

ANNUAL REPORT 2016



IDLO's Vision of the Rule of Law

Our vision and mission are founded on the notion of the rule of law as embodying both substantive justice and good governance, as well as procedural fairness.

The rule of law is about rules, institutions and norms, the overall purpose of which is to regulate relations between state and individuals and among members of society, constrain the arbitrary exercise of power and ensure a just process.

The rule of law is also about equal protection. Affirming legal equality and impartial justice, the rule of law is concerned with the integrity of institutions and good governance.


Most importantly, the rule of law is about safeguarding rights. The rule of law protects not only procedural rights through legal supremacy, certainty and due process, but also important substantive rights through an independent and impartial judiciary and laws consistent with international human rights standards. In many

countries of the world, the rule of law operationalizes human rights through constitutional and legal protections, institutions for effective implementation and accountability, judicial and administrative remedies, and the legal empowerment of people to access justice and claim their rights.

The rule of law is relevant to all three dimensions of sustainable development: economic, social and environmental. By ensuring stable and transparent legal regimes, the rule of law promotes economic development. By ensuring equal opportunity and equitable access to basic services, it promotes social development. By strengthening the legal framework to protect the environment and set regulatory frameworks for natural resource management that provide fair and sustainable development outcomes, it advances the environmental dimension of development.

Strategy 2020

IDLO's Strategic Plan 2017 – 2020



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.

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Former Justice, Constitutional Court of South Africa



Muhammad Yunus

Nobel Peace Laureate, Chairman of Yunus Centre and Founder of Grameen Bank



IN MEMORIAM

Miriam Defensor Santiago, senator and former judge of the Philippines and member of IDLO's International Advisory Council, passed away on September 29, 2016, after a long illness.

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Irene Khan

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Irene Khan

IDLO Director-General

Dear friends,

2016 was a year of unrest and disruptive change around the world. International law, human rights and humanitarian principles came under renewed pressure from entrenched conflicts, violent extremism, rising authoritarianism, and xenophobic trends. Marginalized and poor people - refugees, migrants, minorities, women, children, those living with disabilities - paid a heavy price because institutions were mismanaged or too weak, laws were outdated or manipulated, and calls for accountability and respect for the rule of law often went unheeded.

This volatile and challenging context formed the backdrop to our work in 2016, and brought to a close IDLO's 2013 - 2016 Strategic Plan, a period during which we experienced significant growth and achievement, change and challenge. The past year also marked the first year of implementation of the 2030 Agenda for Sustainable Development, which acknowledges that development can be sustainable only if it is grounded in good governance, access to justice and the rule of law.

The 2016 Annual Report covers the three thematic pillars of IDLO's 2013- 2016 Strategic Plan:

- building effective legal institutions;
- ensuring access to justice; and
- promoting legal solutions to advance economic opportunity and sustainable development.

The Report highlights the geographic expansion of IDLO's programs. Stretching from Kenya to Kyrgyzstan, Mali to Mongolia, and Honduras to Indonesia, IDLO is now operating in over thirty countries on four continents. This organizational growth is both a reflection of the greater demand for rule of law assistance as well as a recognition of IDLO's successful contribution to that endeavor.

Most of IDLO's work on institution-building was carried out in transitional, fluid, fragile or post-conflict situations, where we sought to build or reform justice sector institutions through capacity development and technical assistance.

Among our key achievements was the completion of a three-year long program in Afghanistan to strengthen the skills of some 9000 investigators, prosecutors, defenders and judges and build the capacity of the respective criminal justice institutions to carry out their own training in future.

Participation and local ownership are key to successful institution-building. The independent evaluation of IDLO's work in Kenya confirmed that we followed a demand-driven model to respond to requests from the executive and the judiciary, and contributed to the critical processes of constitutional devolution, legislative reform and judicial transformation. In our effort to enhance local participation, in Mali we used innovative programming approaches to engage both formal state institutions and local, community based entities in the criminal justice chain to identify gaps and to address them. In Ukraine, we launched a new program to support local partners to build institutions to fight corruption and to provide public services in more accessible, transparent and accountable ways.

While institution-building is state-centric, access to justice, the second pillar of IDLO's Strategic Plan, is people centered. Our most impressive achievement in this area has been enhancing women's access to justice. Based on our first ever gender strategy, adopted in 2014, we expanded our programs on women and girls. Working with a wide range of actors, from judges, prosecutors and government officials to community leaders and women's groups, we contributed to the fight against gender-based violence, inequality and discrimination in countries as varied as Afghanistan, Kenya, Honduras, Liberia, Mongolia and Somalia. Engaging with informal justice systems to address discrimination against women, in 2016 we piloted a project in Burundi to protect women's access to land.

While we are proud of what has been achieved, we are acutely aware of entrenched patriarchal and traditional values, fragile security, debilitating poverty and inadequate political will that constrain progress for women and girls in many of the countries where we operate.

An important aspect of our access to justice work has been to bring together service providers and organizations representing justice seekers so that people can be empowered to claim their rights and institutions can be more responsive. A key example was our program in Honduras where we supported institutions and civil society groups to work

together to reduce homicide and improve access to justice for women, children and youth. Another example was in Myanmar, where, in partnership with UNDP, we established Rule of Law Centres to increase awareness of legal rights and build trust between citizens and state officials.

The third pillar of our work – promoting sustainable development through the rule of law – focused on strengthening legal and judicial capacity on commercial law, particularly in Eastern Europe, Central Asia and the Mediterranean regions, and strengthening legal understanding of biodiversity, with a focus on the Nagoya Protocol.

The 2016 Annual Report highlights our increased collaboration with international, regional and national actors. Our most important partnership-building initiative was a major pan-African multi-stakeholder conference, which we co-hosted, together with the Tanzanian Ministry of Foreign Affairs, in Dar es Salaam in June 2016. Bringing together a hundred participants, including African Ministers of Justice, senior government officials, judges, lawyers, scholars, practitioners and representatives from civil society, it generated a frank debate on the challenges and opportunities in the justice sector in Africa and led to concrete proposals for collaboration with IDLO, which we are actively following up.

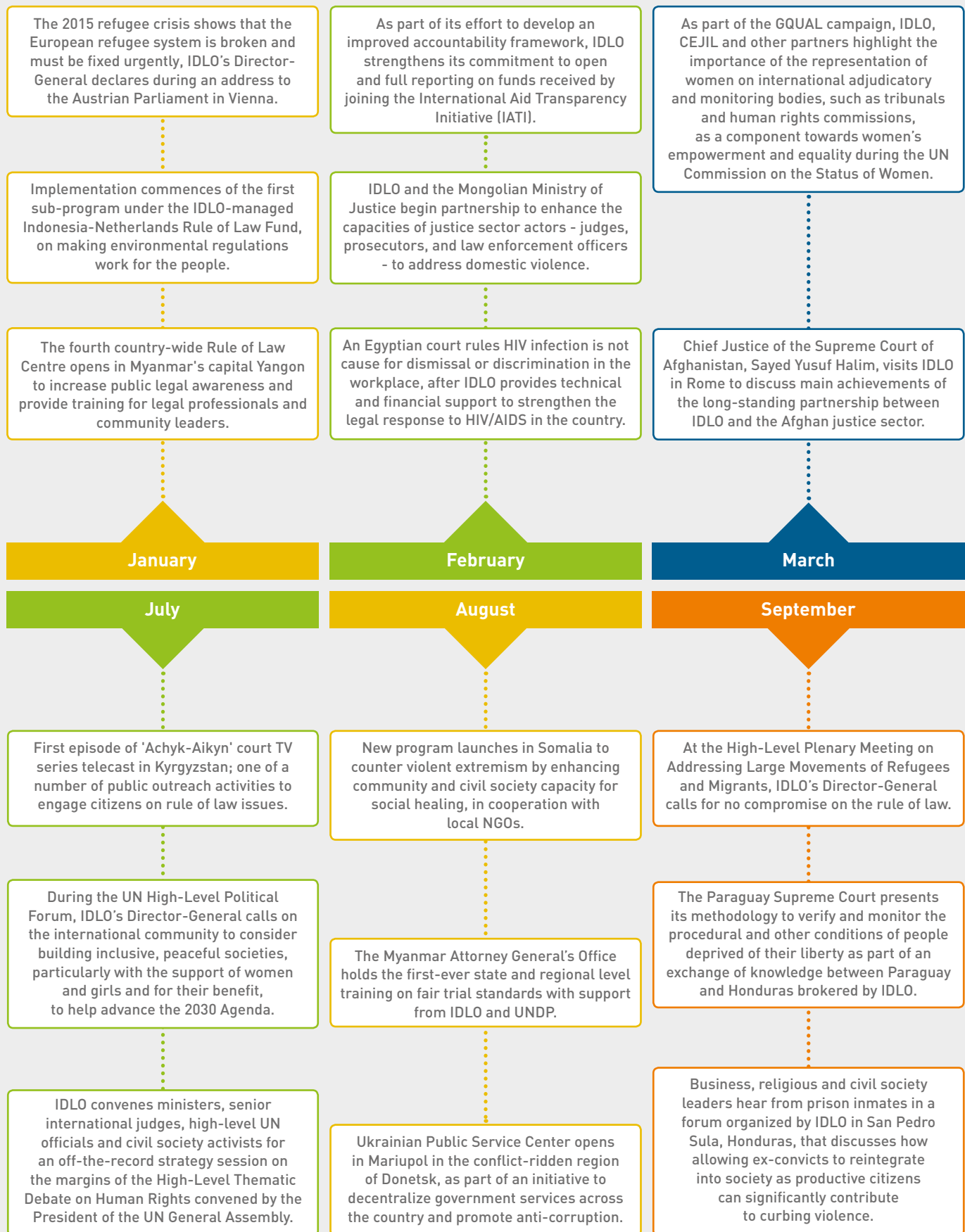
The growth of IDLO's programs, research and advocacy in 2016 underlined the need to strengthen operational capacity and enhance the efficiency, effectiveness and accountability of the organization. A major achievement in this respect was the completion of the Independent Management Review and rapid implementation of the recommendations flowing from it. We believe that thanks to such reforms, we are in a better position to broaden our donor base, expand our resources and put IDLO on a more stable financial footing for the future.

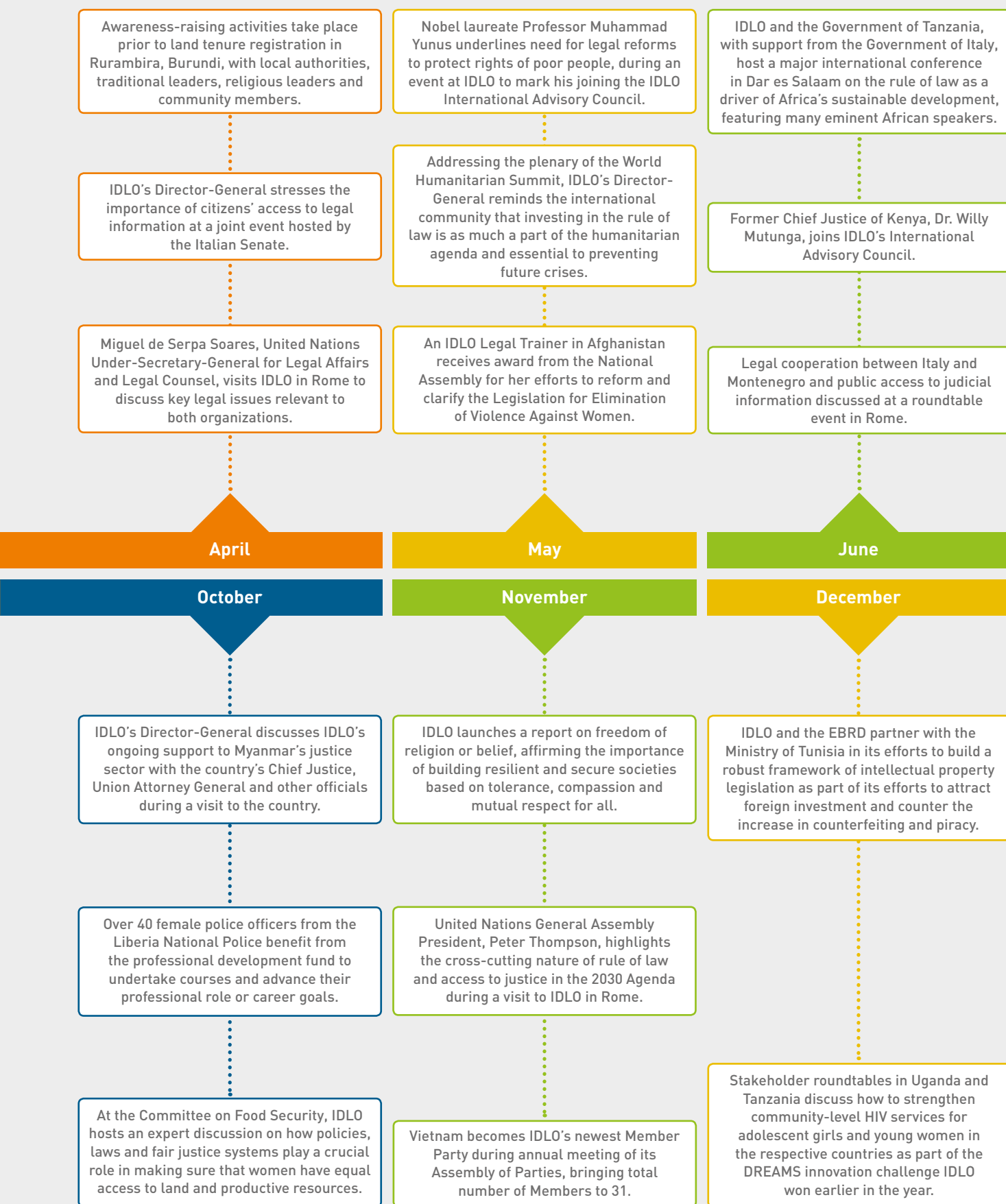
Thanks also to the resilience, creativity and commitment that my colleagues continued to display through the many challenges we faced and overcame this past year, IDLO today is better prepared to face the next phase of our journey as we embark on our next Strategic Plan 2017 – 2020 (Strategy 2020).

Strategy 2020 maps out clearly IDLO's contribution to the 2030 Agenda for Sustainable Development. It reinforces our commitment to empower people to realize their rights and ensure that laws and institutions are fair, effective and accountable. It articulates the changes we will instigate, with our partners and other stakeholders, to combat discrimination and enhance social inclusion, empower civil society and justice seekers, strengthen the capacity and integrity of institutions to deliver justice and promote sustainable development. My colleagues and I are energized by the opportunities that lie ahead and encouraged by your support. We look forward to working with you to build inclusive, peaceful societies based on the rule of law and a culture of justice.

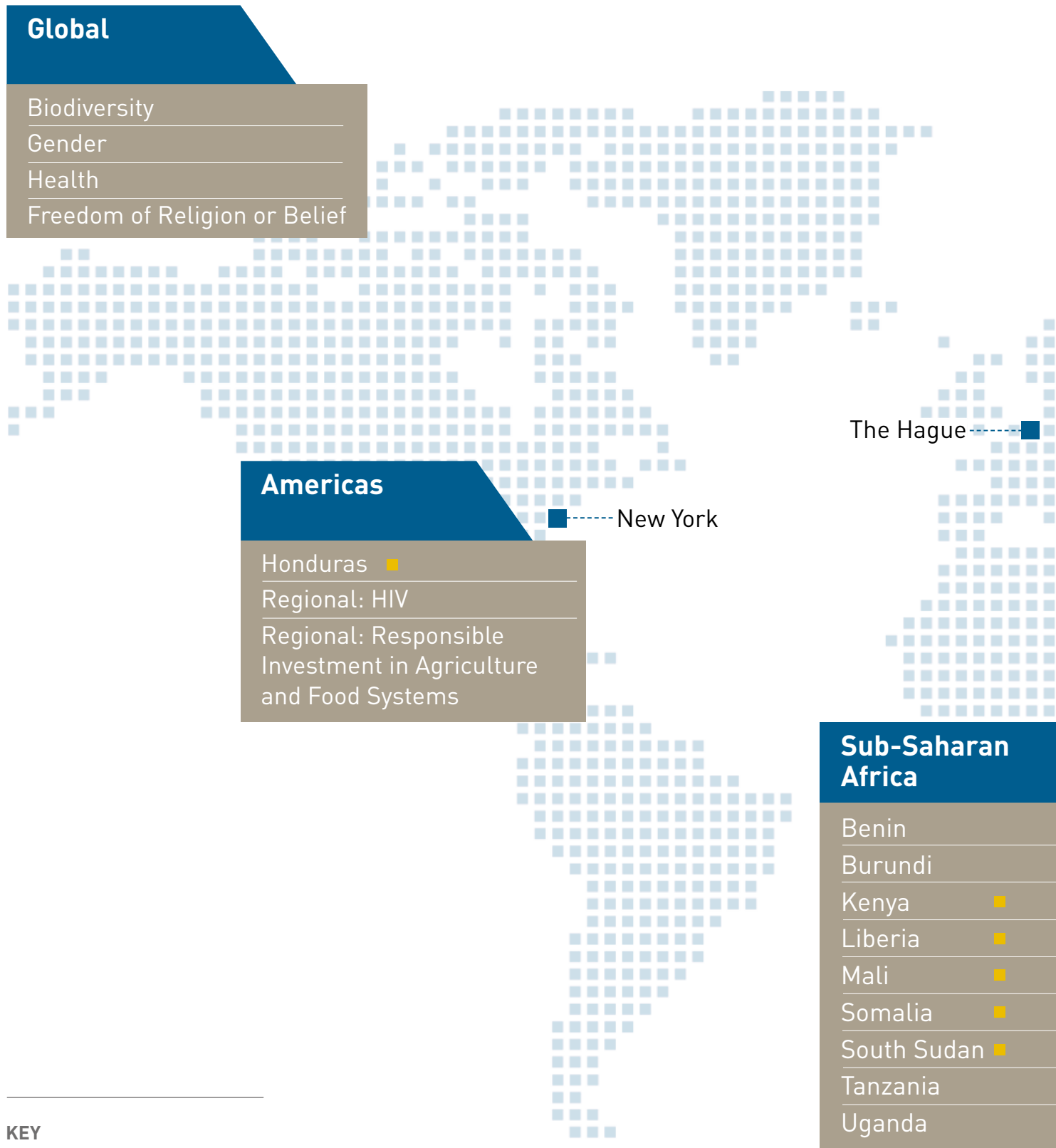


2016 at a glance





IDLO at a glance



Eastern Europe and Central Asia

Kyrgyzstan ■

Mongolia ■

Montenegro

Tajikistan ■

Ukraine ■

Geneva

Rome

Middle East and North Africa

Egypt

Jordan ■

Kuwait

Tunisia ■

Regional: HIV

Asia

Afghanistan ■

Indonesia ■

Myanmar ■

Philippines ■

Goal 1: Institution Building

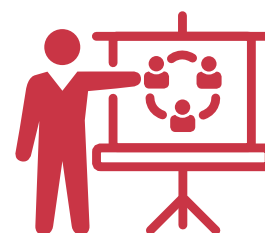
Increasing legitimacy and public confidence in institutions

Fair, effective and accountable institutions are the lifeblood of the rule of law. IDLO works to build legal and judicial institutions in countries recovering from conflict and moving towards democracy.

