hundreds of millions of dollars, you don't."

The Looking Beyond 2015 segment took in such topics as how to measure the rule of law, its role in transparent procurement, and the creation of green economies and climate justice.

The conference took place as IDLO opened its Branch Office in The Hague. "I am delighted that IDLO has finally become part of The Hague international scene," said Rob Swartbol of the Dutch Foreign Ministry, describing the Organization's arrival as 'another jewel in the crown'.





Strategic partnerships

Memoranda of understanding

Memoranda of understanding set the parameters of co-operation between IDLO and governments, international organizations, UN agencies, regional bodies, professional associations or academic institutions. These agreements allow IDLO to secure a formal basis for a range of activities in a given country or region, to establish a framework for action in a particular program area, or to expand its research, competencies and thought leadership capabilities.

Legal Advice and Legislation Department, Kuwait (May 2014)

Under the MOU, the signatories undertake to cooperate in developing methods for preparing and drafting laws, in researching and studying comparative legislation and international agreements, and in training senior officials and legal staff.

Caribbean Public Health Agency (CARPHA - July 2014)

The MOU targets non-communicable diseases (NCDs). It lays the foundation for research, technical assistance, capacity building and professional networking. (Other IDLO partners in stemming the spread of NCDs in the Caribbean include the Pan-American Health Organization, the Healthy Caribbean Coalition, and legal institutions such as universities and bar associations.)

Constitutional Courts of Ecuador (August 2014) and Peru (November 2014)

The two MOUs reflect IDLO's efforts to broaden cooperation with justice institutions in countries where it has undertaken programs. The agreements with the CCs of both Ecuador and Peru provide for the strengthening of institutional capacity; the development of training programs for judges, judicial and legal

personnel and the general public; the design of communication programs to inform citizens about constitutional issues and CC mechanisms; the sharing of good practices; and the promotion of legal research.

Joint United Nations Programme on HIV/AIDS (UNAIDS)

Under the MOU, IDLO and UNAIDS pledge to co-operate in creating enabling legal environments that support access to health as a human right for vulnerable populations living with HIV/AIDS; in promoting research and publications on best practices, law and policy reform in support of people living with HIV/AIDS; in the delivery of online courses on HIV, law and human rights; and in advocacy and outreach activities in international fora, meetings and policy roundtables.

World Health Organization (WHO - December 2014)

The MOU commits IDLO and the WHO to promoting multi-stakeholder consultations, at the regional and global level, on healthy diets, physical activity and the law. The two organizations also undertake to co-operate in supporting legislation to address emerging public health threats.



interview

'THE RULE OF LAW EQUALS GERMLESSNESS'



OSCAR URVIOLA HANI IS PRESIDENT OF PERU'S CONSTITUTIONAL COURT. HE SPOKE TO IDLO IN NOVEMBER 2014.

IDLO: You have just signed a Memorandum of Understanding (MOU) with IDLO. How do you think IDLO can be of help?

OSCAR URVIOLA HANI: IDLO has the qualified personnel, with a range of experience and expertise that we can adapt to Peru's own realities. This is precisely the type of information flow that the MOU will facilitate. The MOU will also help us build capacity in a fundamental area – that of administering constitutional justice, which is intimately linked to fundamental rights.

IDLO: How would you explain the rule of law to the average Peruvian citizen?

OUH: As asepsis [germlessness] is to the operating theater, so is rule of law to society – a state of cleanliness, of freedom from any of the pathogens that may contaminate the exercise of

fundamental rights. I'm talking about corruption, for example, but also about any state of affairs that can threaten democratic life, and even place it in mortal danger. These situations – corruption, violence, wars and so on – are like viruses. The rule of law is what allows us to maintain democratic life and strengthen it around the world.

IDLO: In a country as socially and ethnically diverse as Peru, how do we ensure that the rule of law doesn't just benefit the middle classes?

OUH: This is a duty that falls not just to the government authorities, but also to us, those who administer justice. The various indigenous groups – not just in Peru, but across Latin America – have distinct understandings of the world, and we are obliged to respect their specific rights. But this must be

done within a rule-of-law system that implies respect for the overall democratic order and recognition that fundamental rights are universal.

IDLO: Peru is a developing country, which is trying to industrialize and promote sustainable development all at once. How can this balance be struck in law?