Afghanistan | Honduras | Kenya | Kyrgyzstan | Mali | Myanmar
Philippines | Somalia | South Sudan | Tunisia | Uganda | Ukraine

Afghanistan

IDLO successfully concluded its largest ever program, the Justice Training Transition Program (JTTP). Over a 3-year period the program trained over **9,000 participants** working in Afghanistan's justice sector - 14% of them women - and **transferred ownership of training capacity to national justice institutions.**



Kenya

IDLO provided technical assistance to reform laws on **land, environment and natural resource management.** IDLO also supported judicial reform and the development of the judiciary's **electoral disputes resolution process** ahead of the 2017 elections.



Kyrgyzstan

IDLO is working to **strengthen the judiciary** through comprehensive training for judges at the Judicial Training Center, which assisted 120 newly appointed judges who had no prior judicial training.



Somalia

Less than 30% of Somalis turn to the formal justice system to resolve a dispute. As part of its work to support Somali **traditional dispute resolution**, IDLO trained elders on human rights and national law. IDLO also supported the Somali legal community and the Ministry of Justice.



Ukraine

IDLO supported the **fight against corruption** by providing technical assistance to key institutions, working with local authorities to open one-stop Public Service Centres for citizens, and strengthening civil society organizations to seek **accountability.**



Goal 2: Access to Justice

Empowering individuals and communities

Justice is vital to secure rights and dignity for all. Yet many around the world – the poor, women, children and youth, migrants, ethnic and sexual minorities – struggle to access it.

Afghanistan | Benin | Burundi | Honduras | Indonesia | Kenya | Kyrgyzstan | Liberia
Mali | Mongolia | Myanmar | Tanzania | Tunisia | Uganda | Regional: Americas and
Middle East and North Africa (HIV) | Global: Freedom of Religion or Belief

Afghanistan

IDLO's program strengthened the capacity of specialized prosecution units to combat **gender-based crimes** and supported women's shelters and a nation-wide **legal aid network**. In 2016, special prosecution units for the Elimination of Violence Against Women expanded to all **34 provinces**.



Egypt

In February 2016, after lawyers received technical and financial support from IDLO, an Egyptian court ruled that **HIV infection** was not grounds for dismissal or discrimination in the workplace, a **landmark decision** for Egypt and the Arab region.



Honduras

IDLO's program to **reduce violence and homicides** in San Pedro Sula, in partnership with Honduran institutions and civil society groups, is working to improve **access to justice** for some of the most vulnerable sectors of society, including women, children and people in detention.



Liberia

IDLO launched a project to strengthen accountability for **sexual and gender-based crimes** by enhancing court efficiency, transparency and accountability, and improving **access to justice** and **protection mechanisms for survivors**.



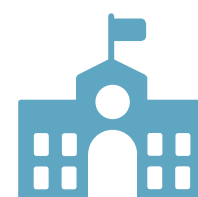
Mali

IDLO is working on justice sector and institutional reform to **strengthen the criminal justice chain**. Facilitating **local ownership** of stakeholders in Gao, Mopti, Timbuktu and Segou districts, IDLO helped them to identify and diagnose the problems and agree on the priorities and work to be developed for each region.



Myanmar

IDLO partnered with UNDP to establish four Rule of Law Centres to enhance **access to justice**. The Centres trained 802 lawyers and civil society representatives, increasing awareness of rule of law principles and rights. Public outreach and training activities reached over **3,000 participants** to build dialogue on **local justice issues**.



Goal 3: Sustainable Development and Economic Opportunity

Promoting fair and sustainable development outcomes

The rule of law provides legal certainty for economic development and offers a sound basis for sustainable development.

Burundi | Jordan | Kenya | Kuwait | Kyrgyzstan | Mongolia | Montenegro | Somalia | Tajikistan | Tunisia | Regional: Americas (responsible investment in agriculture and food systems) | Global: Biodiversity

Burundi

IDLO's assessment of a major land title registration program underway in parts of the country found that over 60% of women in the area are failing to register their **customary land rights**. IDLO has developed an innovative outreach program to engage female leaders to help secure the registration of **women's land rights**.



Global Biodiversity

IDLO supported governments to **mainstream biodiversity** issues into national policies. It launched 8 new e-learning modules to train lawyers on the Nagoya Protocol and support **national capacity building**.



Kuwait

IDLO assisted the Government of Kuwait to translate, interpret and **enhance accessibility** - in English - of all Kuwaiti laws related to **economic, commercial, and investment** activities.



Kyrgyzstan

IDLO carried out a comprehensive needs assessment of the Kyrgyz system of **court decision enforcement** in commercial law cases. The research resulted in recommendations to inform future work and design strategies to strengthen court decision enforcement in the country.



Mongolia

IDLO, in partnership with the European Bank for Reconstruction and Development, helped increase the capacity of over **200 bailiffs** to effectively address key issues in resolving **commercial disputes** in Mongolia, including cases relating to **mining licenses, insolvency of legal entities and joint ownership of property**.



Policy and Thought Leadership

Generating and sharing knowledge

IDLO champions the rule of law, combining research and analysis grounded in operational experience with its advocacy and multi-stakeholder outreach.

2030 Agenda

IDLO promoted the rule of law as a key enabler of sustainable development across all **SDGs** through its engagement at the UN General Assembly, the High Level Political Forum, ECOSOC and the Inter-agency and Expert Group on SDG Indicators.



Africa Initiative

In cooperation with the Government of Tanzania, IDLO organized a conference bringing together government, civil society, academic and private sector participants on **Achieving the 2030 Agenda and Agenda 2063: Rule of law as a driver for Africa's sustainable development** with a view to future partnership possibilities with African stakeholders.



Food

IDLO's new policy brief, **Women, Food, Land: Exploring Rule of Law Linkages**, explores how policies, laws and fair justice systems play a crucial role in global food security by making sure that women have equal access to land and productive resources. Diverse stakeholders discussed the findings at the Committee on World Food Security.



Human Rights

IDLO participated actively at the UN Human Rights Council, including in the development of the first **Human Rights, Democracy and Rule of Law Forum** further establishing IDLO as a key player on rule of law and human rights discussions in Geneva.



Freedom of Religion

IDLO launched a report **Freedom of Religion or Belief and the Law: Current Dilemmas and Lessons Learned** contributing to the public debate on the critical importance of religious tolerance in furthering respect for other human rights, and in building rule of law-based peaceful and inclusive societies



People on the move

At the World Humanitarian Summit, the UN Summit on Refugees and Migrants and other various high-level events, IDLO called on the international community to invest in the rule of law as a means of protecting and assisting **refugees, migrants and displaced persons**.



Health

IDLO participated in the AIDS2016 Conference in Durban, South Africa to share best practices in engaging police in the HIV response, and how to strengthen and expand HIV-related legal services.





Throughout 2016, IDLO engaged in wide-ranging consultations to inform its new Strategic Plan for the period 2017-2020 by listening to the views of stakeholders and partners at the global, regional and national level, and consulting widely with the broader community working in the field of rule of law and access to justice.

A series of external consultation meetings and high-level interviews with influential stakeholders enabled us to hear the views of governments, international organizations, civil society and others. Through our field offices we sought to engage counterparts and beneficiary groups. We also ran an online survey in English, French and Spanish.

Consultations were aimed at identifying external trends influencing the rule of law sector, understanding the role of the 2030 Agenda, reflecting on IDLO's strengths, weaknesses and comparative advantages, and pinpointing the direction and key priorities for IDLO's next strategic cycle.



Find out more

IDLO Director-General, Irene Khan, presenting Strategy 2020 at the Assembly of Parties in November 2016



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IDLO Values



People focused

The ultimate beneficiaries of our work are justice seekers – the people who claim justice and seek the protection of the rule of law, although our immediate beneficiaries are often state institutions, government officials and civil society groups. We will strive to empower people and build their trust and confidence in the rule of law.



Justice oriented

We subscribe to a vision of the rule of law that encompasses substantive justice as well as procedural fairness, and is consistent with international human rights norms and standards.

We will promote and uphold our understanding of the rule of law without being prescriptive or peremptory and with sensitivity to local context.



Gender sensitive

We are committed to promoting gender equality through non-discriminatory gender-responsive laws and institutions, enhancing women's access to justice and increasing their legal empowerment to achieve sustainable development. We will ensure that all our programs, projects and activities are gender-informed and benefit from gender-analysis.



Local ownership

We recognize that reforms are most likely to be sustainable when they are owned by those whom they intend to benefit. While anchoring our work in international standards and values, we will align our assistance with local priorities, seek local support and ownership from a wide range of societal stakeholders, and work closely with local partners to meet local needs based on locally defined parameters.



Context specific

We will take account of the distinct nature of each situation in which we work and invest in understanding the context, including the political and social structures, any gender imbalances and human rights issues. We will seek to identify the best entry points for programmatic intervention and for policy advocacy, taking into account the political dynamics and keeping in mind the needs of the end-users of justice, especially women, the poor, marginalized and vulnerable groups.



Legal pluralism

Although the values and standards of the rule of law are universal and must be universally respected, we accept the plurality of legal systems. We believe that it requires us to engage with all formal legal systems and where relevant also with informal or customary and community-based justice.



Empowerment

We are committed to promote empowering solutions through capacity development and partnership-building.

We foster the ability of institutions, individuals and the sector itself to deliver timely, good quality justice with an efficient use of resources. We help justice seekers to learn about their rights, asserting and using them to improve their own well-being. In so doing, we acknowledge the importance of inclusive participatory approaches.



Transparency & accountability

We recognize the importance of being held accountable for our results and the use of our resources. We will work to enhance transparency and accountability to our program partners, beneficiaries, funding partners and governing bodies. We are committed to continue reporting according to the International Aid Transparency Initiative (IATI).



Human rights based

We are committed to achieve our goals through a human rights-based approach. We will follow international human rights standards and ensure that our operations are directed at promoting and protecting human rights. We will anchor our development interventions in a system of rights and corresponding obligations established by international law, to promote sustainability, empower people to participate in policy formulation and hold accountable those who have a duty to act.




Impact goals



Action Goals
What we must achieve for our stakeholders



Capacities
Where we must excel to achieve



People
Where we must invest people in order to excel



Resources
What resources we must ensure

ACCESS TO JUSTICE

CCG Cross-cutting goal: Rule of law driven

G1 People and groups are empowered to realize their rights

EMPOWERMENT

S1
Empower women, poor & marginalized groups to fight discrimination & access justice

S2
Engage with civil society to enhance legal empowerment & promote rule of law

S3
Engage v... justice... address ju... needs... hum...

INNOVATION

C1
Enhance program innovation & quality

C2
Assess & communicate impact

C3
Streng... develo... ad...

INITIATIVE

P1
Encourage learning & knowledge management

P2
Strengthen institutional core competencies

R1
Revitalize resource mobilization

VISION: A world in which every person lives with dignity and under the rule of law.
MISSION: To enable governments, empower people and strengthen institutions to realize justice, peace and sustainable development.

EQUALITY AND INCLUSION

Ensuring sustainable development at local & global levels

G2 Laws and policies are fair and institutions are effective, accessible & accountable

CAPACITY DEVELOPMENT

S3 Support informal systems to justice seekers' in line with rights

S4 Strengthen capacity & integrity of institutions to deliver justice & uphold rights

ADVOCACY

S5 Support legal & judicial actors to promote economic opportunity & sustainability

S6 Champion rule of law with decision makers to mobilize political will

PARTNERSHIP

C3 Strengthen policy development and advocacy

C4 Promote strategic partnerships

QUALITY

C5 Broaden political & financial support

C6 Enhance accountability & transparency

ACCOUNTABILITY

P3 Build engaged, diverse & field-oriented work force

P4 Establish effective field presence & networked organization

P5 Strengthen internal & external communications

INVESTMENT

R2 Shift to multi-year planning

R3 Update processes & ICT systems

Voices of our partners

“IDLO is the foremost advocate of strong institutions at the United Nations.”

H.E. Peter Thomson, President of the 71st session of the United Nations General Assembly

“IDLO membership will bring new opportunities for Viet Nam in promoting [relations] with other [...] countries that are enjoying IDLO’s technical [support], as well as improving our institutions and legal system towards the country’s development.”

Ms. Dang Hoang Oanh, Director General, Department of International Relations, Ministry of Justice of the Socialist Republic of Viet Nam

“International organizations in Afghanistan often try to reach their goals as if using a raft to cross a river. IDLO did not just give us a raft; you helped us to build a bridge.”

H.E. Sayed Yusuf Halim, Chief Justice and Director of the Supreme Court of Afghanistan

“The United States values IDLO as a rule of law implementer. We believe IDLO offers expertise in areas where few others are operating.”

Mr. Thomas M. Duffy, Chargé d’Affaires, Deputy Permanent Representative, United States Mission to the UN Agencies in Rome

“IDLO continues to be a valuable partner to the Government of Kenya in enhancing the rule of law, promoting good governance and strengthening the capacity of public institutions in Kenya.”

Ms. Harriet Mururi Nduma, Chargée d’Affaires, Embassy of Kenya to Italy

“IDLO’s mandate and experience make it uniquely qualified to promote rule of law culture around the world. We look forward to IDLO continuing to play this role in the next few years and in particular in the implementation of SDGs and Goal 16.”

Ms. Marieke Wierda, Policy Advisor, Rule of Law, Ministry of Foreign Affairs of the Kingdom of the Netherlands

“We are grateful to IDLO for its unremitting action to promote the rule of law and to help building peace and development worldwide.”

H.E. Benedetto Della Vedova, Undersecretary of State, Italian Ministry of Foreign Affairs and International Cooperation

“We are satisfied to see the 2030 Agenda in the core of IDLO’s Strategy 2020 which goes hand in hand with IDLO’s effort to enhance its mandate and its global contribution in the field of access to justice and rule of law.”

Mr. Ali Albsoul, Deputy Head of Mission, Embassy of the Hashemite Kingdom of Jordan to Italy

“We are grateful to IDLO for [...] the trust they place on us as a local government, that allows us to push forward on this ambitious project for us as a city [...] to protect the rights of children, girls, women, people with disabilities, our elderly, people living with HIV. Many thanks to IDLO for the support, for being a partner, for the commitment and solidarity with which we are carrying out these projects.”

Ms. Lilian Umaña, Deputy Mayor,
Municipality of San Pedro Sula, Honduras

“Thanks to organizations, such as IDLO, we have now been able to carry out important skills and knowledge transfer [...] on intellectual property rights, maritime law, consumer protection and company law. In addition to this great support from IDLO, we also had valuable allies in the Italian judges who came to Montenegro to transfer their skills during these workshops.”

Ms. Maja Milošević, Executive Director for the
Montenegrin Centre for Training in Judiciary
and State Prosecution Service



H.E. Peter Thomson, President of the 71st session of the
United Nations General Assembly visiting IDLO, November 2016

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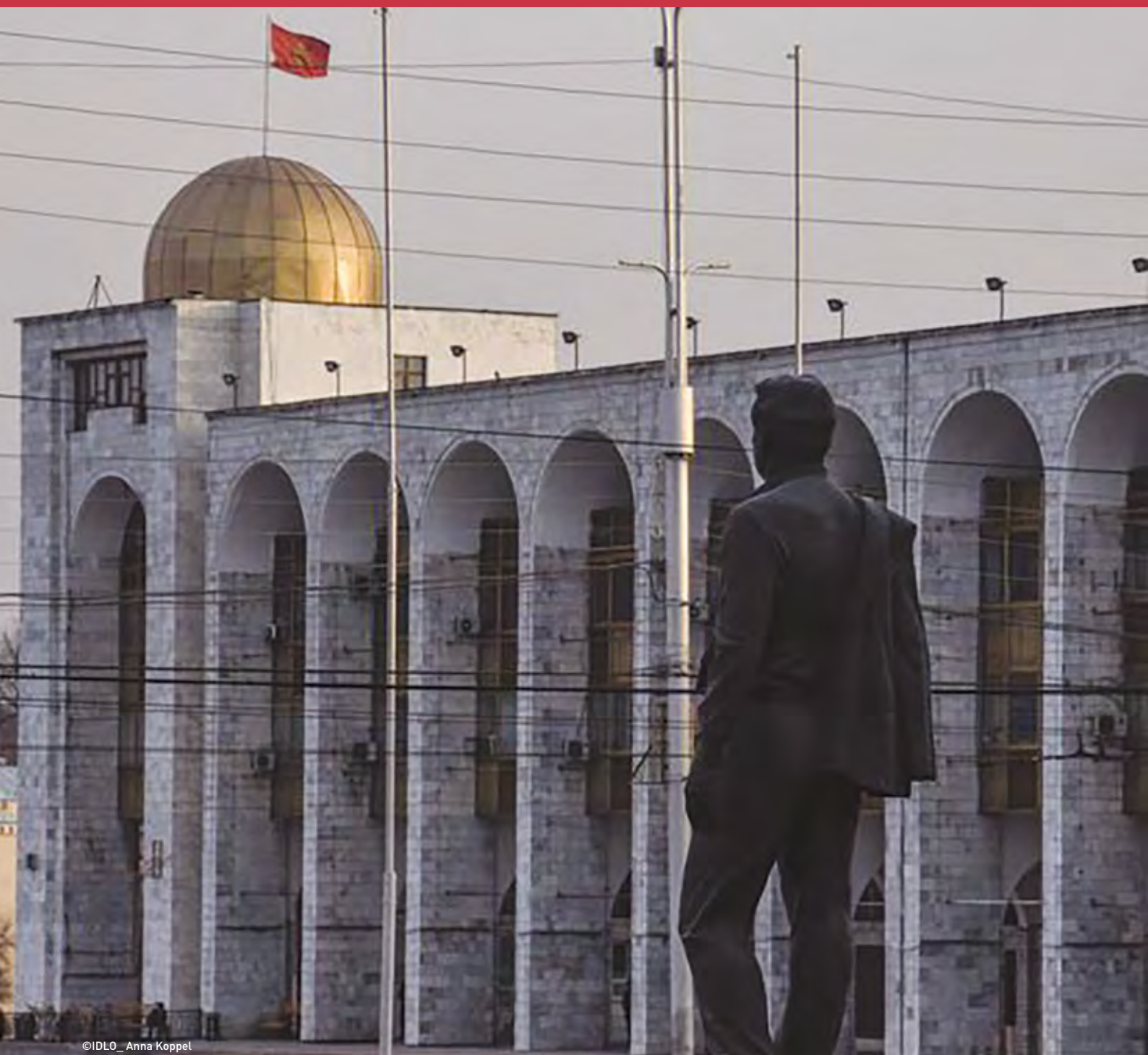
IDLO gratefully acknowledges the support of all its partners in 2016:

- European Bank for Reconstruction and Development (EBRD)
- European Commission
- Ford Foundation

Governments of:

- China
- Denmark
- Ecuador
- Germany
- Italy
- Kuwait
- Netherlands
- Switzerland
- Institute of International Education
- Kuwait Fund for Arab Economic Development
- OPEC Fund for International Development (OFID)
- Secretariat of the Convention on Biological Diversity (CBD)
- Swedish International Development Cooperation Agency (Sida)
- Tetra Tech
- United Nations Development Programme (UNDP)
- United Nations Food and Agricultural Organization (FAO)
- United States Department of State
- United States Agency for International Development (USAID)
- ViiV Healthcare

Goal 1: Institution Building



Legitimate, effective and responsive institutions are essential to laying the foundation for stability, economic recovery, and social development. In this context, IDLO aims to improve the quality of justice, primarily through technical legal expertise, capacity development and multi-stakeholder consultations.