OUH: This is true, and constitutional justice is very much about relative weighting. The Constitution does recognize all the fundamental rights – but these rights, absolute though they are, are not unlimited. This means that the freedom to carry out industrial and commercial activities – free enterprise, in short – can be limited when its exercise may pose a risk to life, to health, or to natural resources. Vigilant weighing and pondering: that is how we ensure that the environment and human life are not endangered, and sustainable development is guaranteed.





Business & the private sector

Mobilizing for development

The private sector has a crucial role to play in driving growth, maintaining competitiveness, reducing poverty and boosting living standards. A direct beneficiary of improvements in the rule of law, the private sector can in turn fuel a culture of justice by promoting business practices that contribute to sustainable development.

Global Compact

In December, on the margins of the UN Forum on Business and Human Rights in Geneva, IDLO hosted a dialogue between high-level representatives from business, development, diplomatic and academic communities. The aim was to foster an informal and dynamic exchange of views and ideas related to the nexus between human rights, international corporations and business entities within the post-2015 framework. The event was organized in conjunction with the UN Global Compact, and with the co-sponsorship of the Permanent Missions of Italy and Pakistan to the United Nations.

B4RoL

The Global Compact's Business for the Rule of Law (B4RoL) is an international initiative which encourages business to partner with UN agencies in support of the rule of law. In 2014, IDLO became a member of B4RoL's Steering Group, where it helped develop a formal framework for action. The framework guides

companies on ways to bolster the rule of law that complement (rather than substitute) government action – for example, by helping automate birth registries, creating international legal databases, etc.

Joining the dots of prosperity

In September, IDLO was invited, alongside other organizations and private companies, to participate in an event organized by the Global Business Alliance, the International Chamber of Commerce and the United States Council for International Business. Titled Practical Private Sector Engagement in the UN Post-2015 Development Agenda, the New York event saw IDLO join business representatives in highlighting the contribution of the private sector to the achievement of sustainable development. In recognition of our theoretical input and field work, we were also asked to moderate the debate on good governance, economic empowerment, infrastructure and innovation.



© istock_oleg b

Governance





© Roberto Apa

IDLO was established as an inter-governmental organization in 1988 through an international treaty, the Agreement for the Establishment of the International Development Law Organization. The Depository of the Establishment Agreement is the Government of Italy. IDLO's membership is comprised of states and intergovernmental organizations.




























The governance structure consists of the Assembly of Parties, including all Member Parties, a Standing Committee, an Audit and Finance Committee and an expert Board of Advisers.

The Assembly of Parties is IDLO's highest decision-making body. It is composed of Representatives of all Member Parties, which are signatories to the Establishment Agreement of IDLO. It convenes in Rome at least once a year.

The Assembly of parties elects a President and Vice-President for a three-year term of office, which can be renewed after a vacancy of three years. (Italy, where the Organization is headquartered, is Vice-President *ex officio*.)

The members of the Committees and the Board of Advisers are also elected by the Assembly.

Member Parties

-  **Afghanistan**
-  **Australia**
-  **Austria**
-  **Bulgaria**
-  **Burkina Faso**
-  **China**
-  **Ecuador**
-  **Egypt**
-  **El Salvador**
-  **France**
-  **Italy (Vice-President *ex officio*)**
-  **Jordan**
-  **Kenya**
-  **Kuwait (Vice-President)***
-  **Mozambique**
-  **Netherlands**
-  **Norway**
-  **OFID**
-  **Paraguay**
-  **Peru**
-  **Philippines**
-  **Romania**
-  **Senegal**
-  **Sudan**
-  **Tunisia**
-  **Turkey**
-  **USA (President)***

Board of Advisers

The Board of Advisers is currently composed of:

H.E. Ertuğrul Apakan

Ambassador, Chief Monitor of the OSCE Special Monitoring Mission to Ukraine, Former Permanent Representative of Turkey to the United Nations

Prof. Cristiana Carletti

Associate Professor of Public International Law, University Roma Tre, Rome, Italy

Prof. Stefan Hammer

Professor of Public Law and Legal Philosophy, University of Vienna, Vienna, Austria

Prof. Patricia G. Kameri-Mbote

Professor of Law, Strathmore University, Nairobi, Kenya

Ms. Hongxia Liu

Chief Operating Officer (COO) and Associate Vice Chancellor, New York University, Shanghai, China