IDLO places emphasis on improving the quality of performance of justice institutions at four levels: individual, institutional, organizational and sectorial. While we focus on a range of targeted activities including training, our initiatives go beyond this to encompass change management, organizational work processes, resource mobilization, cooperation and consultations among the relevant organizations and institutions for sectorial coordination. We envisage that over time, this will enable the justice sector and its constituent actors to deliver timely, transparent and fair outcomes to meet the needs of justice seekers.

Public trust and confidence in justice sector institutions is key to investment and commercial transactions, and necessary for sustainable development and social change. We are engaged in programming that enhances the integrity and capacity of such institutions to promote good governance by holding State and other

constituencies, including the private sector, accountable, ultimately leading to people's confidence in the laws and institutions that are meant to serve them.

Constitutions are particularly relevant for the justice sector as they provide the framework within which the justice institutions function and guarantee the independence and impartiality of the judiciary. We support institutions to carry out constitutional and legal reforms in a fair, transparent and inclusive manner, whilst ensuring the reform processes and their outcomes are gender sensitive and respect international human rights standards.

Our programs in Afghanistan, Kenya, Kyrgyzstan and Tajikistan focused on state-centred justice institutions, while our work in Mali and Somalia supports more community focused processes, including on informal justice and traditional dispute resolution. Our interventions also targeted corruption, bribery, abuse of power and arbitrariness, with dedicated programs in Kyrgyzstan, Afghanistan, Ukraine, Tunisia and Mali. IDLO's work continued to contribute both to peace-building and democracy, as well as to ensuring the independence and impartiality of the judiciary.

Goal 1: Institution Building





**Eastern Europe
and Central Asia**

Kyrgyzstan
Ukraine

**Middle East
and North Africa**

Tunisia

Asia

Afghanistan
Myanmar
Philippines

Goal 1: Institution Building

Afghanistan



Justice Training Transition Program (JTTP)

Donor: United States Department of State

Project Duration: 2 January 2013 - 30 November 2017

Total Program Budget: EUR 36,009,798



Afghan Justice Institutions Strengthening Program (AJIS)

Donor: Government of the Netherlands

Project Duration: 1 August 2015 - 31 December 2017

Total Program Budget: EUR 3,000,000

Honduras



Reducing Homicide through Access to Justice

Donor: United States Department of State

Project Duration: 21 July 2015 - 20 July 2020

Total Program Budget: EUR 5,405,200

Kenya



Supporting the Kenya Constitutional Implementation Process

Donor: United States Agency for International Development (USAID)

Project Duration: 20 June 2011 - 31 December 2018

Total Program Budget: EUR 3,645,868



Supporting the Implementation of the New Constitution

Donor: Embassy of Denmark in Nairobi

Project Duration: 1 January 2012 - 30 June 2016

Total Program Budget: EUR 2,080,174



Supporting the Kenyan Constitution Implementation Process - Devolution

Donor: Embassy of Denmark in Nairobi

Project Duration: 1 April 2014 - 30 June 2016

Total Program Budget: EUR 584,629

Kyrgyzstan



Judicial Strengthening Program

Donor: United States Agency for International Development (USAID)

Project Duration: 20 September 2011 - 19 September 2017

Total Program Budget: EUR 5,328,394



Promotion of Rule of Law in the Kyrgyz Republic

Donor: European Union (EU) through the German Agency for International Cooperation (GIZ)

Project Duration: 4 August 2014 - 30 January 2018

Total Program Budget: EUR 160,971



Improving the Rule of Law and Access to Justice for Sustainable Peace

Donor: United Nations Development Programme (UNDP)

Project Duration: 5 August 2014 - 30 June 2016

Total Program Budget: EUR 130,254



Assistance to and Cooperation with the General Procuracy of the Kyrgyz Republic

Donor: United States Department of State

Project Duration: 14 September 2016 - 13 September 2017

Total Program Budget: EUR 207,150

Mali



Access to Justice Pilot Program in Mopti

Donor: United States Department of State

Project Duration: 13 October 2014 - 31 December 2016

Total Program Budget: EUR 475,986

Myanmar



Implementing Four Rule of Law Centres (Phase I) and Supporting Capacity Development Mentoring with Justice Sector Institutions in Myanmar

Donor: United Nations Development Programme (UNDP), IDLO and United States Agency for International Development (USAID)/Tetra Tech DPK

Project Duration: 8 July 2015 - 30 June 2017

Total Program Budget: EUR 2,317,952

Philippines



Enhancing the Institutional Capacity of Prosecutors in the Philippines

Donor: United States Department of State

Project Duration: 14 September 2016 - 30 September 2017

Total Program Budget: EUR 717,746

Somalia



Enhancing the Capacity of Legal Professionals in Somalia

Donor: United States Department of State

Project Duration: 27 August 2014 - 31 July 2016

Total Program Budget: EUR 739,130



Strengthening Linkages between Formal Justice System and Traditional Dispute Resolution System to Improve Access to Justice in Somalia

Donor: United States Department of State

Project Duration: 8 September 2014 - 31 January 2016

Total Program Budget: EUR 701,767



Supporting Justice Institutions to Reform the Somali Penal Code and Criminal Procedure Code, and to Review and Adopt the Counter-terrorism Bill

Donor: United States Department of State

Project Duration: 30 September 2015 - 31 July 2017

Total Program Budget: EUR 403,351



Sustainable Pathways to Peace in Somalia: countering Extremism with Social Healing and Community Based Reconciliation Ceremonies

Donor: United States Department of State

Project Duration: 24 August 2016 - 31 July 2017

Total Program Budget: EUR 762,150



Enhancing Access to Justice through Strengthening the Capacity of the Attorney General's Office in Somalia

Donor: Government of the Netherlands

Project Duration: 1 July 2016 - 31 December 2017

Total Program Budget: EUR 501,245

South Sudan



The Legal Training Institute - Foundations for the Future

Donor: European Commission (EC)

Project Duration: 21 December 2012 - 20 November 2016

Total Program Budget: EUR 3,000,000



Strengthening Legal Education and the Judiciary of South Sudan

Donor: United States Department of State

Project Duration: 30 August 2013 - 1 January 2018

Total Program Budget: EUR 4,962,725

Tunisia



Supporting Women Justice Professionals in Delivering Justice for Women

Donor: Italy

Project Duration: 9 December 2015 - 8 March 2017

Total Program Budget: EUR 149,944



Women Delivering Justice: Strengthening the Capacities of Women Justice Professionals for Gender-Responsive Justice Delivery and Policy Making

Donor: Italy

Project Duration: 15 November 2016 - 15 February 2018

Total Program Budget: EUR 137,021

Uganda



Follow up on Implementation of the 2015 Recommendations to Address Sexual and Gender-Based Crimes at National Level and Its Way Forward in view of Existing Challenges (in partnership with the Embassy of Sweden in Kampala)

Donor: IDLO

Project Duration: 1 October 2016 - 31 October 2016

Total Program Budget: EUR 12,178

Ukraine



Supporting Criminal Justice Reform in Ukraine

Donor: United States Department of State

Project Duration: 12 May 2015 - 11 December 2017

Total Program Budget: EUR 3,837,203

Build public confidence in the justice system

KYRGYZSTAN



Thanks to an increase in the budget allocated to the Kyrgyz justice sector, which IDLO helped the judiciary advocate for, reform efforts have resulted in the modernization of court infrastructure and enhanced capacity building opportunities for justice professionals. In an effort to increase judicial transparency and public confidence in the justice system, 2016 heralded the start of a full commitment on behalf of all local courts to publish judicial decisions on an openly accessible website.

IDLO is working in Kyrgyzstan to strengthen the capacity of justice professionals and increase the independence, transparency, accountability and integrity of the justice system.

61/73

61 out of 73 courts equipped and trained to publish judicial decisions

982

982 cases and 411 judicial acts published by one court in just 3 months

50%

50% of 'first-time' judges trained on everyday issues

FINANCES, FOUNDATIONS AND FRUIT – 2016 IN KYRGYZSTAN

Fred Huston, Country Director

Our work in the justice and rule of law arena in Kyrgyzstan in 2016 took place against a backdrop of ongoing public dissatisfaction with the performance of the judiciary. Many people here still try to blame the judiciary for the ills of the country.

A referendum on the Constitution in 2016 swung the balance of power towards the presidency, but also brought in changes that will affect the judiciary. First of which is a new disciplinary commission; previously, the discipline of judges had been handled by the judiciary but was under-resourced and ineffective. A new disciplinary commission now being set up will consist of one-third members of the judiciary, one-third appointees by the president and one-third Members of Parliament.

Another source of public frustration with the judiciary arose from a lack of consistency in decision-making through the country. Under another constitutional change, there's an attempt underway to create predictability, greater efficiency and a common viewpoint on laws across the judiciary, with the Supreme Court responsible for issuing mandatory orders for all courts to consider in certain cases.

A final amendment being brought in relates to prosecutors, taking away their power to investigate and gather evidence, which will now sit in 99 per cent of cases with the police.

Overall, for IDLO, these are all reasonable developments; in any event, the effectiveness of the new Disciplinary Commission will depend upon the competencies and ability of its members to objectively apply standards of conduct.

In terms of our own work, in 2016 we built on the progress we've made on issues previously tackled in other parts of the judiciary; this time with the Prosecutor's Office - looking at financing, how the funds are spent,

and how expenditure aligns with the tasks of the office.

We've been undertaking this kind of work with different parts of the judiciary for the past five years and have set some good foundations, which are bearing fruit.

In terms of the financing of the judiciary, lobbying by judges in 2014 resulted in more than a 200 per cent increase in the budget, which has allowed in 2016 for things like improvements in buildings; the improving physical infrastructure is now more conducive to justice, the practical effects are being seen in courts, there are fewer opportunities for corruption in courts where direct access to the judges is more limited, allowing for greater efficiencies.

For the first time in 2016, there have even been resources for construction of two more remote courtrooms and refurbishing of many other buildings. In 2016, there was also finally budget allocation for the IT enterprise that was created with our assistance and which

the judiciary is incorporating into its work to introduce e-justice and more efficiencies. The judiciary now has internal capacity to support, build and upgrade IT systems and has introduced automated case assignment and document flow systems. They're moving into developing audio-video transcription of court proceedings, opening a new chapter in terms of justice and truth - fairness - and addressing key rule of law issues.

In August 2016, the President signed a bill requiring judges to publish their decisions, really establishing a new level of transparency and accountability for the judiciary in Kyrgyzstan. 61 out of 73 courts have been fully equipped and trained to publish judges' decisions, and the public can now access these in a totally searchable and accessible database, which also serves as a valuable tool for law schools and universities.

Back in 2010, a constitutional change ruled that all judges had to be re-confirmed. Over the following five years, 70 per cent were replaced. Many didn't have prior training on how to be a judge. During this period, we have worked with the High Justice Training Center to ensure all judges and court personnel are trained and that the training center itself has the ability to generate and update their course materials.

In 2016, six groups of 20 'first-time' judges - about half of all - underwent comprehensive, month-long courses on how to handle everyday issues they will face in the job; they are provided not only with training, but peer support as well. The remaining half will be trained in 2017.

Here in Kyrgyzstan, our partners and beneficiaries tell us that IDLO is a bridge or a coordinating and unifying force, we bring people together and bring new ideas. Our alumni say that they appreciate our 'adult' training style as opposed to the lectures they're used

“I am very proud that we are finally seeing improved financing of the judiciary. It is not just a major achievement in itself, but has huge consequences in terms of infrastructure, training, and the independence and transparency of the sector.”

to, because it's more hands on, practical and collaborative.

It's encouraging to see that the Training Center's budget has increased tenfold in the past two years and they're now in a position to sustainably manage all their core activities.

Traditionally in the EECA region as a whole, Ministers of Finance have tended not to understand the judiciary and its needs and the judiciary tended not to plan budgetary expenditure to achieve goal-oriented justice.

We've managed, through our work with the judiciary in Kyrgyzstan, to introduce forecasting and budget planning into the processes and have trained many judges and local experts to lobby for and defend budgets. Now, there's a need to further institutionalize this. But in 2016, we saw the budget allocated to the judiciary grow from

0.77 per cent of national expenditure in 2015 to 0.98 per cent approved for 2017.

They lobbied for this latest increase, independently of IDLO, and that's very satisfying to see.

The next steps are to ensure sustainability, to increase wages across the whole system so that everyone internally is dedicated to justice, as often salaries are insufficient to live on in this country and staff have to look elsewhere to supplement earnings. This is needed for the judiciary to become a real, independent branch of government without the influence or interference of other branches.

But, encouragingly, we are now seeing the pieces of the puzzle coming together.

From an interview with Victoria Harrison Neves, Strategic Communications Adviser.

'REALITY' COURT TV SUCCESS IN KYRGYZSTAN

Responding to significant interest generated among viewers and the public TV network by Achyk Aikyn, the Court-TV program piloted in 2015, IDLO and its Court TV production team filmed an additional six episodes of the show. These new episodes cover topics such as recognition of inheritance, deprivation of parental rights, and contract- and loan-related disputes. Finally, to expand the reach of the TV program, IDLO also entered into a partnership with the Internews network in December 2016, for five regional and local TV channels of the network to rebroadcast the program. This partnership will bring an additional 30% of broadcast coverage throughout the country to the 34% existing coverage of IDLO's initial partner, KTRK. Moreover, the TV shows are all to be available free of charge on the Supreme Court's website www.jogorku.sot.kg

Constitutional implementation

KENYA



Following the adoption of a new Constitution in 2010, its implementation has seen significant improvements in the promotion and protection of human rights, gender equality and access to justice. The Kenyan general elections in 2013 were also the first with effective electoral dispute resolution processes in place. Nonetheless, sustainable development of the country and strengthened public confidence in the judiciary continue to be key priorities requiring ongoing legal and judicial reform.

IDLO is supporting the constitutional implementation process in Kenya by providing technical assistance and capacity development to state institutions from the three branches of government at both national and county levels, aimed at ensuring the implementation of the Constitution is effective, efficient and sustainable.

50+

Over 50 pieces of legislation enacted with IDLO's support since adoption of the Constitution

700+

Over 700 judicial officers and court staff trained on the 2010 Constitution and electoral laws



Kenya's Judiciary building, Nairobi

Institution Building in Kenya



Human Rights

Helped develop guidelines to facilitate the application of a human rights based approach to national and county policy. Reviewed proposed legislation for compliance with the Constitution and international law. Supported three constitutional commissions in their work to align legislation with the Constitution's Bill of Rights and devolution chapters.



Devolution

Co-delivered training workshops on child-friendly legislative drafting at the county level and provided technical support for the development and review of laws and policies. Helped strengthen the institutional framework for civic education on the 2010 Constitution, and supported the conference that agreed a framework on administering justice in a devolved system.



Electoral Dispute Resolution

IDLO and the Judicial Training Institute co-published a book with the Judicial Training Institute that reviews whether recently established electoral dispute resolution mechanisms are inspiring public confidence in the Judiciary. Ahead of the 2017 general elections, provided technical assistance to prepare the Judiciary for effective resolution of electoral and political parties' disputes.



Natural Resources

Provided technical support to the Ministry of Mining to implement legislation on minerals and mining, facilitate public sensitization, and develop a framework for benefit sharing with county governments and communities. Supported the Judiciary with effective implementation of the land and environmental justice framework.



Justice

Assisted with the launch of a pilot judicial audio and visual transcription system and the drafting of Rules and Regulations to accompany the High Court Organization and Administration Act. Helped the National Council for the Administration of Justice and Court User Committees in their efforts to reform the justice system.

Rule of law for stability

SOUTH SUDAN



South Sudan has witnessed years of violent conflict since gaining independence, alongside mass population displacement and human rights violations. This volatile situation has made it difficult for the justice sector to deliver on its mandate of promoting the rule of law. Decades of uneven legal training in both Sharia law and common law further compound the weakness of the legal and judicial system.

IDLO is working to enhance the capacity of key justice sector institutions to provide legal education for the next generation of professionals and to administer justice for the people of South Sudan.

150

With just over 150 judges, there is approximately one for every 81,000 people¹

90%

90% of disputes are tried in the customary court system²

1

The judiciary has only 1 female judge in the High Court or above³

PROMOTING THE RULE OF LAW IN FRAGILE STATES

Romualdo Mavedzenge, former Country Director for South Sudan

IDLO has been working in South Sudan since before independence in 2011, when initial support was directed towards the National Constitutional Review Commission. The current focus of our work is to strengthen capacity both on the supply side of justice, through

support for national institutions such as the judiciary and Ministry of Justice, and on the demand side, working with civil society based organizations to build capacity of citizens to claim their rights. IDLO also focuses on ensuring that the future of justice provision in South Sudan is improved, through its technical support to the College of Law at the University of Juba, which trains future lawyers and judicial officers.

The ongoing conflict in the country

both hampers our work and makes it all the more relevant and essential. But beyond the immediate conflict, South Sudan also faces huge challenges in terms of the economy and social cohesion between different ethnic groups. The rule of law is critical to stability and development. Without clear legal frameworks, the country will be unable to attain the peace necessary for economic and social development. And, only a strong rule of law environment can ensure that the diverse tribal groupings are able to co-exist in a manner conducive to national development.

Throughout its projects, IDLO is helping to ensure that the rule of law provides a framework for national development and growth in South Sudan. Engaging with key justice institutions in conflict-affected countries, organizations like

“I am most proud of the work of IDLO in supporting the training of future lawyers through the College of Law project, the effort is consistent with ensuring that there is sustainability of capacity-building efforts.”

IDLO help to build a framework for the proper application of the rule of law.

One of the greatest challenges we have faced, in terms of justice and the rule of law specifically in South Sudan, is that the country, post-independence, changed its justice system from the civil law - sharia based system of the North, but did not have trained professionals to apply the new common law justice system. The adoption of English as the language for judicial processes further compounded the challenges. Levels of education had not prepared the country for the change in legal system. Most justice professionals had been trained in the North, using Arabic as the language of instruction.

Yet, a major difference made by IDLO has been in the training of judicial officers; through the efforts of IDLO, judges in South Sudan have received basic training on both procedural and substantive aspects of the new legal system. This is critical to ensuring that citizens are provided with basic rights and the rule of law is observed.

Something that struck me during my time in South Sudan was the willingness on the part of South Sudanese to learn and build their justice institutions. This is a positive development for the future and guarantees that past efforts to build their capacity have not been a wasted effort. Personally, I am most proud of the work of IDLO in supporting the training of future lawyers through the College of Law project, the effort is consistent with ensuring that there is sustainability of capacity-building efforts.

From an interview with Victoria Harrison Neves, Strategic Communications Adviser.



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“IDLO brings to its work the ability to engage with both the supply and the demand side of justice. Using experience gained in programming in other countries, IDLO is able to appropriately tailor support in each country to suit the circumstances and level of legal development.”

Romualdo Mavedzenge, former Country Director for South Sudan

Supporting democratic transition

MYANMAR



Following a landslide victory in parliamentary elections, opposition leader Aung San Suu Kyi's National League for Democracy formed a government in early 2016 – a historic development for a country emerging from decades of military rule. Myanmar's democratic transition has underscored the need to cement the rule of law as a fundamental principle.