Prof. Makau W. Mutua

Dean and SUNY Distinguished Professor, Buffalo Law School, The State University of New York, Buffalo, NY, USA

Prof. Jan Michiel Otto

Director, Van Vollenhoven Institute for Law, Governance and Development, University of Leiden, The Netherlands

Mr. Pascal Roux

Partner, Watson, Farley & Williams, Paris, France

Mr. Daniel Rowland

Law and Development Advisor, University of Sydney, Sydney, Australia






Dr. Hanno Scheuch

Senior Counsel, OPEC Fund for International Development, Vienna, Austria






“It is hard to think of anything in the news that doesn’t have relevance to what IDLO does.”

David Lane, US Ambassador to the UN Agencies in Rome, outgoing President of IDLO

Audit and Finance Committee (to November 2014)*

-  **Netherlands**
Chair
-  **China**
-  **Jordan**
-  **Kenya**
-  **Philippines**

Standing Committee (to November 2014)*

-  **USA**
President
-  **Italy**
Vice-President *ex officio*
-  **Kuwait**
Vice-President
-  **Netherlands**
Ad-hoc Member
-  **Peru**
Ad-hoc Member

Chair of the Board of Advisers

Vice-Chair of the Board of Advisers

*For the results of 2014's elections see next page



© IDLO

spotlight

ASSEMBLY OF PARTIES

IN NOVEMBER 2014, IDLO'S **ASSEMBLY OF PARTIES** SAW MEMBER PARTIES NOTE THE **GOOD PROGRESS** MADE ON BOTH **SUBSTANTIVE AND ORGANIZATIONAL GOALS**.

The comments were contained in the Resolution which emerged from the Assembly, held in Rome's historic City Hall, the Campidoglio. In elections to IDLO's governing bodies, Kuwait took the helm as Assembly President (the first country from the Global South to fill the role), while the US was elected Vice-President. Mozambique joined the Netherlands on the Assembly's Standing Committee, while China, France, Kenya, the Netherlands and Romania were voted onto the Audit and Finance Committee. Alongside the United States, Italy, as IDLO's host nation, remained its

Vice-President *ex officio*.

The Assembly also witnessed Yemen being approved to join IDLO as a Member Party and heard Pakistan say it planned to follow suit. Finally, Sweden announced that it would shortly enter a multi-year funding agreement with IDLO, following a positive assessment of the Organization's finances and business processes.*

*The multi-year funding agreement became a reality as this Report went to press.