A key priority for Myanmar's justice sector institutions has therefore been the professional development of judges, law officers and court staff through modern training programs. IDLO is working with the training departments of the Union Attorney General Office (UAGO) and the Office of the Supreme Court of the Union to strengthen capacity development strategies and support their implementation.

600/2000

600 of 2,000 prosecutors and judges nationwide trained on fair trial standards based on IDLO-supported handbook

50%

50% of law officers surveyed for Myanmar's first UAGO nation-wide training needs assessment

THE VOICE OF OUR PARTNERS

H.E. U Tun Tun Oo is the Attorney General of Myanmar. In November 2016, he spoke to IDLO as a special guest at the Assembly of Parties.

As a young democracy, Myanmar is still in a democratic transition, and a series of reform processes, to include the political, economic and justice sectors, are ongoing. In the justice sector, judges, law officers and the police force are collaborating to improve both, individual and institutional roles towards realizing fair trials and combating corruption.

The Union Attorney General's Office (UAGO) has participated actively in these reforms since we play a leading role for promoting rule of law and justice sector development in Myanmar, and also because we are mandated to provide legal advice to the government and all its ministries.

My office has developed a strategic plan for 2015 – 2019, with a view to safeguarding the principles of the rule of law in Myanmar, in accordance with

international standards. With four goals and objectives, the Plan promises to be a positive force for change: to protect national interest and legal rights of individuals; strengthen the performance of the Office of the Attorney General; to inspire public interest and confidence in the justice system; and take an active role in justice sector reform.

Since Myanmar has embarked on an ambitious path towards democratic governance and peace, promoting the rule of law and access to justice play a crucial role. Promoting justice sector development is very pivotal to a new democracy such as ours and goes hand in hand with the rule of law. Inarguably, the rule of law is a major element to meeting the aims of justice. Access to justice is fundamental to the rule of law; without which legal rights cannot be exercised and legal obligations enforced. And, it is obvious that when rule of law prevails in a society, there is stability, prosperity, and democracy.

Awareness of the law by the people, including women and marginalized

groups, is crucial for justice sector development and for promoting the rule of law. This is why we engage with the international community, including IDLO, to disseminate legal knowledge throughout the country. IDLO has provided capacity development to our office since 2013, through training of trainers, fair trial standards, and innovative justice. IDLO has conducted a series of workshops on the rule of law and undertaken training on fair trials in many regions of Myanmar. More recently, IDLO is supporting the UAGO in the implementation of our strategic plan.

As a result of this close collaboration, the UAGO and IDLO signed a memorandum of understanding for technical cooperation, in January of this year - 2016. For 2016, our joint cooperation has focused on modernizing of training programs and fair trial standards. IDLO will deliver more training throughout the year to strengthen knowledge and skills of the legal officials on international fair trial principles, such as equality and non-

“All of IDLO’s stakeholders in Myanmar are very grateful to IDLO for its current support and hope for continued and greater support from IDLO for realizing fundamental changes needed in a young democratic country; justice sector development and establishment of the rule of law.”

H.E. U Tun Tun Oo, Attorney General of Myanmar

discrimination, due process, and prohibition against arbitrary detention and officer misconduct, among others.

Myanmar now has four Rule of Law Centres, established with the support of UNDP and IDLO. The Centres focus on strengthening knowledge, skills, and values of legal professionals and civil society, and promoting public legal awareness with the long-term goal of building greater trust in Myanmar’s justice system. Other activities include community forums on key local justice issues, offering unprecedented opportunities to bring together government with local communities to discuss and explore solutions to local justice issues, and mobile training initiatives on the laws.

REFLECTION: SUPPORTING AND ENCOURAGING, NOT CRITICIZING

John Pearson, former Director of Prosecutions for the Ontario Attorney General’s Ministry in Canada, worked with IDLO supporting the Myanmar Union Attorney General’s Office. He spoke to Victoria Harrison Neves, Strategic Communications Adviser, about his experience in the country.

IDLO: This is a crucial time of transition for the new government in Myanmar, how important is the rule of law to contributing to peace and stability during this period of uncertainty and change?

John Pearson: The rule of law will play a fundamental role as Myanmar embarks on a challenging future of political and economic reform. But the rule of law required will not be the rule by law used in the past to benefit the powerful and corrupt. Rather, it must be the foundation for a system of rules that increase legal certainty, keeps people safe, protects their fundamental rights, and helps them prosper economically.

IDLO: Can the rule of law make a difference for ordinary people in Myanmar?

JP: The first step in making a difference for ordinary people is to replace the rule of men by the rule of law. This opens up the possibility that ordinary people have a legal remedy when their rights have been violated. Whether they can make effective use of these rights is dependent on the degree to which they are made aware of their rights (IDLO’s Rule of Law Centres play an important role in this regard) and whether fundamental rights are available in practice as well in law.

IDLO: When you took on this role, what were you expecting?

JP: While I really did not know what to expect, I thought the work would entail more human rights advocacy than it did. By the end of my time with IDLO, however, I came to appreciate that supporting and encouraging achieves more than criticizing.

IDLO: With so many challenges to consider, which areas did you focus on in your work with the Attorney General’s Office?

JP: I focused on training the trainers of the UAGO to use adult education principles in training law officers on fair trial standards; supporting the UAGO trainers in presenting training sessions in locations around the country using adult education principles; updating a

manual for UAGO law officers on fair trial standards; and drafting a training needs assessment to address the new requirements of the UAGO.

IDLO: Where do you think the most progress was made?

JP: I feel the most difference was made during our workshops outside of the headquarters of the UAGO. The majority of UAGO law officers prosecute in small offices under less than ideal conditions. We were accompanied by UAGO senior officials. Regional Advocates General participated in the workshops. This helped stress to law officers the importance that the UAGO and the regional AGs attach to implementing fair trial standards.

IDLO: From your experience, what do you think IDLO specifically brought to this relationship and work?

JP: The rule of law can be a theoretical, vague and somewhat elusive concept unless a practical, grass-roots focus is maintained. As a result of its experience, IDLO understands this crucial principle. From a personal perspective, this was my first extended overseas contract. I learned a great deal from the experienced IDLO people with whom I worked. The head office of IDLO also provided valuable support. From everything I observed, IDLO enjoys an enviable international reputation because of its history and non-aligned status.

“From everything I observed, IDLO enjoys an enviable international reputation because of its history and non-aligned status.”

John Pearson, former Director of Prosecutions, Ontario Attorney General’s Ministry

Transitioning to local ownership

AFGHANISTAN



Fifteen years after the 9/11 attacks and despite significant progress made overall since the fall of the Taliban, deteriorating security conditions continue to cast a shadow over the country. Promoting a peaceful and inclusive society as envisaged in Goal 16 of the 2030 Agenda therefore lies at the heart of Afghanistan's efforts to realize economic growth and sustainable development. Justice sector reform is a key priority.

IDLO has worked as a leading partner with the Afghan government to build strong justice institutions and increase the capacity of thousands of legal professionals.

72%

Legal cases dealt with as per the law reached 72%

400

400 IDLO training courses since 2013 for over 5,000 people in all 34 provinces

28,000

28,000 training hours provided to criminal justice professionals since 2013

Hossam Helal is an Egyptian judge, who has worked with IDLO in Afghanistan since 2005 in many roles, including Acting Chief of Party and Head of Training for Justice Training Transition Program (JTTP).

When I first arrived in Afghanistan ten years ago to lead a course on commercial and civil law, I was completely taken aback to find that it was the first time most of the judges present had ever seen the code. At that time, they were issuing rulings on the basis of their own personal judgment, rather than any law. For me, it was a sign of the state of the justice system then.

It also took me by surprise when a couple of the judges came up to me afterwards to praise the course. We got talking. They told me how difficult the situation was for them. Earning just US\$60 a month as a judge, both were having to work as a night guards for a construction company to support their families.

By sheer coincidence, I bumped into one of them again six months ago, I reminded him of that story and he told me how things had improved, average salaries for judges are now around \$1,000 a month.

Looking back, I also remember that all the instructors used to be internationally

recruited, the only Afghans worked as translators. A donor once told me 'you can't employ Afghans to deliver the course because they're not qualified.'

In 2005, I'd go to a meeting and of ten people present, one might be Afghan; today there are more likely to be nine Afghans and one international participant.

I'm proud to say that I leave a team consisting entirely of Afghan trainers. It's a huge achievement for IDLO, which has supported local staff with career development, training and coaching. Many of the local staff have gone on to study law degrees, post-graduate courses and even PhDs. They showed

commitment, worked hard and proved themselves. Even our cleaners take English classes.

I often joke and proudly say that I am a victim of our success, I am leaving many people behind who can now do my job.

A number of our former staff have gone on to land senior posts within the government or universities. Some are such hot-shots, I can't even get a meeting with them now!

With programs, like JTTP, we started as implementers to enhance the capacity of the justice sector, but building on this experience, we went on to support the Afghan institutions establish their own training units, from the Supreme Court and Ministry of Interior to the Ministry of Justice and Attorney General's Office. The units are up and running, and they're conducting their own courses for their own staff using their resources and trainers.

When I'm asked if IDLO has made a difference, I say of course. I first met judges who'd never seen the code, now there are Supreme Court dedicated trainers, who are leading the education of others.

Is it enough? No. But I can honestly say that over the ten years I've been in Afghanistan, the justice sector has changed immensely. And the situation for women too, they're much more active. If you go to the University Law Faculty today, you'll see lots of girls. This wasn't the case in 2005.

However, I am concerned about the sustainability of the country. Regrettably,



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when the international community pulled out their military forces and began reducing operations in Afghanistan, in many cases they offered talented Afghan staff opportunities to leave with them. I lost a lot of talented people. I don't understand it, you can't establish sustainability of a country if you take the most talented people out of it.

And the security situation is much worse than a decade ago, that has been a setback and is going to be a challenge – how will this affect international efforts to support Afghanistan? I don't know.

But in terms of the bigger picture in Afghanistan, things won't change within 5-10 years. We are just sowing the seeds.

Based on my experiences of Afghanistan if I were to give one piece of advice to the international community, it would be "don't always give the Afghans 'burger and chips'. They might need a different approach. Listen, let them lead, let them choose the way."

From an interview with Victoria Harrison Neves, Strategic Communications Adviser.

Transitioning to local ownership

(Continued)

AFGHANISTAN

THE VOICE OF OUR PARTNERS

H.E. Farid Hamidi is the Attorney General of Afghanistan. In November 2016, he spoke to IDLO as a special guest at the Assembly of Parties.

I was appointed as the Attorney General of Afghanistan in April of this year, 2016. Building the judicial capacity of Afghanistan is a dire need for implementation of justice and rule of law, as well as for ensuring human rights.

The legacy of our judicial system, especially the Attorney General's Office (AGO), is a continuation from the Soviet Union era, where the justice system was merely a political tool of the government at the time. This culture continued and one of my main responsibilities, together with the leadership of the judiciary in the country, was to keep the judiciary system away from politics and politicians that try to use my organization as a political tool to limit rights and freedoms of the people.

The other issue was low capacity, or lack of capacity within the organization. Even in early 2016, the AGO had prosecutors who had graduated from the twelfth grade, and with no legal background. We changed the recruitment policy and removed those prosecutors without a legal background and recruited over 400 prosecutors. Thereby, we raised the capacity of the AGO.

When I took up office in April (2016), the percentage of female prosecutors was below 3 per cent, and within eight months, the number was raised above 15 per cent, meeting the gender needs.

The new recruitment policy also addressed the need to be representative, given that Afghanistan is a multicultural and multi-ethnic society.

We also started an internship program throughout Afghanistan, especially in relation to female prosecutors, with the intention of producing a new generation of female prosecutors.

We also focused on building the capacity of the prosecutors, as well



H.E. Farid Hamidi, Attorney General of Afghanistan, addressing the IDLO Assembly of Parties in November 2016

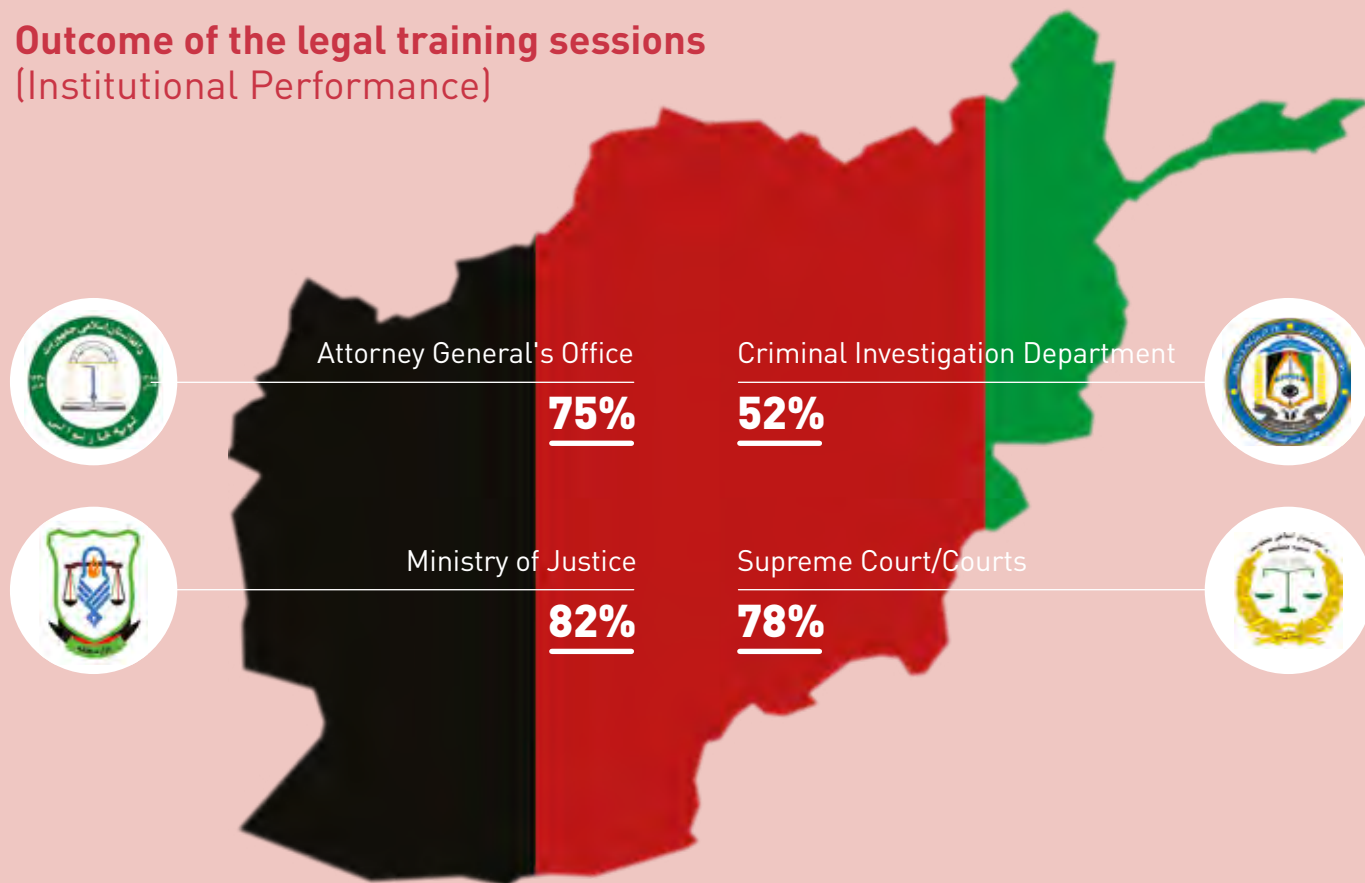
as structuring the organization, to enable us better handle cases of victims of domestic violence and meet other legal needs of women and girls in the country.

Another program we initiated is in relation to reviewing the laws and regulations of the country, because the current laws do not allow us to be responsive to the degree required, in bringing justice to the people and implementing the rule of law. We have established a Committee in this regard and they are also reviewing the structure of the Office of the Attorney General.

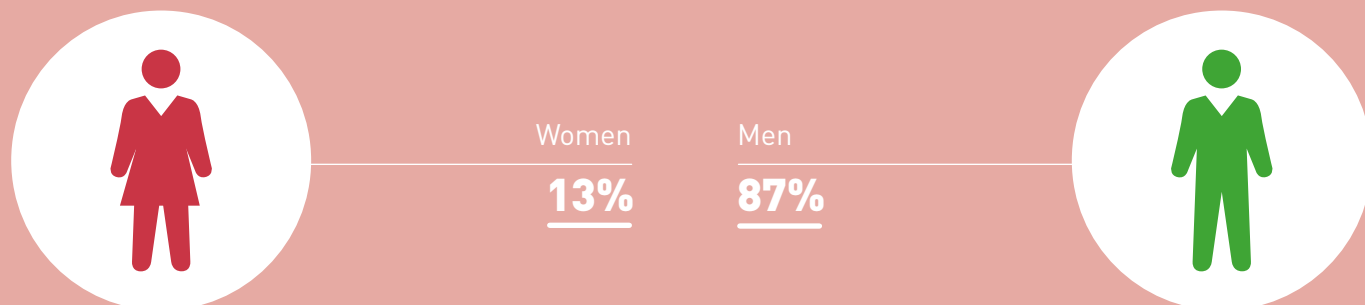
We have 3,200 prosecutors serving our 35-million population. But, I do not think this number is sufficient, given the volume of cases and also the geographic spread. Therefore, we are looking to revise the structure of the organization next year in 2017 and also address capacity development needs.

Having good laws and regulations alone is not enough for justice and rule of law. Implementation is important and for this we require the capacity and capable prosecutors. Then only can we bring justice and rule of law to Afghanistan.

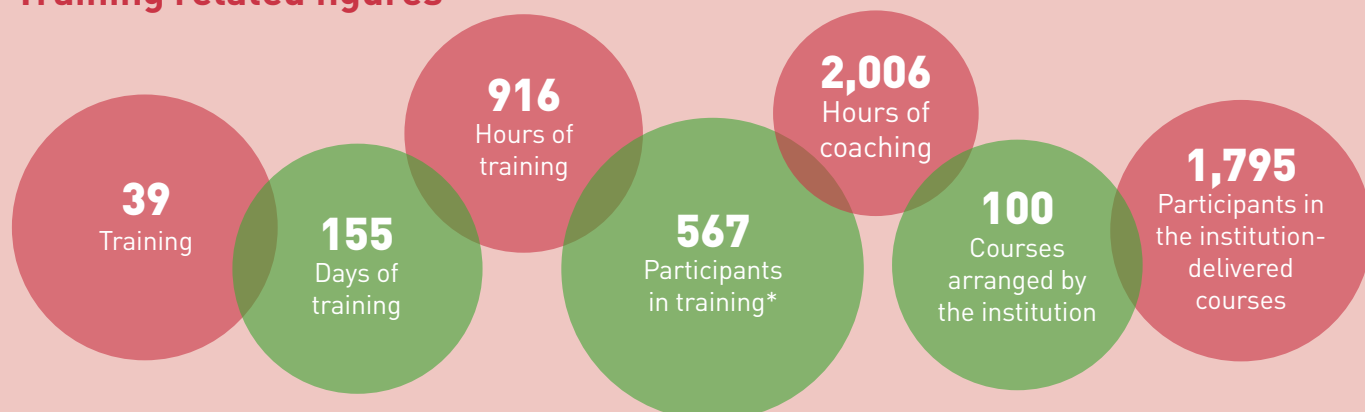
Outcome of the legal training sessions (Institutional Performance)



Female and male participation ratio in JTTP training courses



Training related figures



* Includes double counting where individuals have attended more than 1 training

Transparency and anti-corruption

UKRAINE



Since the Maidan Revolution, Ukraine has embarked on a wide-ranging reform program determined to overcome a legacy of impunity, bureaucratic stagnation, arbitrariness and corruption. The parliament has passed bills aimed at structural reform of key justice sector institutions and the judgement enforcement system. But notwithstanding these promising beginnings, many initiatives are still required in order to overcome barriers for institutional progress and facilitate access to legal services for the population.