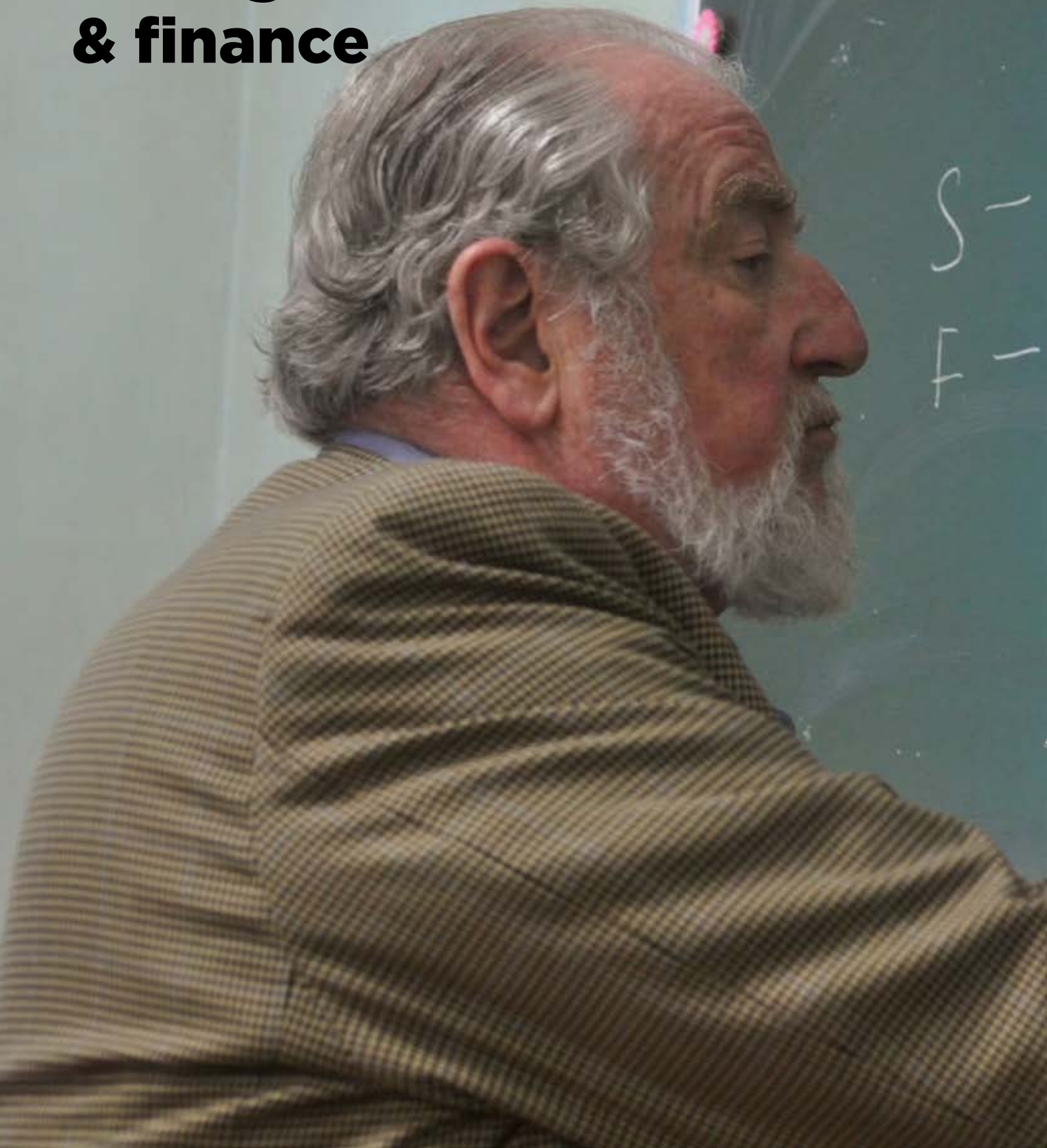
“Kuwait’s election to the Presidency marks a milestone in our relationship. We are honored and committed to provide our full support to IDLO.”

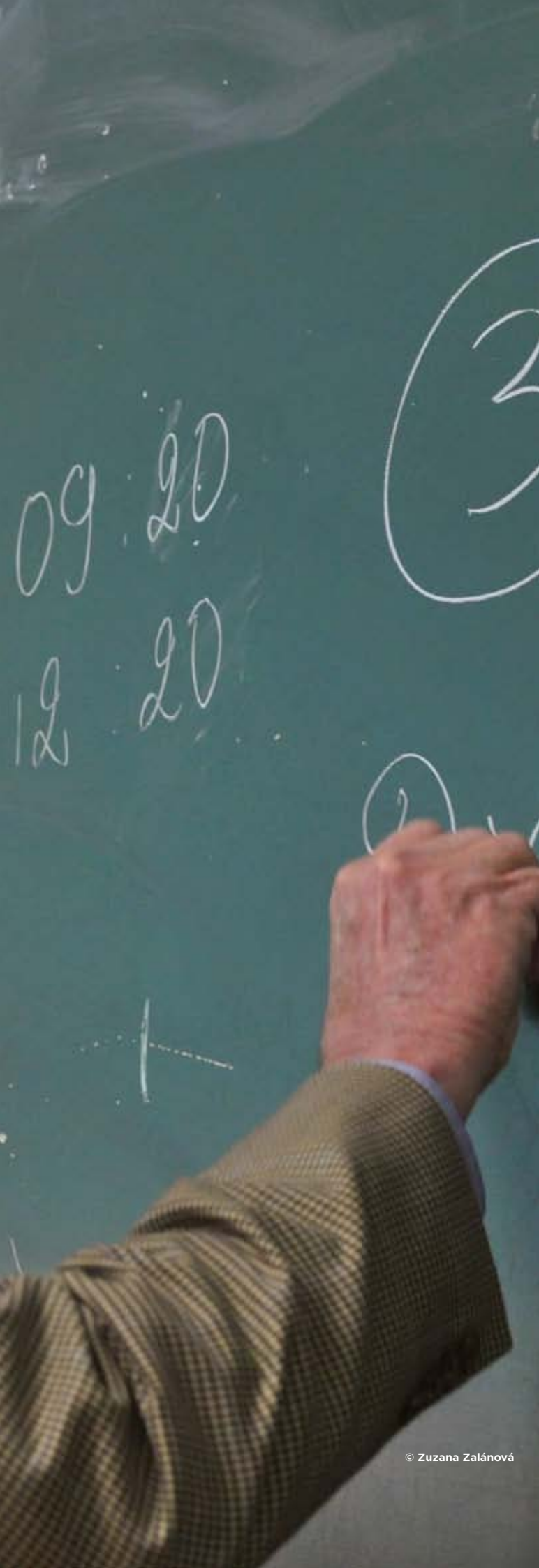
Nawaf A. Al-Mahamel, Legal adviser of the Kuwait Fund for Arab Economic Development, Representative of Kuwait's Ministry of Foreign Affairs





Management & finance





“While focusing on strengthening systems, structure and staff competencies, we will strive simultaneously to foster an organizational culture open to new ways of working, and one that re-energizes IDLO’s well-established core strengths: creativity, audacity, agility, a hunger for excellence ... and an unwavering passion to make the world a better place.”

IDLO Strategic Plan 2013 – 2016

Management & operations

We aim to be externally focused, accountable and transparent, better linked to the communities we serve, more connected to our partners.

In 2014 we continued to transition from a centralized organization to one that is more flexible, networked and field-oriented. As part of this strategy, we launched a two-year Continuous Improvement Program (CIP) to step up institutional and workforce effectiveness and accountability.

With a view to improving the organizational support of programs in the field, we undertook a management review of our largest operation, in Afghanistan. The report was shared with all in-country managers and staff. All recommendations have been fully implemented. The opening of our Branch Office in The Hague was a milestone. We are building it up as the central repository of our research, learning and legal expertise, as well as our program development capacity, which we will use strategically to pursue new programs and initiatives globally.

Thanks to the generosity of our donors, 2014 was marked by significant growth in both unrestricted and earmarked funds, which we invested in scoping and designing new programs, as well as carrying out institutional improvements. We strengthened our program development and management capacity with dedicated staff, funds for field presence and scoping missions, better internal procedures for identifying and screening opportunities, and improved monitoring and reporting.

The Swedish International Development Cooperation Agency (Sida) carried out an organizational assessment of IDLO. This culminated with an announcement by Sweden that it would enter into a multi-year partnership agreement with IDLO in 2015.

Evaluation & accountability

In 2014, we concentrated on enhancing evaluation methodology, including through the introduction of 'theory-based' evaluations, carried out by external expert teams.

Theory-based evaluations are assessments designed around the reconstruction of a project's or program's Theory of Change – a concept setting out activities, outputs, outcomes, and different levels of expected impacts (i.e. the results chain). Theory-based evaluations are what allows us to formulate focused evaluation questions and develop qualitative and quantitative indicators.

IDLO Evaluation Questions are guided by the standard OECD (DAC) criteria: Relevance, Efficiency, Effectiveness, Impact and Sustainability. A specific criterion of 'IDLO Value Added' is also incorporated.