IDLO is working to strengthen the capacity and integrity of institutions to support Ukraine's sustainable development and the return of confidence in public administration, justice and the rule of law.

1200

160 services provided to 1,200 clients per day by the Mariupol Public Service Center

25+

Over 25 draft laws and by laws supported and promoted by IDLO

200+

Together with civil society organizations, IDLO carried out over 200 awareness raising events

MAKING A DIFFERENCE IN EUROPE'S "MOST CORRUPT COUNTRY"

Levan Duchidze, Country Director

Unfortunately, Ukraine still ranks as the "most corrupt country" in Europe according to Transparency International's Corruption Perception Index 2016. While the country is becoming more financially stable, progress fighting corruption and improving security has proven slow.

Tackling corruption is the primary focus of IDLO's work in Ukraine; we have been instrumental in the creation of new Public Service Centers, in deregulation, electronic public procurement, providing technical assistance to the newly-created Anti-Corruption institutions (Special Anti-Corruption Prosecutor's Office and National Anti-Corruption Bureau of Ukraine), and offering support to the Ministry of the Interior.

At the end of 2016, the "Together against Corruption" initiative launched; this program, supported by the Prime Minister, incorporates more than 80 anti-corruption measures originating from and to be implemented by various ministries. In close cooperation with several ministries, IDLO developed fourteen of the 83 initiatives, and we are now heavily involved in their implementation, in particular with the Ministries of Culture and Regional Development and Infrastructure. Within the construction sector, where corruption is especially rife, we are working to develop new construction laws, permits and licences.

We also manage sub-grants to three organizations – IREX, which builds awareness and trust between the police and local communities, AntAC, a watchdog monitoring the efficiency of the two new anti-corruption institutions, and Our Money, our smallest and youngest partner which observes corruption cases in court. In terms of the greatest difference we have

made, this is definitely through the Public Service Centers; tangible results can be seen in at least two regions, Odessa and the war-affected Donetsk region in eastern Ukraine. Customer service training and seeing the public as clients are completely new concepts for public servants in Ukraine. Work is underway in a third region and we will be further expanding our geographical coverage in 2017.

IDLO was also one of the first organizations to pay attention to electronic public procurement in Ukraine; we consulted with Members of Parliament and non-governmental organizations and were able to influence the legislative process, which is now more transparent and efficient. We stressed the importance of the majority of public procurement being undertaken via the electronic public procurement platform, trained all public servants responsible for procurement and, uniquely, all relevant stakeholders in the process from civil servants and business representatives to civil society and the media; businesses

PHOTO ESSAY: SUPPORTING DECENTRALIZATION AND ANTI-CORRUPTION IN UKRAINE THROUGH NEW PUBLIC SERVICE CENTERS

IDLO's approach to the new Public Service Centers (PSC) in Ukraine is guided by four key principles: speed, one-stop-shop, corruption-free and customer-oriented. The focus has been on providing the public with the most efficient customer journey, avoiding unnecessary steps and interceptions.

need to know how to tender and the media and civil society must be equipped to monitor the processes.

IDLO is the only organization applying this holistic approach to the entire procurement chain. Seeing evidence-based results in the regions where we have applied this training, we have subsequently received requests from other regions for similar help, which is a great reflection of their interest in IDLO and appreciation of what we do. From what they tell us, IDLO is generally seen by its partners as flexible, fast-moving and results-oriented.

In terms of legislation, our biggest achievement relates to around three dozen legislative bills that we helped draft and promote in Parliament; three were adopted in 2016 around wineries, foreign investment and freedom of speech, and one on water usage in early 2017.

I, personally, joined IDLO in Ukraine in August 2015 and a year later became Country Director; I'm incredibly proud of the progress we have made, especially with the Public Service Centers and the laws we have helped change, which genuinely affect real people and how business is done here. In 2017, we are also going to be working to promote greater transparency in terms of how courts deal with anti-corruption cases.

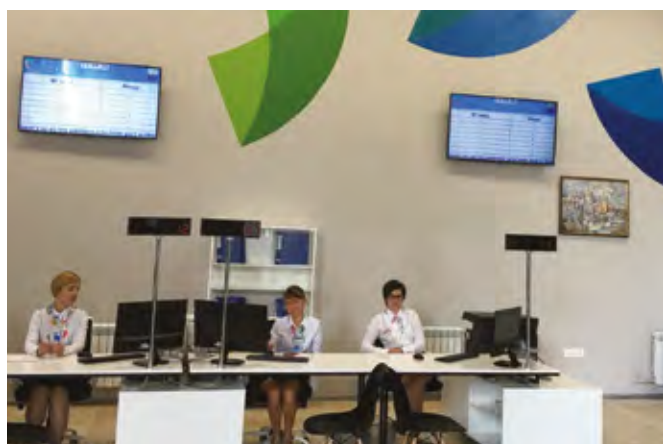
Challenges, however, remain in Ukraine due to weak political will at the national level to implement painful but necessary reforms; everything else is ultimately linked to this. Yet the fact that, just two and a half years ago, Ukrainian people spent days and nights demonstrating in the streets, despite temperatures falling below -20C, defending their own democratic rights and Ukraine's European future gives me hope that Ukraine will not only resolve the challenges it is facing right now but will also thrive and prosper.

From an interview with Victoria Harrison Neves, Strategic Communications Adviser.

This work addresses two key issues in the Ukraine - decentralization and the fight against corruption. Within decentralization efforts, an ever-increasing number of duties and responsibilities are being transferred to local governments, primarily at the city-level. Since Administrative Centers operate under the city government, through projects like this, we also help the local government to become more efficient. At the same time, by simplifying procedures, reducing bureaucracy, creating a transparent environment and separating front and back offices, we eradicate opportunities for corruption.



An abandoned building was transformed into a modern Service Center within three months. The Mariupol center now offers over 160 public services, some of which were previously only provided by ministries, from the issuing of passports to property certificates and permits for land use. Its launch is part of a broader decentralization reform program being undertaken by the Ukrainian government. Up to 1,200 clients should be able to access the services of the Center on a daily basis.



Speaking at the opening of the Mariupol center in the Donetsk region, President Petro Poroshenko declared the PSC "a symbol of new Ukrainian public service. It is also a symbol of change and development for the people in the occupied parts of Ukraine". He also spoke of the customer oriented approach, in which the newly-hired employees have been trained. "Instead of demanding bribes, they shall meet and serve citizens with a smile," he said, thanking international partners, like IDLO, for their support.



All images courtesy of IDLO

Working with elders

SOMALIA



In 2016, the Somali federal government presented a national development plan for the first time in over 30 years. While there have been signs of progress and stability, the absence of a robust, independent and competent prosecutorial service has contributed to a climate of impunity. 2016 also saw the increased proliferation of both low-level and serious crimes, including terrorism, corruption and gender-based violence, including in camps for internally displaced people.

IDLO is working with both key justice institutions and informal systems across four districts of Somalia so they can fulfil their core functions and strengthen access to justice for citizens.

40%+

Over 40% of the population is in need of humanitarian assistance⁴

1.1M

1.1 million internally displaced people; Mogadishu alone hosts over 400,000⁵

200+

Together with civil society organizations, IDLO carried out over 200 awareness raising events

STRENGTHENING TRADITIONAL DISPUTE RESOLUTION IN SOMALIA

Lack of access to fair and equitable justice is among the most pressing problems confronting Somalia on its path towards stability and reconstruction. For over two decades, the country has suffered from a lack of any effective formal justice institutions in the country. In the short term, it is essential to

engage with Somalia's informal justice systems already used by a large majority of people in the country to resolve conflict in their communities and dispense justice. Ignoring this much-used, yet significantly weakened, informal justice mechanisms poses the risk of heightening grievances between social groups and individuals being resolved through violence, thus undermining peace and state-building efforts.

IDLO has worked in Somalia since January 2012, targeting the diverse aspects and actors in the 'justice chain', including building the capacities and competencies of Somali justice institutions and justice sector professionals to deliver justice, strengthening linkages between formal and informal justice systems, supporting peace and stability at the community level, and addressing gender-based violence.

STRENGTHENING LINKAGES BETWEEN FORMAL AND INFORMAL JUSTICE SYSTEMS

IDLO has provided ongoing support for the establishment and running of a Traditional Dispute Resolution (TDR) Unit within the Ministry of Justice and Constitutional Affairs, with the mandate to research and develop a government policy on TDR to improve access to justice for all Somalis. The Unit is also tasked with examining the role TDR could play in supporting national reconciliation and the reintegration of disengaged combatants.

With the support of IDLO, a draft policy on TDR in Somalia was developed drawing from empirical research conducted in four Somali districts. The research on TDR mechanisms was further expanded to include 16 newly recovered districts, in cooperation with selected NGOs. This data will be used to update the draft policy on TDR and to ultimately develop a national TDR strategy for Somalia.

The research is helping improve the knowledge of the workings of Somali TDR systems, including the substantive justice issues that are addressed at this level, and to identify practices that may contravene the Provisional Constitution.

IDLO also assisted the TDR Unit to engage in dialogue and targeted training of 20 Elders, to encourage improved compliance of TDR practices with the Provisional Constitution and international human rights standards.



©Flickr_African Union_Tobin Jones

Goal 2: Access to Justice



IDLO's work on promoting access to justice is much more than access to a formal court. It is about realizing social justice, and addressing marginalization and inequality through the restoration of rights that have been ignored or denied. We recognize that direct provision of legal services, which include information, counselling, legal advice and representation, and cost-effective dispute resolution mechanisms can provide an important empowering pathway to accountability and redress.

To enhance access to justice, on the one hand, we support institutional and legal reforms and on the other, we empower civil society and rights-holders to ensure that:

Access to justice and rights of women and girls are upheld: Many women face challenges in accessing legal and justice institutions, and even when they do, outcomes are rarely in line with international standards or constitutional guarantees of equality, because those sectors and legal arrangements most relevant to women, such as family courts, legal aid for family proceedings or small claims tribunals, are often poorly resourced or insensitive to women's needs.

"Conventional" legal and justice reform initiatives, often, ignore personal laws relating to family, inheritance, and property that affect women adversely, or do not integrate gender perspectives into capacity and competency programs for legal and justice actors. IDLO seeks to uphold the human rights of women and girls and promote their access to justice.

Legal services for poor and marginalized communities are provided: The infrastructure of justice has an important role in realizing social justice and addressing marginalization and inequality, as people living in poverty struggle to access basic legal services and safeguard their rights, interests and assets. Our approach to legal services focuses on legal and institutional reform that promotes inclusivity and targeted services for poor and marginalized communities; and empowering those whose rights are at risk to access justice through cost-effective dispute resolution mechanisms. This also builds greater trust and confidence in the justice sector.

The right to health of marginalized and vulnerable groups is strengthened: Though protection and promotion of health is fundamental to human dignity, legal frameworks remain inadequate and implementation uneven. National health indicators often hide pockets of inequality, especially among women, girls, minorities and other marginalized populations, resulting from multiple factors, including discrimination and the lack of access to appropriate health services. Our work focuses on building capacity to strengthen legal frameworks for public health, empowering civil society to hold governments accountable for public health outcomes, and strengthening legal services to address discrimination and access to health care and services.

In Afghanistan, Liberia and Mongolia, IDLO works to improve justice for survivors of gender-based violence. Our interventions in Mali and Myanmar seek to bring end-users and justice institutions together, while at the same time contributing to peace-building. In Africa, Latin America and the Middle East and North Africa, IDLO has worked to improve access to HIV services using legal approaches.

Goal 2: Access to Justice

Global

Gender

Health

Freedom of Religion or Belief

Americas

Honduras

Regional: HIV

Sub-Saharan Africa

Burundi

Kenya

Liberia

Mali

Tanzania

Uganda



Eastern Europe and Central Asia

Kyrgyzstan
Mongolia

Middle East and North Africa

Egypt
Tunisia
Regional: HIV

Asia

Afghanistan
Indonesia
Myanmar

Goal 2: Access to Justice

Afghanistan



Supporting Access to Justice in Afghanistan (SAJA)

Donor: United States Department of State

Project Duration: 16 September 2014 - 31 October 2017

Total Program Budget: EUR 13,390,268

Burundi



Research on the Effect of Land Tenure Registration on Land Disputes and Women's Land Rights

Donor: Stichting ZOA

Project Duration: 16 June 2015 - 28 February 2018

Total Program Budget: EUR 145,144

Egypt



Strengthening and Expanding HIV-Related Legal Services and Rights - Phase III

Donor: Ford Foundation

Project Duration: 1 March 2014 - 29 February 2016

Total Program Budget: EUR 362,608

Honduras



Reducing Homicide through Access to Justice

Donor: United States Department of State

Project Duration: 21 July 2015 - 20 July 2020

Total Program Budget: EUR 5,405,200

Indonesia



Indonesia-Netherlands Rule of Law Fund

Donor: Government of the Netherlands

Project Duration: 3 November 2014 - 31 December 2018

Total Program Budget: EUR 7,500,000

Kenya



Supporting Gender Reforms in Kenya's Public Service

Donor: Embassy of Denmark in Nairobi

Project Duration: 1 November 2013 - 30 June 2016

Total Program Budget: EUR 335,336



Supporting the Implementation of the New Constitution in Kenya: Increasing Access to Gender Justice in Kenya

Donor: Embassy of Denmark in Nairobi

Project Duration: 9 December 2013 - 30 June 2016

Total Program Budget: EUR 335,336



Development Engagement: Support to Human Rights, Access to Justice and Equality

Donor: Danish International Development Agency (DANIDA)

Project Duration: 1 January 2016 - 30 June 2020

Total Program Budget: EUR 3,454,250

Kyrgyzstan



Improving the Rule of Law and Access to Justice for Sustainable Peace

Donor: United Nations Development Programme (UNDP)

Project Duration: 5 August 2014 - 30 June 2016

Total Program Budget: EUR 130,254

Liberia



Promoting Increased Accountability for Sexual and Gender-Based Violence in Liberia

Donor: United States Department of State

Project Duration: 28 September 2015 - 27 September 2017

Total Program Budget: EUR 1,779,993

Mali



Strengthening the Criminal Justice Chain

Donor: Government of the Netherlands

Project Duration: 1 December 2015 - 31 May 2020

Total Program Budget: EUR 4,831,245

Mongolia



Combating Gender-Based Violence in Mongolia: Strengthening Justice Sector Capacity

Donor: United States Department of State

Project Duration: 25 September 2015 - 14 August 2017

Total Program Budget: EUR 355,181

Myanmar



Implementing Four Rule of Law Centres (Phase I) and Supporting Capacity Development Mentoring with Justice Sector Institutions

Donor: United Nations Development Programme (UNDP), IDLO and United States Agency for International Development (USAID)/Tetra Tech DPK

Project Duration: 8 July 2015 - 30 June 2017

Total Program Budget: EUR 2,317,952

Tanzania & Uganda



Integrating Legal Empowerment and Social Accountability for Quality HIV Health Services for Adolescent Girls and Young Women

Donor: DREAMS Innovation Challenge - ViiV Healthcare

Project Duration: 8 November 2016 - 7 November 2018

Total Program Budget: EUR 1,269,841

Tunisia



Enhancing Women's Protection Against Gender-Based Violence

Donor: Italy

Project Duration: 23 November 2015 - 31 December 2017

Total Program Budget: EUR 250,000



Supporting Women Justice Professionals in Delivering Justice for Women

Donor: Italy

Project Duration: 9 December 2015 - 8 March 2017

Total Program Budget: EUR 149,944

Tunisia



Women Delivering Justice: Strengthening the Capacities of Women Justice Professionals for Gender-Responsive Justice Delivery and Policy Making

Donor: Italy

Project Duration: 15 November 2016 - 15 February 2018

Total Program Budget: EUR 137,021

Regional: HIV



Protecting and Promoting Health through Global HIV and Health Law Program in Benin, Guatemala and El Salvador

Donor: OPEC Fund for International Development (OFID)

Project Duration: 1 May 2014 - 30 November 2016

Total Program Budget: EUR 217,565



Strengthening and Expanding HIV-Related Legal Services and Rights - Phase Out

Donor: Ford Foundation

Project Duration: 1 March 2016 - 31 December 2017

Total Program Budget: EUR 435,047



Strengthening and Expanding HIV-Related Legal Services and Rights in Latin America and the MENA Region

Donor: Ford Foundation, with a contribution from the Institute of International Education, Inc. (IIE)

Project Duration: 1 August 2014 - 30 April 2016

Total Program Budget: EUR 433,216

Freedom of Religion or Belief



Promoting Freedom of Religion or Belief

Donor: Italy

Project Duration: 1 August 2013 - 31 December 2016

Total Program Budget: EUR 176,139

Accountability for sexual violence

LIBERIA



More than a decade after the civil war in Liberia ended, sexual violence remains rife. While rape was systematically used as a weapon of fear and shame during the war, the incidence of sexual violence against women in Liberia today is still one of the highest in the world. Many cases go unreported due to the stigma and fear surrounding these crimes.

IDLO's work promotes accountability for sexual and gender based violence by assisting the judiciary with prosecution, court administration, court inspection and jury management; facilitating capacity building for female police officers; and supporting the sexual violence response mechanism.

61.4%-77.4%

Between 61.4 and 77.4 per cent of women and girls in Liberia were raped during the war⁶

4%

At below 4%, the conviction rate in courts is extremely low compared to the number of cases reported⁷

1400

Of nearly 1,400 cases reported to One-Stop Clinics, 199 were brought to indictment and only 3 tried

MAKING IN-ROADS IN LIBERIA: Teresa Mugadza, IDLO Country Director

When I took up post in Monrovia last summer, what struck me most was that I found a committed and cooperative judiciary, but one handicapped by a lack of resources. Often, people erroneously think that Liberia has no legal framework, but that is not true. The real challenge is under-resourcing, which limits what the judiciary can actually do.

There were a lot of delays in the court system, particularly with respect to Criminal Court E, the special court set up to prosecute sexual and gender-based violence (SGBV), yet these were down equally to a lack of resources as well inefficiencies. It is true that the court faces difficulties in processing cases, in fact a second judge was assigned to help with the backlog, but there is still only one courtroom so they cannot sit concurrently. In terms of infrastructure, there is a tiny cramped room for filing,

without a proper filing system, making it hard to locate documents.

In fact, one of the areas where I would say that IDLO has made the most difference in 2016 has been around support to court administration, in terms of establishing standards and procedures and training staff. In the jury management office itself, our consultant identified a number of challenges, in particular, in relation to a lack of common understanding of how to run a jury office. He went on to develop a manual on procedures and created systems to objectively select jurors; work is continuing on consolidation of the jury management system and the creation of a national juror database.