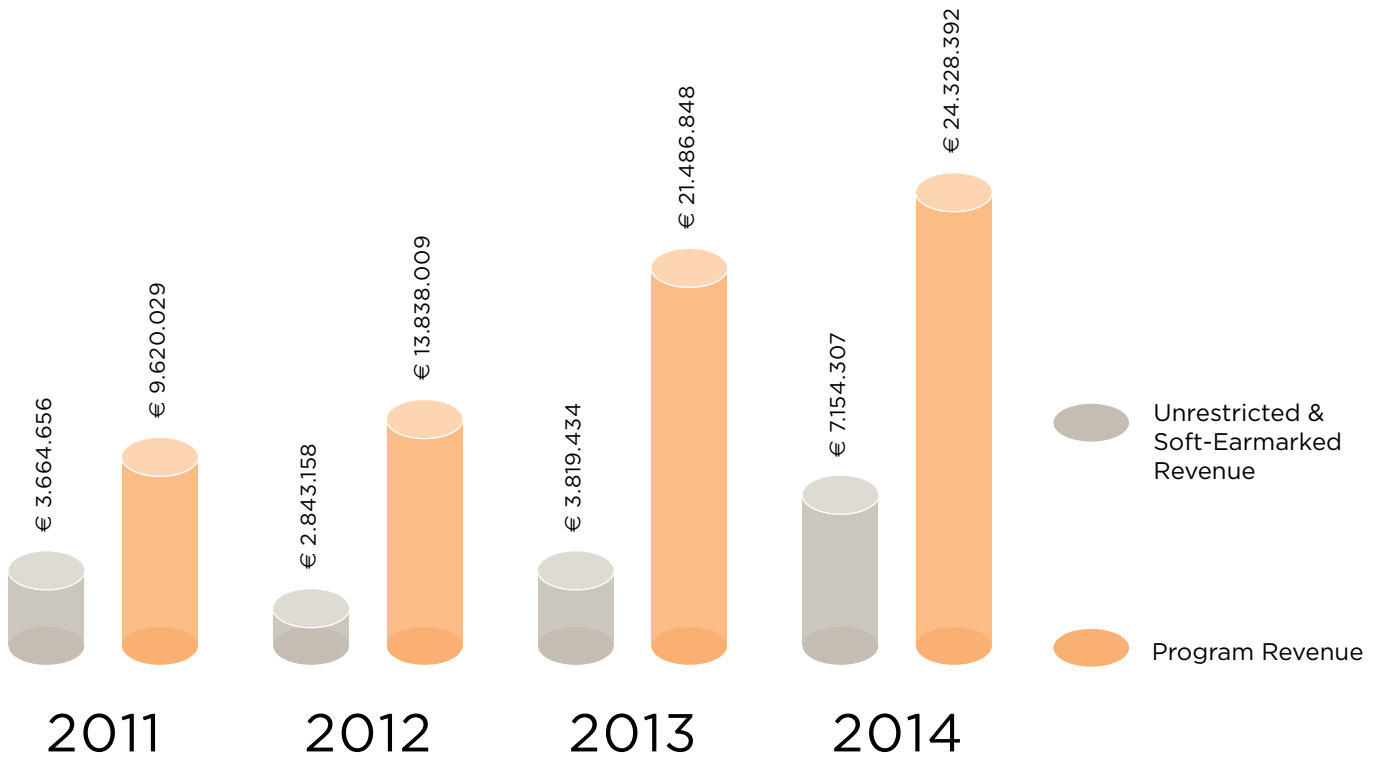
As this Report went to press, the following theory-based evaluations were being designed and/or implemented at IDLO:

- Evaluation of Commercial Law Judicial Capacity Building Project in Mongolia - Phase I and II, IDLO/EBRD (draft Final Evaluation Report produced)
- Evaluation of IDLO/EC project Enhancing the Capacity of the Judiciary of South Sudan (draft Final Evaluation Report produced)
- Evaluation of Implementation of Commercial Law Judicial Training Program in Tajikistan, IDLO/EBRD (desk phase)
- Evaluation of IDLO/DANIDA projects aimed at Supporting Constitutional Processes in Kenya (structuring phase)

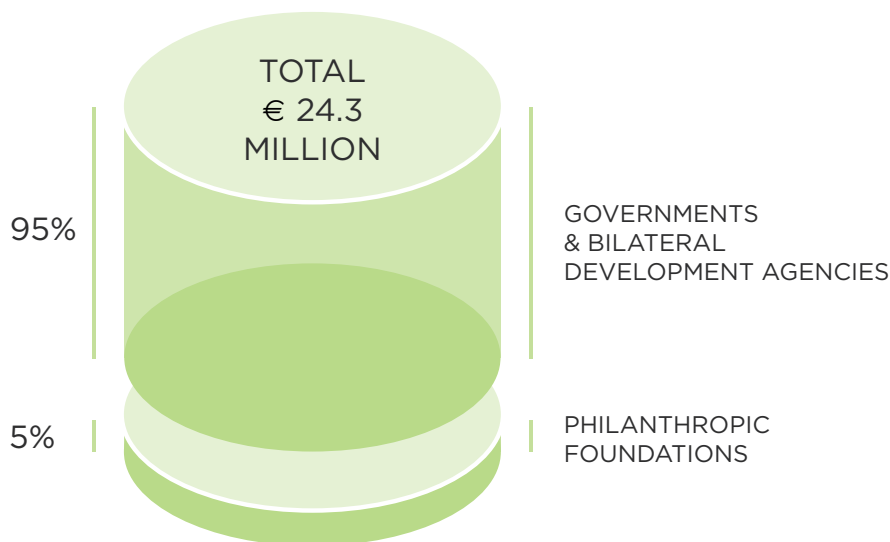
Financial & donor data

IDLO's 2014 full financial statements are available online at idlo.int/about-idlo/funding-and-performance

Unrestricted, soft-earmarked & program revenue

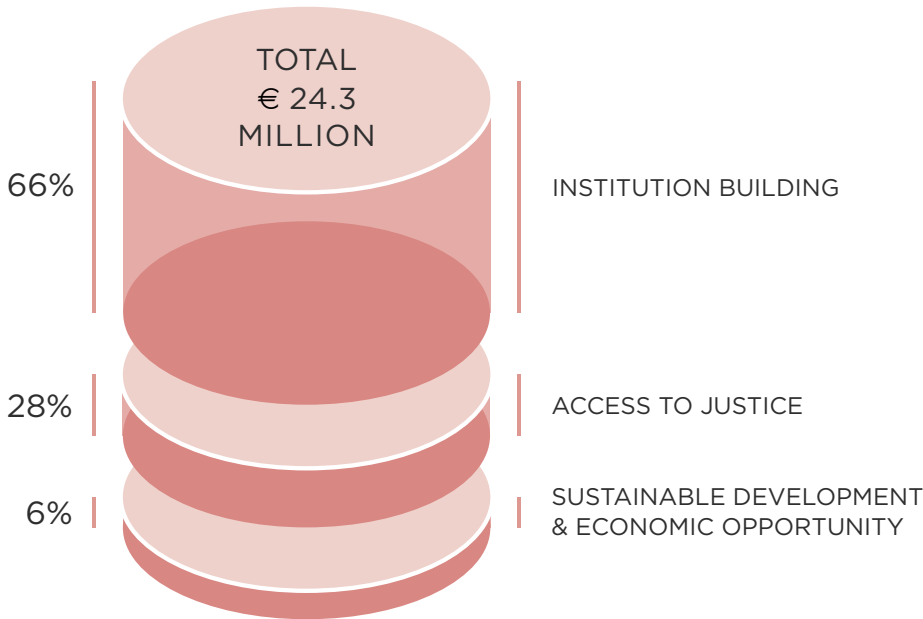


Unrestricted & soft-earmarked revenue by donor category

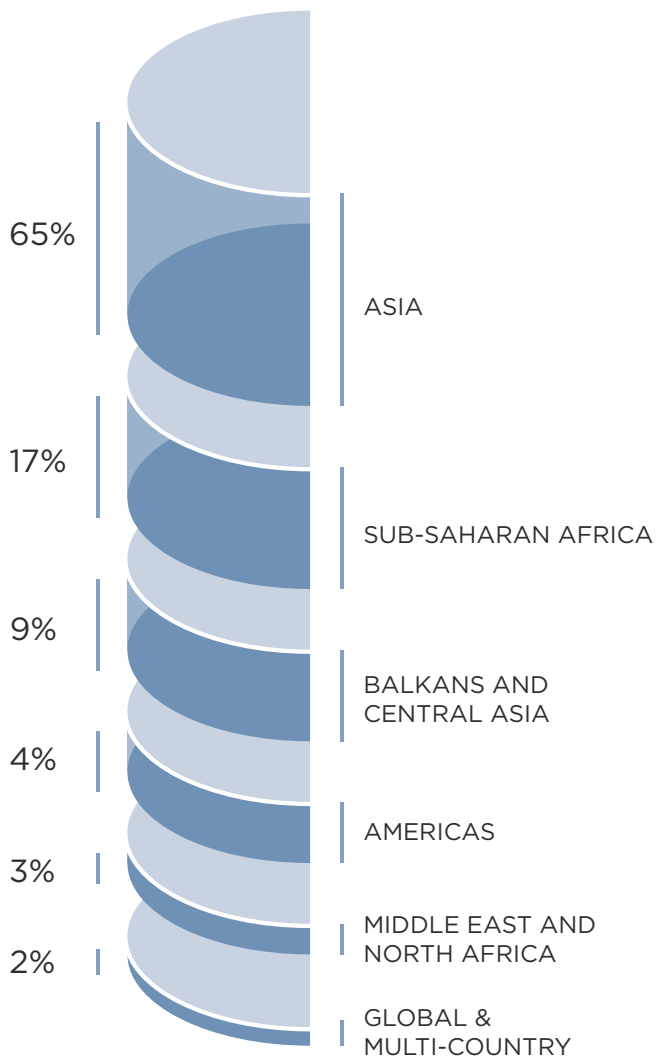


Financial & donor data continued

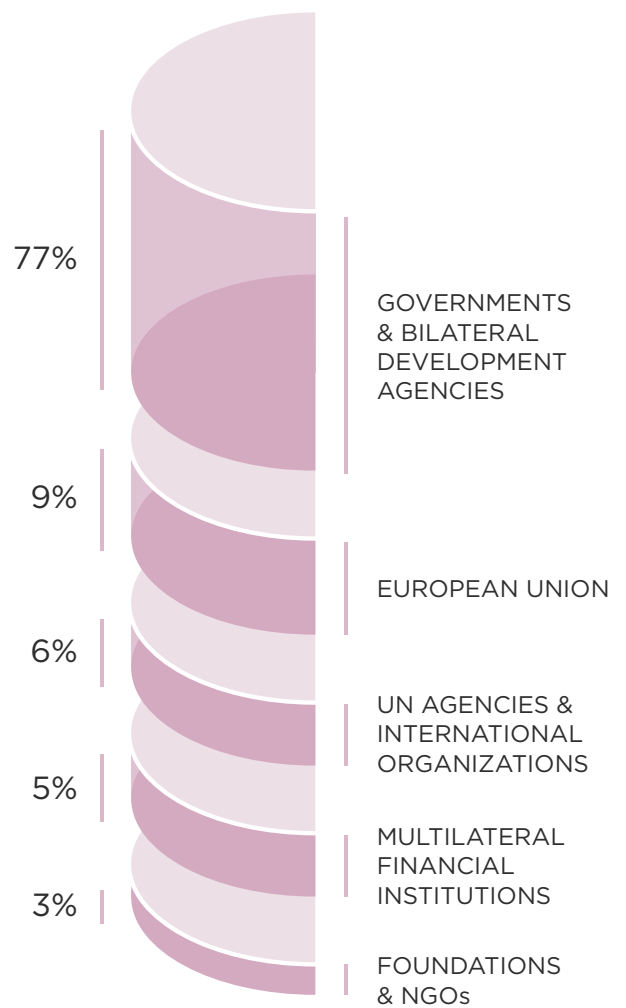
Program implementation by strategic goal



Program implementation by region



Program revenue by donor category



In 2014, the donors to IDLO were:

- Bill and Melinda Gates Foundation
 - Center for International Forestry Research (CIFOR)
 - European Bank for Reconstruction and Development (EBRD)
 - European Union
 - Ford Foundation
 - Government of Australia
 - Government of China
 - Government of Denmark (DANIDA)
 - Government of Finland
 - Government of France
 - Government of Germany (GIZ)
 - Government of Ireland
 - Government of Italy
 - Government of the Netherlands
 - Government of the Philippines
 - Government of Switzerland
 - Government of the United Kingdom (DFID)
 - Government of the United States of America (US Department of State, INL & USAID)
 - International Organization for Migration (IOM)
 - Kuwait Fund for Arab Economic Development
 - OPEC Fund for International Development
 - UN Convention on Biological Diversity (UN CBD)
 - United Nations Development Programme (UNDP)
 - UNAIDS
 - United Nations Children's Fund (UNICEF)
-
- APCO Worldwide (pro bono)
 - White & Case LLP (pro bono)



HEADQUARTERS
International Development Law Organization (IDLO)
www.idlo.int | idlo@idlo.int | @IDLOnews
Viale Vaticano, 106 | 00165 | Rome | Italy
Tel: +39 06 40403200 Fax: +39 06 40403232

Office of the Permanent Observer
Uganda House | 336 East 45th Str.
11th floor | New York | NY 10017 | USA
Tel: +1 212 867 9707
NewYork@idlo.int

Branch Office
Hofweg 9E | 2511 AA
The Hague | The Netherlands
Tel: +31 070 240 0870
TheHague@idlo.int

Permanent Delegation to the UN
23 Avenue de France
CH-1202 | Geneva | Switzerland
Tel: + 41 22 734 41 40
Geneva@idlo.int