In Criminal Court E, our work has been to support the judge and her staff to improve efficiency and effectiveness through continued education for the staff of the court, collaborative forums with all the actors in the court to identify challenges and propose solutions as

well as facilitating the understanding of databases through computer literacy programs for the Court's staff. We identified, and are addressing, capacity gaps for the judge herself and other circuit court judges where they were facing challenges introducing international standards into the management of SGBV cases, for example how to make the pre-trial process more efficient.

We have come a long way since June 2016 when most of our work actually began. Prior to this, we had focused primarily on conducting a research project to strategically inform our activities in promoting accountability for SGBV, based on the gaps we identified through this process. The research study looked at the experience of survivors of SGBV, particularly in terms of access to justice.

IDLO's research on the experiences of accessing justice for SGBV survivors showed that, in 2015, of the 1396 cases

“Traditionally, women have been under-represented in the force and not as qualified, as women generally have fewer educational opportunities in Liberia, which also translates to their earning lower salaries. Our program has afforded female officers opportunities to increase their literacy and knowledge, and on completion of their studies, their career options within the LNP and elsewhere.”

Teresa Mugadza, IDLO Country Director for Liberia

of SGBV reported at one-stop centers, only 267 were taken to the police, and 199 were indicted. At the end of the research, only two of those cases had been heard in court.

The reasons given for the lack of prosecutions compared with the number of reported assaults centred around the legal process being too long, the difficulties for survivors in chasing their own cases, and problems relating to the perpetrator being able to negotiate payment with the survivor – which accounted for 85 per cent of cases dropped. Somewhat surprisingly, given its internal nature, there has been a lot of interest in our research and requests for further studies in other counties, as it is apparently the first time that anyone has tried to analyze this data.

In the relatively short time that we have been operational in Liberia in 2016, I am very proud of the engagement we have had with the judiciary, we have started a conversation with them whereby they have acknowledged that there are ways and opportunities to do things better. I believe that this level of engagement has been based on the fact that we work in partnership with them. IDLO’s approach is to strengthen institutions and build capacity of individuals, helping create systems that work; if we were not there tomorrow, the changes we have made would continue.

It’s also very rewarding to hear from the Chief Justice his satisfaction with our relationship. Whether in a bilateral meeting or in public remarks, he’s expressed his appreciation for our work on a number of occasions.

From an interview with Victoria Harrison Neves, Strategic Communications Adviser.

FEMALE POLICE OFFICERS IN LIBERIA RECEIVE EDUCATION SCHOLARSHIPS

More than 40 female police officers from the Liberia National Police (LNP) were awarded scholarships to undertake professional skills training, as part of broader efforts to increase access to justice for Liberians, in particular survivors of sexual and gender-based violence. The Professional Development Fund provides financial support to female police officers – who work with survivors of sexual and gender-based violence – to undertake professional skills courses relevant to advancing their police role or career goals. The competitive and merit-based selection process was open to all female LNP officers with at least two years of experience.

OUR COMMUNITY: SCHOLARSHIP RECIPIENT SHARES HER EXPERIENCE

My name is Lucy A.B. Dukuly and I am a beneficiary of IDLO’s scholarship for females working in the Liberia National Police. I have worked with the One Stop Centre, part of the Sexual and Gender-based Violence Unit at the James Davis Jr. Memorial Hospital for the past seven

years. I learnt about the fund to study while working with survivors of sexual and gender-based violence at the center and the scholarship was opportune. In the One Stop Centre, the main challenges that we face are security, transportation, and delays in the judiciary system prosecuting cases.

I am studying Public Health with an emphasis on Health Care Policy and Management, because I want to see how policies on sexual and gender-based violence are crafted and whether these policies are implemented. I have found the course to be very unique and competitive. I have developed managerial, health care policy, implementation and leadership skills and hope to learn more skills like monitoring and evaluation, and if the opportunity is given to me to go to PhD level – even though I have not completed my master’s degree yet because I am still in school – I hope to continue.

I think these studies will help me in my work in that good policy and implementation on sexual gender-based violence would then be carried out. More broadly, this project is helping in that it enhances capacity building for females and motivates them to learn more in order to hold higher positions in society and help in policy-making. Moreover, it also helps them to become more serviceable in society.

“This will help promote and advance the overall dream and long-standing aspiration of female police officers, who in time past were denied service in high-ranking positions, as well as decision-making. We pledge our unwavering promise to take the lead in restoring the lost image of the LNP and to contribute to the overall development of access to justice in Liberia.”

Susie T. Telleh, beneficiary of the fund

Criminal justice sector reform

MALI



Mali has suffered ongoing attacks from armed groups, creating an enduring climate of conflict and volatility. Improved functioning of the criminal justice system can end impunity, which is perceived as one of the main causes of instability. The judiciary is overburdened, and slow justice delivery discourages the population from seeking formal legal remedies. Especially in the North, the criminal justice system remains dysfunctional and lacks public trust.

IDLO is working in Mali with criminal justice sector actors and institutions – both formal and informal – to help them provide credible and effective justice for Malian citizens by addressing locally-identified and specific contextual needs.

4

The IDLO-supported Cadres de Concertation take place once a month in 4 regions in northern Mali with stakeholders including police officers, court administration, civil society members and correction officers

80%

Around 80% of family and land conflicts in poor and rural communities are handled by the customary justice system⁸

JUSTICE FROM THE GROUND UP: STRENGTHENING MALI'S JUSTICE CHAIN

The 2012 crisis exposed Northern Mali to internal displacement of its population, conflict and security situations, and the absence of institutions. Since the peace accord in 2015, there have been progressive signs of stabilization including the uptake of judicial activities in the country.

Notably, there has been an increased demand for improved performance by justice institutions in response to an influx of large and complex cases

emerging from the 2012 and 2013 internal conflicts. Despite efforts by the government to effectively respond to these needs, the judicial system remains bogged down by lack of resources, corruption, and inaccessibility for Malian citizens.

Challenges notwithstanding, promising progress and innovative transitions are taking place in the Northern regions, specifically Mopti, Gao, Timbuktu and Ségou. IDLO, with support from the Government of the Netherlands, is implementing a multi-year program to strengthen locally-identified gaps in the justice system.

Roelof Haveman, First Secretary at the Embassy of the Netherlands to Mali, remarks that with this program, “the Netherlands through IDLO is [...] showing that we can support also the criminal justice chain actors who stay there to do their work, despite insecurity. [...] IDLO gained confidence among the Malian and international actors in the region as an important player that does not walk away from difficult situations.”

The program, launched at the end of 2016 for a duration of five years, has piloted an innovative model, the Problem-Driven Iterative Adaptation (PDIA), which is based on promoting

local solutions to local problems. This adaptive, iterative and flexible approach was uniquely designed to comprise “cadres de concertation”, or consultation frameworks, which seek to enable Malian stakeholders at the local, regional and national levels to take ownership over the program’s implementation and lead the institutional reform activities.

Through the consultations, Malian justice actors convene once a month to discuss justice priorities, as well as strategies and activities needed to resolve problems. The interventions are guided exclusively by local input, and the participants – ranging from police officers, court administration, civil society members and correction officers – are tailored to the region’s needs.

In Ségou, where IDLO is facilitating activities, the consultations identified training for judicial police and increased respect for human rights in penitentiary systems as their top priorities. But the strategies aren’t limited to the law or law enforcement in the strictest sense – the consultations also consider journalists and civil society members equal parts of the justice chain.

For example, in Ségou, participants noted that the media can effectively promote access to justice by communicating about the proper use of legal mechanisms. Through media dissemination, remote and out-of-reach populations can access the right information and be empowered to bring their cases to court.

While the issues brought forth in the consultations vary a great deal, the interventions are effective because they are determined by local sensibilities.

“[The approach] is working very well,” says IDLO Field Program Manager, Jean Mutabesha.

“These are their activities. They propose them. IDLO just brings expertise to realize them,” Mr. Mutabesha continued.

The bottom-up consultations support capacity building for institutions, but issues surrounding marginalized groups, like protecting children’s rights and addressing sexual- and gender-based violence have also been raised based on feedback from the participating justice actors.

A major objective of the program is increased exchange with and collaboration between different groups

that wouldn’t necessarily overlap.

“There is more collaboration [between actors] than before”, said Mr. Mutabesha. “Synergies are always possible,” including between supporting partners.

The consultation groups between regions also exchange experiences and best practices so that lessons learned are taken into account and no knowledge is lost. With this success has come the possibility to expand consultations to the South.

Mr. Haveman adds that the innovative approach has seen a “change in mentality and behaviour of criminal justice chain actors, who work together and together take the responsibility for the well-functioning of the criminal justice chain. As a result of this, [there can be] a better functioning criminal justice chain in all its aspects.”

“The Netherlands through IDLO is [...] showing that we can support also the criminal justice chain actors who stay there to do their work, despite insecurity. [...] IDLO gained confidence among the Malian and international actors in the region as an important player that does not walk away from difficult situations.”

Roelof Haveman, First Secretary at the Embassy of the Netherlands to Mali

Gender equality

KENYA



Gender equality and the rule of law are complementary and mutually reinforcing. Yet despite promising and widely celebrated constitutional provisions, the road to implementation is long. There is a need to develop gender-responsive laws and policies and enact legislation towards improving social, economic and political participation of women.

IDLO is working in Kenya to improve coordination among government institutions, civil society and other actors and strengthen legal frameworks to ensure they recognize and protect women's rights.

63

Kenya ranks at 63rd place out of 144 countries for gender equality⁹

83%-50%

With 83% and 50% respectively, adequate resourcing and cultural factors are considered the major barriers to mainstreaming gender issues



Empowering Kenyan Women

Gender equality and the rule of law are complementary and mutually reinforcing, and Kenya's Vision 2030 envisions gender mainstreaming to address the needs and interests of women and girls. IDLO works to ensure that legal and policy frameworks recognize and protect women's rights.



Combatting Gender-Based Violence

IDLO assisted the National Gender and Equality Commission in developing a model policy and legal framework on sexual and gender-based violence at the county level. The policy will help county governments deliver coordinated responses in line with the national framework.



Promoting Gender Equality

Legislation should ensure equal access and participation to improve the livelihoods of women in Kenya. IDLO supported the development of a handbook on gender equality and non-crimination for legislators, and helped push for legislation to ensure implementation of the two-thirds gender rule in elective public bodies.



Access to Justice through Legal Aid

IDLO supported the Office of the Attorney General and the Department of Justice to develop a National Action Plan on Legal Aid to improve access to justice for women in Kenya. The Action Plan outlines concrete steps to operationalize legislation and ensure the successful uptake of legal aid initiatives.



Legal Reform and Institution Building

IDLO provided technical support to the State Department of Gender Affairs on the gender components of a number of government bills and policies, the draft National Action Plan to End Child Marriage and the Department's initiatives on gender-based violence.

Equality and empowerment of women

The rule of law has the potential to bring about gender equality and women's empowerment, but many women and girls continue to be denied equality. Unfortunately, laws can be used to restrict women's rights, justice institutions are often inaccessible and unresponsive, and women themselves are largely excluded from knowledge, processes and power structures that can bring about change. Furthermore, there continues to be impunity for gender-based violence. IDLO is working around the world to dismantle discriminatory laws and institutions and bring about strong, fair and gender-responsive legal frameworks, as well to empower women and girls to claim their rights.

90%

Almost 90% of countries maintain at least 1 legal barrier that impedes women's economic opportunities¹⁰

100

100 economies have legal restrictions on which jobs women can do, and 46 economies have no domestic violence laws¹¹

19

19 economies legally require wives to obey their husbands¹²

GENDER AND THE RULE OF LAW: SYNERGIES BETWEEN SDG 5 AND 16

Rea Abada Chiongson, Senior Gender Adviser and **Nupur Prakash**, Gender and Law Associate

As we work towards the achievement of Agenda 2030, it is essential to recognize the mutually reinforcing nature of SDG 5 on gender equality and women's empowerment and SDG 16 on the rule of law. The rule of law plays a critical part in the recognition and implementation of women's rights.

There has been a wave of domestic violence legislation, from only 1 in 1976 to 127 in 2016¹³. In 2015, 125 sexual harassment and 52 marital rape laws were recorded to be in place¹⁴.

Evidence indicates that legal frameworks fail to adequately protect and promote women's civil, political, economic, social and cultural rights, including their rights to political participation representation, employment, land rights, food security, family life, among others.

It is estimated that one third of the world's women experience some form of sexual and gender-based violence¹⁵. Yet efforts towards increasing access to justice for survivors of violence remain unresponsive, in many cases failing to protect women from revictimization.

Addressing these challenges requires implementing Agenda 2030 in a way that recognizes the interdependent and mutually reinforcing nature of SDGs 5 and 16. SDG 16 is not only important as a goal by itself, it is critically relevant to other goals, as a robust legal and justice environment is both a driver and outcome of sustainable development. Affording equality to all, fair accountable institutions and frameworks, upholding justice, and protecting human rights are the basic tenets of creating a sustainable enabling legal environment for gender equality to flourish. In other words, robust and responsive legal frameworks and institutions based on the rule of law are imperative in achieving gender equality and women's empowerment.

SDG 5, on the other hand, underlines the importance of gender equality in

strengthening the rule of law. Integrating gender in laws and policies is instrumental in bringing about equitable, accountable and fair legal and justice institutions that caters to the needs of a wider population.

Addressing law-related challenges to gender discrimination requires working outside of specific "silos". It entails a multi-dimensional approach that synergizes the gender, law and development nexus to help the emergence of comprehensive, multi-dimensional and lasting solutions.

Good laws, fairly implemented, are vital in women's legal empowerment and access to justice, however, gender equality and empowerment are crucial for these laws to be exercised and enjoyed fully by women and girls.

Building on this nexus, IDLO is committed to continue to effectively integrate gender in all areas of its work and seeks to effectively contributing to gender equality, fair justice outcomes for all and ultimately to the full achievement of Agenda 2030.

HIV legal services for women and girls

TANZANIA AND UGANDA



Adolescent girls and young women account for 71 per cent of new HIV infections among young people in sub-Saharan Africa. They are more vulnerable to HIV because they are often subjected to a range of gender and age based biases, discrimination and violence, including sexual assault, forced marriage and trafficking. Despite growing HIV-related responses, they and their communities most often do not have the capacity, voice and power to hold these service providers accountable for improved delivery of quality HIV-related services.

In 2016, IDLO was selected as a winner of the DREAMS Innovation Challenge, which supports innovative solutions from 55 organizations, to infuse new thinking and approaches to meet the urgent, complex needs of adolescent girls and young women in Uganda and Tanzania.

2x

Women are twice as likely to be infected with HIV as men in sub-Saharan Africa¹⁶

50%

More than 50% of the 36.7 million people living with HIV are girls and women¹⁷

684

Of 684 organizations who applied, IDLO was selected as 1 of 55 DREAMS winners¹⁸

HIV RELATED LEGAL SERVICES FOR ADOLESCENT GIRLS AND WOMEN

Adolescent girls and young women account for 71 percent of new HIV infections among young people in sub-Saharan Africa. Uganda reflects this disproportionality, with HIV prevalence among young people aged 15-24 estimated at 4.2 per cent for women but only 2.4 per cent for men. Likewise in Tanzania, a total of approximately 25,532 adolescent girls

and young women become infected with HIV every year, and they are twice as likely to be living with HIV than men of the same age.

Adolescent girls and women are more vulnerable to HIV as they are often subjected to a range of gender- and age-based biases, discrimination and violence, including sexual assault, forced marriage and trafficking. Both adolescent girls and young women, and their communities, often lack the economic, social and cultural support and resources to assert their rights

and bring about their own protection and well-being.

Recognizing the need for urgent action, DREAMS, an ambitious US\$385 million public -private partnership, has invested \$85 million to support innovative solutions from 56 organizations, among them IDLO, to infuse new thinking and approaches to meet the urgent, complex needs of adolescent girls and young women.

IDLO conducted inception missions to Uganda and Tanzania as part of the project set-up. The objective of the visits

was to establish relationships with local NGO partners, government officials and other key stakeholders in the fields of HIV/AIDS, gender and justice. The inception visits served to develop effective project workplans aimed at strengthening community-level HIV services for adolescent girls and young women in the respective countries.

Under the IDLO DREAMS initiative, adolescent girls, young women and their communities will be supported through legal service referrals, legal aid funds and other activities aimed at securing broader public support for gender and health rights. The two-year long project to be implemented in Uganda and Tanzania, is funded by ViiV Healthcare.

At the opening of a stakeholders' roundtable meeting, Moses Mulumba, Executive Director of the Center for Health, Human Rights and Development (CEHURD), IDLO's implementing partner in Uganda's districts of Gomba and Mukono, applauded all participating institutions on coming together to address systemic gender inequalities and obstacles to health services by holding providers accountable for the quality of HIV-related services. He emphasized that the IDLO DREAMS innovation project, "presents an opportunity to build upon positive progress and existing initiatives in the country".

In roundtable discussions with the Legal and Human Rights Commission (LHRC) in Tanzania, participants agreed



Center for Health, Human Rights and Development (CEHURD), IDLO's implementing partner for the DREAMS initiative in Uganda, at the start of the program

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upon the need to be aware of current sensitivities and challenges in working with adolescents and young people. It was noted that in many cases regulations are in place, but left unobserved by some communities. There was confidence among LHRC staff that the project's innovative blend of legal empowerment and social accountability strategies at national, regional and local levels would present an opportunity to

contextualize solutions.

In spite of growing HIV-related responses, adolescent girls and young women most often do not have the capacity, voice and power to hold service providers accountable for improved delivery of quality services. While much progress has been made in making information available, the project will target the drivers of accountability and gender inequality, upon which challenges continue to thrive.

Law and health



An enabling legal and regulatory environment is essential to protect and promote health. Yet in many countries, legal frameworks remain inadequate, implementation is uneven, and civil society is disconnected from public health law and policy reform. Worse, law often stands in the way of effective health promotion, or is used to justify and perpetuate discrimination. Human rights are considered ‘critical enablers’ of the legal response to HIV/AIDS.

IDLO is working to enhance conducive legal environments, build the capacity of legal professionals in government, academia and civil society organizations, and strengthen and expand health-related legal services and rights.

48%

48% of NCD deaths in low and middle-income countries occur before the age of 70¹⁹

72

72 countries have laws which specifically criminalize HIV²⁰

NECESSITY FOR LEGAL FRAMEWORKS AND CAPACITY

International law and national constitutions confirm the central role of the State in respecting, protecting and fulfilling the right to health, including through the regulation of the health sector and services, and of other sectors which affect the social determinants of health. In this regard, an ‘enabling legal environment’ with appropriate legal frameworks are now acknowledged as an integral part to assuring the highest attainable standards of physical and mental health and social well-being.

HIV AND LAW

Between 2009 – 2016, IDLO worked to increase access to high-quality HIV-related legal and health care services for people living with HIV and key populations, and also strengthen the legal and policy environment for HIV prevention and treatment. This work has created cadres of attorneys, paralegals, judges, and community advocates who can now

better utilize legal processes to protect human rights and improve health care access. Health care providers are now better informed about treating patients with dignity and respect and in accordance with human rights laws and policies. These efforts have served to develop communication networks and information dissemination systems that are sustainable and which have led to increased community mobilization in response to HIV.

EGYPT'S LANDMARK COURT DECISION ON HIV DISCRIMINATION

A key verdict that HIV status is not a ground for termination of employment was issued by an Egyptian court in 2016. The plaintiff was represented by IDLO's implementing partner, Al Shehab, and Egyptian non-governmental organization, which defends the legal rights of people with HIV to access work, education, and accommodation without discrimination. The verdict was appealed in 2017 by the employer, but the Appellate Court ruled in favour of the original plaintiff,

confirming the verdict in the Egyptian legal system. This is a ground-breaking ruling for Egypt and for the region.

In 2015, Ahmed* was dismissed from his job as a plumber in a Giza club when his employer discovered he was infected with HIV. In February 2016, in a landmark decision for Egypt and the Arab region, an Egyptian court ruled that HIV infection was not grounds for dismissal under the Labor Code (No.12 of 2003). The ruling is considered a significant achievement for human rights activists and legal professionals working to advance the rights of persons living with HIV.

The first court decision of its kind in Egypt, and possibly in the region, it has been welcomed by civil society and international development organizations engaged in the response to HIV and AIDS in Egypt, and the Middle East and North Africa region more widely.

“We have been waiting many years for an Egyptian court to affirm the right of people living with HIV to work without discrimination. Now the court has recognized that this person poses no threat at all to his work colleagues or

anyone else at his workplace merely because he is living with HIV. Therefore, he has the right to work without discrimination,” said Dr. Youssef Awad, Chairman of the Al Shehab Foundation.

Al-Shehab’s lawyers received technical and financial support from IDLO for this case. “The court decision affirming the right of people living with HIV to work is consistent with relevant international legal frameworks,” noted David Patterson, IDLO’s senior legal expert for health. “These include the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities.”

IDLO has provided technical and financial support to strengthen the legal response to HIV and AIDS in Egypt since 2009, with the support of the Ford Foundation and the OPEC Fund for International Development (OFID). During this time, IDLO has worked closely with UNAIDS, through a Memorandum of Understanding, to expand HIV-related legal services and rights in the region. UNAIDS, the joint UN program of which the International Labor Organization (ILO) is also a member, has been championing the centrality of human rights and law to national, regional and global responses to HIV and AIDS, and issued the International Guidelines on HIV/AIDS and Human Rights. The Guidelines specifically indicate legal services for people living with HIV and key affected populations as part of the national response. This case drew interest from IDLO partners in the region, as it recognizes work as a basic right, regardless of health conditions.

This breakthrough ruling has potential to set important legal precedence for future cases brought forth in Egyptian courts, as it affirms the defense and protection of basic human rights for all Egyptian citizens, including the right to work.

*Names have been changed



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STRATEGIC LITIGATION

From the outset, it was recognized that the provision of HIV-related legal services to individuals would not significantly reduce HIV incidence and the impact of AIDS at national level if the focus remained on the individual alone. Systemic change is needed to strengthen the enabling legal and policy environment for the national HIV response, and human rights (the enabling legal environment) have been identified by UNAIDS as a ‘critical enabler’ of the HIV response.

Law reform through parliamentary processes can be slow and could also result in the unexpected. But, the law can change in another way, however – through strategic litigation. A favourable court decision can well influence future decisions, such as in common law countries, where the decisions can be binding. However, it must be noted that this is not the case in the civil law jurisdictions of countries in the Middle East and North Africa region (MENA) and Latin America.

It is clear that IDLO’s activities and efforts at strategic litigation to achieve HIV-related public health goals are having an important effect in expanding access to legal services and improving the legal environment for people with HIV. These initiatives are clearly impacting on the lives of individual lives and government policy that have both national and global bearing.

Government policy reforms can also result from advocacy and the IDLO project gave voice to people living with HIV and key populations in structured interactions with government, which resulted in incremental improvements in the policy environment in some countries.

Law and health

(Continued)

NON-COMMUNICABLE DISEASES

Globally, ill health is no longer largely attributable to communicable diseases.

As with HIV, a comprehensive, rights-based, multi-sectoral response engaging affected communities is required to address the burden of non-communicable diseases (NCDs) and their impact.



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THE VOICE OF OUR PARTNERS

Roger Magnusson, Professor of Health Law and Governance, Sydney Law School, University of Sydney is one of the lead authors on the publication “Advancing the Right to Health: The Vital Role of Law”, written with IDLO in collaboration with the World Health Organization (WHO), and Georgetown University in Washington, DC. IDLO has a Memorandum of Understanding with the Faculty of Law, The University of Sydney, Australia.

“From a global perspective, it’s clear that innovations in public health law are happening all the time. For example, a tax on sugary drinks, or mandatory limits on salt in food, might seem politically impossible, if not completely inappropriate in some countries, and yet Mexico implemented a tax on sugary drinks in 2015. In 2013, in order to reduce high rates of blood pressure, and cardiovascular disease, South Africa introduced regulations imposing maximum salt levels for 13 food categories. These examples illustrate that governments are using law in new ways to advance the health of their populations. But the need is great, and progress is slower than it ought to be.”

Roger Magnusson, University of Sydney, Australia

Protecting women's rights

AFGHANISTAN



Afghanistan has seen positive changes in the lives of women since the fall of the Taliban 15 years ago. Nonetheless, protection of women's rights and women's access to justice remain limited. Often female survivors of violence have little or no recourse to action, as deeply-rooted social norms dissuade women and their families from asserting their rights.

IDLO is working with civil society organizations and the government in Afghanistan to strengthen access to justice by improving the quality of legal aid services and prosecution of violence against women cases, building the capacity of shelter providers, and fostering legal awareness.

39%

39% of Afghans experiencing legal disputes get no legal aid or advice²¹

8,000

8,000 cases entered into new database that tracks violence against women

943

943 prosecutors trained in 14 subjects; 80% applying newly-acquired knowledge

PRESTIGIOUS AWARD FOR COLLEAGUE'S WORK

The Upper House of the Afghan National Assembly has recognized the work of IDLO legal trainer and adviser Gul Ghutai Afzalyar with an award for her efforts to reform and clarify the Legislation for the Elimination of Violence Against Women (LEVAW) in Afghanistan. In a letter, the First Deputy of the Upper House said "the Upper House of the National Assembly appreciates and admits your tireless efforts towards fulfilling the honest duties of your country and the Afghan people. IDLO has been vital in strengthening a strong relationship with the Islamic Republic of Afghanistan. It is with great pleasure, honor and acknowledgment that we present this award to Ms. Gul Ghutai Afzalyar".

Victoria Harrison Neves, Strategic Communications Adviser, spoke to Ms. Gul Ghutai Afzalyar about her work.

GGA: I graduated from the Law and Political Science Faculty of Kabul University in 1995, and joined IDLO in 2011 where I work as a legal adviser and trainer. My role has included establishing new guidelines for the Women Protection Centers (WPCs), establishing and attending meetings of the Afghan Shelter Network, developing an assessment for training manuals and conducting legal trainings for the WPCs legal advisors and defense lawyers.

IDLO: What changes have you seen during your time carrying out this work?

GGA: The activities I have done, in particular, in respect to the WPCs have proved very useful and effective. The positive changes brought to the WPCs are not only felt by me but also by the WPC defense lawyers, legal advisors, Ministry of Women's Affairs (MoWA), and other organizations involved with the WPCs.

In addition, I have shared my inputs about the development of a unified regulation, which should be followed for mediation meetings, the Mediation Regulation; I have delivered trainings on different topics to the WPC defense lawyers, both in the capital and the provinces, which have improved their conduct and as a result, they behave in a more professional manner. These trainings have not only improved the knowledge of the defense lawyers about different laws, but they have also resulted in defense lawyers learning advocacy skills.

With the efforts of IDLO, the WPC took the initiative to establish the Afghan Shelter Network (ASN). This has enabled various shelters to hold meetings to share and address the challenges they face with the institutions they work with, including the MoWA.

With the support of WPCs, I drafted a guideline for the shelters, the Shelters Coordination Guideline. These guidelines resulted in all the shelters holding meetings to improve the activities of the shelters and service quality for the beneficiaries.

Protecting women's rights

(Continued)

AFGHANISTAN

I have also helped to develop the Confidentiality Policy and the Security Policy for the beneficiaries within the shelters and other involved bodies like police, ERAW units, courts, and MoWA.

IDLO: What did the First Deputy Speaker say to you when you were presented your award?

GGA: While handing us the award, the First Deputy Speaker, during his speech said he appreciated the efforts of the Committee in figuring out the conflicting articles of the LEVAW and resolving them.

He added that since there were members of the committee from different governmental and non-governmental institutions, the inputs and opinions about the LEVAW were presented from different perspectives.

He also said that he would invite the committee to their meetings to listen to our input.

OUR COMMUNITY: VIOLENCE AGAINST WOMEN PROTECTING SURVIVORS' CONFIDENTIALITY

When women survivors of violence in Afghanistan seek justice for the crimes perpetrated against them, they must be able to trust the authorities to protect their identity and treat their case with discretion.

However, without formal training or policies, confidentiality can be breached inadvertently. Justice actors are often simply unaware of the implications for female survivors of violence and how a lapse in privacy protection might impact their ability to hold the perpetrator to justice.

As part of its efforts to support access to justice in Afghanistan, IDLO has begun implementing training workshops on confidentiality surrounding cases of violence against women. Working closely

with partners such as the IDLO-supported Women Protection Centers (WPCs), which offer shelter services and foster awareness of women's rights in Afghanistan, organizational policies on confidentiality have also been developed.

MEDIA

While the Afghan Law on Elimination of Violence against Women (LEVAW) has clear clauses relating to the confidentiality of survivors, it also contains a provision to raise awareness of the problem of violence against women. Yet media representations frequently breach confidentiality by exposing the identities of survivors, insufficiently disguising images, or including details of ongoing cases.

As a consequence, WPC employees, wary of the value of media coverage, tended to avoid working with the media. The media in turn were frustrated with the cumbersome processes required to secure permission to cover stories.

In addition, the media's portrayal of violence against women in Afghanistan has often been a negative one, seeking to expose the worst stories and failing to represent the positive stories of women managing to turn their lives around or the important role of support services.

Ahmad Hanaish, Journalist, Radio Free Europe, training participant on confidentiality in relation to the media:

"Thanks to this workshop, I understand that I have not only a

"IDLO has been vital in strengthening a strong relationship with the Islamic Republic of Afghanistan. It is with great pleasure, honor and acknowledgment that we present this award to Ms. Gul Ghutai Afzalyar."

First Deputy, Upper House, Afghanistan National Assembly

professional but also a moral obligation to show the good side, especially with respect to violence against women cases.”

Many journalists admitted that they had not fully appreciated the idea that awareness is not always a means to prevention, and had been unaware of the repercussions of past coverage.

“I have covered stories on violence against women. But I have never been asked to follow any specific policy regarding the confidentiality of victims of violence, except for blurring the face of the interviewee in videos and pictures,” said journalist Kanishka Malikzada from Khurshid TV.

“It is the first time that we have been educated on the provisions of laws and regulations that obligate us journalists to observe the confidentiality of the victims while covering their stories. It is something that can bring about positive change.”

Looking to the future, a media policy is being developed by IDLO in collaboration with representatives from the government, the media and the WPCs, and a joint committee has been proposed to increase cooperation on preventing violence against women in Afghanistan.

EVAW DATABASE ALLOWS FOR TAILORED TRAINING AND PUBLIC AWARENESS CAMPAIGNS IN AFGHANISTAN

Leslie Schneider, Senior International Advisor, Elimination of Violence Against Women Component, and **Victoria Neves Harrison**, Strategic Communications Adviser.

An important advancement in Afghanistan has been the development of a comprehensive electronic database to track cases of violence against women and girls across the country. Launched in 2016, it is now being used in 20 provinces.

Thousands of cases of violence are registered by the Attorney General’s Office (AGO) and Elimination of Violence Against Women (EVAW) Units each year, including beatings, killings and acid attacks. For each case, a file is prepared comprising details about the accused, the victim, witnesses, basic facts of the case, and charges.

Developed to help the Afghan government comply with its international reporting obligations and assist EVAW Units track cases, the electronic database now allows administrative staff to pull up a victim’s electronic file at the click of a button. They can immediately find out the status of her case and which prosecutor is assigned to work on it.

By using an online, cloud-based system, concerns have been addressed around the security of the previous offline system, which was exposed to the risk of data being destroyed by insurgent activity or computer viruses.

The database has also increased the efficiency of compiling case statistics, enabling prosecutors and administrative professionals to enter information which can then be filtered by a number of criteria. Staff from the AGO and EVAW Units can now generate reports on the number of cases registered in a given province, the types of crimes charged, the progress of a particular case, as well as basic information about both victims and defendants.

“Confidentiality is the backbone of sensitive work such as running the Women Protection Centers. There are many negative myths circulating in the community. If we don’t protect confidentiality, this will increase those myths and create a lot of problems.”

Dr. Hafizuddin Faqiree, Organization for Research and Community Development (ORCD)

Rule of law for democratic transition

MYANMAR



In a country where a large part of the population lacks awareness of the law, distrusts the formal justice system and tends to resort to informal systems to resolve disputes, it has been crucial to enhance public confidence in Myanmar's formal justice system and foster public legal awareness.

IDLO in collaboration with UNDP expanded Rule of Law Centres aimed at building trust between justice providers and the communities they serve by increasing communities' knowledge of their rights, assisting justice providers to apply rule of law principles, and building dialogue and cooperation to address local justice problems.

790

26 mobile training sessions conducted for nearly 790 village community leaders

3,300

Over 3,300 individuals reached in 42 community forums and legal discussions

59%

59% of participants in the Foundations of Rule of Law course were female

AN HISTORIC WINDOW OF OPPORTUNITY FOR RULE OF LAW IN MYANMAR

Victoria Harrison Neves, Strategic Communications Adviser, spoke to IDLO's Country Representative for Myanmar, Kartik Sharma, about the transition underway in the country and the practicalities of working in such an environment.

IDLO: How is IDLO's work reaching ordinary people?

KS: One of the key things for us is to try to show ordinary people how justice and the rule of law affects their everyday life. The Rule of Law Centres, through training, promoting discussion between government and civil society, and public

awareness initiatives, try to draw the link between universal principles like equality, transparency, participation in decision making and the everyday concerns of people. The feedback we get from the centres and the mobile training we undertake in rural communities is that this is new, rule of law is something new for them.

IDLO: Wouldn't you say the country has more pressing needs?

KS: I think in this case there has been agreement that rule of law is a leading priority. It was one of the things that both sides could agree on even back in 2012. It is seen as critical to the success of democratic transition in Myanmar.



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OUR COMMUNITY: RULE OF LAW CENTRE ALUMNI



Arkar Sein,
Civil Society
Representative,
Mandalay

I attended the Foundations in Rule of Law course and human drama training at the Mandalay Rule of Law Centre. After I attended the human drama training, I founded an organization called "Life Drama," and we already have 22 members in our organization. We replicate the community theater training around Mandalay City and Kyauksal Township to build awareness on justice issues in the community, especially for children and those who are less educated. Before we go to the community, we first take assessment trips to determine what justice or rule of law issues are prevalent in that community. Then, we write the performance script ourselves, utilizing the backbone story from the training that the Rule of Law Centre provided. Some people cannot even read when we give them handouts from the training but through the drama, they are very interested to watch. Thus, it is easy to grab their attention through community theater.'



Hawng Zawng,
Deacon of Labang
Baptist Church,
WaingMaw Township,
Kachin State

"This training is very good for us because we originally come from the mountains, and we don't have experience with and knowledge about the law and rule of law. ... But, here it is quite populated and there are many problems, unlike in mountains; this is why we really need



A mobile training session to promote legal awareness involving community leaders in a more remote area of Myanmar

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to know about the rule of law and legal awareness, at least to defend ourselves and protect our lands when problems occur. Therefore, I hope this kind of training is the key to opening our minds to become more aware of problems and to develop our lives and our community. I think additional training should be provided in the villages."



Myo Thun,
Legal Forward
Organization,
Mandalay

I co-founded the Legal Forward Organization with 15 fellow graduates from the Mandalay Rule of Law Centre, including lawyers, students, and

paralegals. In our organization, lawyers provide free legal aid for defendants who can't afford representation. Additionally, our organization is preparing to replicate the Foundations in Rule of Law training. I was first introduced to the Rule of Law Centres when they came and conducted mobile training in Sagaing Division. I joined became very interested and passionate about rule of law and determined to attend the Foundation course. Therefore, I came to Mandalay and joined the training. Recently, I prepared a child rights curriculum and gave it to the trainers of the Mandalay Rule of Law Centre to check, revise, and provide suggestions. After I get the revised version, I'm going to use this curriculum to conduct training on child rights in my community.'

Reducing violence

HONDURAS



Violence and gang crime continue to make Honduras one of world’s most dangerous countries, causing widespread inequality and poverty which in turn entail a risk of migration and human trafficking. Much of the violence is domestic or intra-familial in nature. In this insecure environment, many citizens, especially women and children, struggle to access justice and legal refuge.

To protect these populations, IDLO is working to increase the provision of legal support services for women, children and other vulnerable populations, develop the capacity of justice professionals, enhance legal awareness in the communities and support re-integration for prisoners.

112/100,000

With 112 homicides per 100,000 inhabitants, San Pedro Sula held the third-highest murder rate among cities globally²²

28%

28% budget increase for prisoner services from 2016 to 2017, with a 6-fold increase for committees working on rehabilitation

THE FIGHT AGAINST VIOLENCE BEGINS AT HOME

Simona Beltrami, Communications Consultant

Don Ramón’s* niece took him to the hospital one day with the pretext of a check-up and never came back for him. In his seventies and recovering from a road accident, he had become a burden on the family.

For 12 years, Alicia slept by the side of a man who beat and abused her, and once left her for dead after attacking her with a pipe. She felt she had no alternative. Sheila was physically and verbally ill-treated by the sister-in-law

who was sent to live with her and her husband, supposedly to help her manage because she was disabled.

With his single mother away all day working in the maquila, Daniel spent his childhood years in the care of a neighbor who had no qualms about hitting him if he stepped out of line. As he got older, he turned to the friendship of other kids in the neighborhood for the support he never got at home.

When thinking about violence in Honduras, thoughts often turn to arms-toting gangs. However, the problem is much broader, with violent behaviors permeating society as a whole. Deeply-rooted patriarchal patterns

demand men to be “strong” and women to “know their place”. Popular culture, through TV programs and song lyrics, perpetuates models that promote—and even glamorize—violence and vilify women and those perceived as “weak”.

According to the Observatory on Violence at the Universidad Autónoma de Honduras (UNAH), youths between the ages of 20 and 24 are most at risk of dying a violent death. But civil society organizations also estimate that in 2015 a woman was killed every 16 minutes in Honduras.

The lucky ones, those who survive, are scarred for life. Survivors of violence – be it physical or psychological – carry

the long-term consequences of trauma and feel they are prevented from achieving their dreams and potential. Violent and broken households are one of the main drivers of the migration of unaccompanied children, and expose youths to the risk of recruitment by criminal gangs which replace absent families.

With a view to enhancing social cohesion and ensuring the well-being of its citizens, the Municipality of San Pedro Sula – the city with the highest violence indicators nationwide – has identified women, children and youths, people with disabilities, and the elderly as needing focused attention and action to protect them from violence.

IDLO is assisting municipal social services staff in designing an efficient, unified mechanism to respond to domestic, intra-family and gender violence, with special emphasis on these four vulnerable groups. This work aims to provide victims with effective recourses to break out of violent situations and obtain justice.

Providing services to respond to violence is a necessary step – but working to prevent its re-occurrence is just as important.

In a bid to promote a shift from a culture of violence to one of respect, and to ensure victims are aware of the options available, IDLO is also supporting the development of an awareness-raising campaign.

*Names have been changed to protect the identity of violence survivors



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“When thinking about violence in Honduras, thoughts often turn to arms-toting gangs. However, the problem is much broader, with violent behaviors permeating society as a whole. Deeply-rooted patriarchal patterns demand men to be 'strong' and women to 'know their place'.”

Tackling domestic violence

MONGOLIA



Although Mongolia has improved its human rights record, domestic violence remains prevalent in the country. Mechanisms and services for protection of and support to victims are still very limited. A lack of training, procedural guidelines and inter-agency coordination between justice sector actors often creates obstacles for victims and hinders an efficient response to domestic abuse.

IDLO is working in Mongolia to improve conditions for women's safety across the country and strengthen the response to domestic violence by improving mechanisms and strengthening coordination between key justice sector stakeholders.

50%

50% of all cases reported to the police relate to domestic violence

27%

Domestic violence cases increased by 27% in 2016 compared to 2015

175

175 justice professionals trained on domestic violence by other training alumni

MONGOLIA: COOPERATION IN PROSECUTING DOMESTIC VIOLENCE

Victoria Harrison Neves, Strategic Communications Adviser

Implementation of IDLO's work on domestic violence in Mongolia began in February 2016 against a backdrop of changes to the legislation and subsequent public debate on the matter. The country's first law addressing domestic violence had been adopted in 2004, in 2016 the then Parliament passed a new law based, in large part, on international best practice. But after elections later that year, the new Parliament regarded it as ineffective and withdrew the law; following subsequent

public outcry, it then re-started the process. The final legislation came into effect on February 1, 2017.

Much of IDLO's work in this field during 2016 centered on capacity-building and, crucially, enhancing cooperation between different agencies in their work to tackle gender-based violence. Having met different actors in the justice chain and heard their experiences and frustrations, for the IDLO team the importance of greater cooperation to achieve better results in the prosecution of gender-based violence was apparent.

IDLO's Field Program Manager in Mongolia, Oyunchimeg Dash, remembers the first time she brought together representatives of the different

agencies: the National Police Agency, Office of the Prosecutor-General, Judicial General Council, Bailiff's Office, Marshalls Authority and Law Enforcement University. The atmosphere was tense, she recalls, the different parties had a lot of criticism of each other. She says police and investigators told her they worked hard putting a case together, but because prosecutors didn't always understand the issues, they sometimes refused to start a criminal case. The police couldn't understand why. She left the meeting pondering how difficult it would be to bring them together in the fight against domestic violence.

But she looks back more positively on their last meeting in December of 2016

and is proud at just how much the atmosphere had changed, relationships had strengthened, the different professionals better understood each other.

Thirty-three trainers from the different agencies were trained during the program in 2016, and these went on to train 175 colleagues.

Co-training, carried out by joint trainers from different agencies, was conducted throughout the program. Staff from different parts of the justice chain had the opportunity to meet each other and hear about the problems they faced.

Oyunchimeg describes one of the greatest achievements, at the end of 2016, when participants from the prosecution explained what they needed from the police in order to pursue a criminal case, and the police explained what they expected from judges, etc. These parties had never been brought together before, now there was greater understanding of their respective roles and how they were mutually dependent. Some of the frustrations at the beginning of the year had been resolved. However, she acknowledges, the demand for training from within the various agencies is still great and there's a clear role for the trainers – the main agents of change - to continue this and, also, act as mentors to colleagues. Understanding of the new law remains scant.

The backdrop of changing legislation in 2016 also brought an added obstacle for the IDLO team, with handbooks and training needing to be adapted to these amendments over the year. One of the challenges faced in Mongolia when it



comes to combating domestic violence is the belief that it is a family issue and, traditionally, a feeling that the law enforcement agencies have more serious crimes to deal with.

Domestic and gender-based violence is prevalent in Mongolia, but the debates in the media and society around the new legislation in 2016 not only reflected the

gravity of the problem, but raised the issue in the public domain. IDLO's phase two work hopes to achieve more in the sphere of public awareness. As Oyunchimeg points out, Mongolia is a vast country and many administrative units lie in remote areas. It's crucial, she says, to reach these and the public across the entire country.

Goal 3: Sustainable Development and Economic Opportunity



The rule of law provides legal certainty for economic development, ensures equity for social development and allows a legal basis for distribution of natural resources and protection of the environment, underpinning all three pillars of sustainable development. IDLO continues to be committed to the implementation of the 2030 Agenda for Sustainable Development. In addition to diverse programming, we share our expertise and insights on the rule of law as an enabler, as well as an outcome of sustainable development at the United Nations and at the regional level. Our objective is to promote the identification and exchange of practical ways in which to implement Goal 16 and to contribute to building the understanding of the rule of law as a cross-cutting issue, adding value to all three pillars of sustainable development.

Historically, IDLO contributed to opening up of markets in Central and Eastern Europe by building capacity on commercial and economic law. This continues to be an important aspect of our work in emerging economies, as we move into supporting the construction of viable commercial and economic legal systems, especially in transition economies. Our overall aim is to ensure clarity, predictability and certainty in commercial affairs, promote the growth of small and medium-sized

enterprises, and facilitate business transactions while discouraging corrupt behaviours.

IDLO believes that the rule of law is essential for creating investor confidence and a level playing field for business through respect for intellectual property, legal transparency and reliable mechanisms of arbitration or dispute resolution, contract enforcement and regulatory compliance. Our work included capacity development on commercial and economic law of legal institutions, especially the judiciary in Kyrgyzstan, Montenegro, Jordan and Tunisia, courts, and the promotion of regulations and processes in support of small and medium-size enterprises in Mongolia, also focusing on alternative dispute resolution.

In recognition of the importance of the rule of law to sustainable development and economic opportunity, IDLO's interventions, in line with our expertise and core competencies, focused on strengthening legal frameworks, supporting efficient and accountable government institutions, and empowering civil society, in order to facilitate the effective governance of biodiversity, land and natural resources. In Burundi, with innovative approaches, IDLO is engaging female community leaders to help secure the registration of women's land rights.

Goal 3: Sustainable Development and Economic Opportunity

Global

Biodiversity

Americas

Regional: Responsible Investment in Agriculture and Food Systems

Sub-Saharan Africa

Burundi
Kenya
Somalia

Eastern Europe and Central Asia

Kyrgyzstan
Mongolia
Montenegro
Tajikistan

Middle East and North Africa

Jordan
Kuwait
Tunisia

Goal 3: Sustainable Development and Economic Opportunity

Burundi



Research on the Effect of Land Tenure Registration on Land Disputes and Women's Land Rights

Donor: : Stichting ZOA

Project Duration: 16 June 2015 - 28 February 2018

Total Program Budget: EUR 145,144

Jordan



Judicial Institute of Jordan - Commercial Law Judicial Training

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: 20 February 2015 - 3 June 2016

Total Program Budget: EUR 74,000

Kenya



Advancing Legal Approaches to Biodiversity Mainstreaming

Donor: SwedBio Stockholm Resilience Center

Project Duration: 1 November 2016 - 31 December 2017

Total Program Budget: EUR 118,701



Supporting the Kenya Constitutional Implementation Process

Donor: United States Agency for International Development

Project Duration: 20 June 2011 - 31 December 2018

Total Program Budget: EUR 3,645,868

Kuwait



Translating Legislations, Economics, Trade and Investment Laws for the State of Kuwait

Donor: Government of Kuwait

Project Duration: 12 August 2014 - 11 April 2016

Total Program Budget: EUR 768,941

Kyrgyzstan



Sustainability of Judicial Capacity Building

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: : 16 June 2015 - 15 January 2017

Total Program Budget: EUR 74,212



Bailiff Service Capacity Building - Commercial Law Judicial Training

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: : 18 December 2015 - 30 June 2016

Total Program Budget: EUR 65,092

Mongolia



Commercial Mediation: Mongolia and Regional

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: 18 November 2013 - 29 February 2016

Total Program Budget: EUR 73,650



Strengthening Enforcement of Court Decisions - Bailiff Service Capacity Building (Phase II)

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: 1 July 2015 - 28 February 2017

Total Program Budget: EUR 339,949



Commercial Law Judicial Training (Phase II) Ensuring the Sustainability of Previous Assistance

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: 8 August 2016 - 8 August 2018

Total Program Budget: EUR 375,000

Montenegro



Commercial Law Judicial Training Support in Montenegro (Phase III)

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: 12 November 2015 - 1 February 2017

Total Program Budget: EUR 115,363

Somalia



Enhancing Transparency and Accountability in Somali Public Financing through the Strengthening of Procurement Practices - Phase II

Donor: Kuwait Fund for Arab Economic Development (KFAED)

Project Duration: 24 July 2015 - 26 February 2016

Total Program Budget: EUR 172,499

Tajikistan



Bailiff Service Capacity Building - Functional Analysis and Legislation Review

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: 3 October 2016 - 2 October 2017

Total Program Budget: EUR 70,000



Reforms on Access to Judicial Decisions

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: 15 June 2015 - 31 December 2017

Total Program Budget: EUR 155,700

Tunisia



Commercial Law Judicial Training on Intellectual Property

Partner: European Bank for Reconstruction and Development (EBRD)

Project Duration: 25 July 2016 - 31 December 2017

Total Program Budget: EUR 50,000

Regional: Responsible Investment in Agriculture and Food Systems



Capacity Assessment Consultation for Implementation of the Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI)

Donor: United Nations Food and Agriculture Organization (FAO)

Project Duration: 29 December 2015 - 31 July 2016

Total Program Budget: EUR 48,113

Biodiversity



Legal Preparedness for Achieving the Aichi Biodiversity Targets

Donor: Government of Switzerland - Federal Office of the Environment (FOEN)

Project Duration: 1 September 2015 - 31 December 2016

Total Program Budget: EUR 85,707



Building the Evidence on Legal Preparedness for Biodiversity Mainstreaming

Donor: Swedish International Development Agency (Sida) / SwedBio Stockholm Resilience Center

Project Duration: 1 December 2015 - 31 March 2016

Total Program Budget: EUR 32,760



Capacity Building Program to Support the Implementation of the Nagoya Protocol

Donor: Secretariat of the Convention on Biological Diversity (CBD)

Project Duration: 3 August 2015 - 31 March 2017

Total Program Budget: EUR 534,198

Access to justice, the rule of law and the 2030 Agenda

In the year that followed the adoption of the United Nations' transformative roadmap towards ending poverty and building peaceful, just and inclusive societies, the international community first faced the task of implementing the 2030 Agenda. As both a driver and outcome of sustainable development, the rule of law plays a key role in advancing access to justice, combatting inequalities and promoting social inclusion.

IDLO continued to play an active role in advocating for the rule of law at the United Nations, and launched an initiative to foster awareness and political will for development efforts in different regions.

17

Rule of law and access to justice are of cross-cutting relevance to all 17 SDGs

11

IDLO works directly and indirectly towards 11 of the 17 SDGs

56

Of the 56 programs implemented by IDLO in 2016, all work to advance Goal 16

AFRICA RULE OF LAW CONFERENCE FOR SUSTAINABLE DEVELOPMENT

IDLO, together with the Government of Tanzania co-hosted a pan-African conference in Dar es Salaam on June 1 and 2, 2016 "Achieving the 2030 agenda and Agenda 2063: The Rule of Law as a Driver of Africa's Sustainable Development".

The conference, supported by the Government of Italy, provided a multidisciplinary and inclusive platform

to exchange knowledge, experience and good practice to further advance the rule of law and access to justice in Africa as integral elements in achieving sustainable development. Participants deliberated around the themes of institution building; constitution-building and legal reform; equality and empowerment through access to justice; investing in the rule of law for economic development; and building partnerships. The conference engaged a range of members of the judiciary; law and development experts, practitioners and policy makers; academics and civil society leaders,

as well as representatives of the international community and the private sector. Two former Presidents of Tanzania, Benjamin Mkapa and Jayak Kikwete, attended the conference.

The conference concluded with consensus that an Africa-wide collaboration on strengthening the rule of law will play a key role in realizing global and regional development goals. To ensure the achievement of the 2030 Agenda and Agenda 2063, the participants called for action in concrete areas:



Participants at the IDLO Africa Rule of Law Conference for Sustainable Development, Dar es Salaam, June 2016

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- **improving the capacity of the judicial system and knowledge of jurisprudence** in Africa by supporting the creation of an Africa-wide jurisprudence database;
- **improving access to justice** in the African continent by establishing a network to share experiences on legal aid, as well as a corresponding set of indicators by which the countries can measure progress on Aspiration 3 of Agenda 2063 and Goal 16 of the 2030 Agenda;
- **building the capacity of African institutions to tackle investment issues and barriers to development**, starting with a multi-stakeholder discussion between government, business and civil society actors; and
- **recognizing the need to engage with informal and customary systems of justice** as a key means of accessing justice in Africa and treating them as dynamic systems that match changes in society and that are consistent with fundamental values and principles of constitutions.

The conference had over 140 mainly African participants from over 18 countries, and is part of IDLO's larger Africa Initiative to further advance sustainable development through concrete measures underpinned by the rule of law.

“At the root of poverty and inequality is a deficit of the rule of law (...) this happens when the state does not have the capacity or the will to protect people or their property; when institutions are not strong enough to resolve political or social conflict; (...) when corruption, bribery and discrimination distort access to basic services; when women and girls have no recourse to justice against gender based violence; when the law is selectively enforced in favour of the rich and against the poor.”

Irene Khan, IDLO Director-General

“You are African leaders, you can help the formation of more equitable constitutions, more just procedures for enforcement and certainly more speedy retrieval of rights. That is the task before you.”

Benjamin Mkapa, former President of Tanzania



Access to justice, the rule of law and the 2030 Agenda

(Continued)

MAKING THE SDGS A REALITY

LISTENING TO AFRICA: THE LAUNCH OF IDLO'S AFRICA INITIATIVE

Armania Embaye, Legal Adviser

Africa's development has, in recent time, seen great progress, offering a promising future. Home to some of the world's most rapidly growing economies, Africa holds enormous wealth of resources, culture and human capital. But while the opportunities may appear extensive, Africa's development is often challenged and defined by counterproductive trends. The region has long been plagued with humanitarian crises, heightened susceptibility to climate change and disastrous conflicts, and, consequently, hosts some of the world's most poor and vulnerable.

Against this backdrop and IDLO's wide-ranging programmatic history on the continent, the question arises – how can IDLO effectively contribute to Africa's effort to achieve sustainable development?

In 2013, the launch of Agenda 2063 – the African Union's 50-year development plan – formalized a shared, continental vision of 'African Renaissance'. While Agenda 2063

centers on achieving seven aspirations through regional cooperation, its reach goes far beyond the borders of the continent, serving as the foundation for the Common Africa Position on the UN's post-2015 Development Agenda, which, in turn, provided a roadmap in the negotiations of what we now know as the 2030 Agenda on Sustainable Development.

Although the two development agendas differ in structure, priorities and geographical scope, they still share many commonalities. Both the 2030 Agenda and Agenda 2063 recognize the rule of law as not only a human right, but also a cornerstone to sustainable development.

With the growing momentum of – and political will for – Africa's development, IDLO and the Government of Tanzania, with support from the Government of Italy, organized a conference in Dar es Salaam on "Achieving the 2030 Agenda and Agenda 2063: The Rule of Law as a Driver of Africa's Sustainable Development" in June 2016.

The conclusion and success of the conference was only the beginning: IDLO responded to the calls for action that emerged at the Conference, taking them forward in its Africa Initiative. Drawing from discussions during the event, IDLO ensured that the initiative's objective aligns with the Continent's

development priorities, needs and realities, yet also encompasses and addresses the challenges hindering its sustainable development.

Through this initiative, IDLO will provide a lasting platform for regional cooperation to strengthen legal institutions and access to justice for all Africans. The Initiative will also further enrich IDLO's presence in Africa by providing the opportunity for cooperation and the fostering of strategic partnerships with key institutions, including the African Union.

Currently, IDLO has offices in several countries across the continent, covering programmatic areas ranging from constitution-building, legal reform and legislative capacity building, to health, women's rights, land rights and access to justice.

The Africa Initiative is IDLO's first significant effort to engage with African countries on a continental level. By doing so, IDLO will generate greater awareness of and political will to accelerate the advancement of the rule of law and access to justice for Africa's development.

For more information on the Africa Initiative, please visit: africainitiative.idlo.int

Promoting access to justice and the SDGs in the ASEAN region

“The ASEAN region, with its strong array of justice and development partners, provides an excellent platform to blossom both the letter and the spirit of the global goals,” said Dr. Faustina Pereira, “at the opening of the Conference, which convened over 100 participants including government officials and civil society members from ASEAN countries, representative from ASEAN bodies, academics and international experts on measuring access to justice and legal aid.

The meeting provided a platform for regional participants to gather best practices on providing legal aid for poor and vulnerable people, strengthening access to justice provisions in ASEAN countries, as well as tracking progress and measurement of access to justice. The initiative aimed to develop national commitments to strengthen the rule of law and implement Goal 16 of the SDGs for peace, justice and strong institutions, and concrete actions for future cooperation the ASEAN region.

Discussions focused on the needs, challenges and opportunities of institutions and mechanisms for implementing and tracking progress on the targets of Goal 16 in ASEAN countries at national and subnational levels, including Indonesia’s experience in piloting the implementation of Goal 16.

Participants exchanged experiences in developing national indices on access to justice – including developing indicators and collecting data – and discussed the role of such indices in monitoring progress towards achieving SDG 16.3. They also shared challenges and lessons learned in developing legal and policy frameworks for access to justice and legal aid to achieve equal access to justice for all.

The meeting also elaborated on the potential role of ASEAN bodies such as ASEAN Law Ministers Meeting (ALAWMM), ASEAN Senior Law Officials Meeting (ASLOM), and ASEAN



IDLO's Dr. Faustina Pereira at the 2016 ASEAN Summit in Indonesia

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Intergovernmental Commission on Human Rights (AICHR), in supporting cooperation between ASEAN member states in strengthening the rule of law, access to justice and legal aid, under the ASEAN Political-Security Community Blueprint 2025.

To conclude, the continued commitment by IDLO and partners in the region to advancing equal access to justice for all and strengthened legal aid in the context of the 2030 Agenda, was echoed in Dr. Faustina Pereira’s remarks, “IDLO has found in the new Agenda – in the Political Declaration, in Goal 16 and indeed across all of the SDGs – a most heartening reflection of the approach

that is guiding in furthering our core mandate to advance the rule of law and development.”

The ASEAN Regional Consultation was made possible by the collaboration of the Indonesian Ministry of National Development Planning (Bappenas), the National Law Development Agency of the Indonesian Ministry of Law and Human Rights (BPHN), the Indonesian Legal Aid Foundation (YLBHI), UNDP Bangkok Regional Hub, UNDP Indonesia, Open Society Justice Initiative (OSJI) and IDLO through the Indonesian Rule of Law Program -with the support of Namati and the South East Asia Legal Aid Network (SEALAW).

Enabling investment

TUNISIA



Building and implementing a policy to attract foreign investment relies heavily on a strong regime of intellectual property (IP) law. Tunisia has strengthened the legal framework for protecting IP by acceding to the majority of treaties relating to IP and passing several laws on these matters. However, IP is a highly specialized area of law.

IDLO is working in partnership with EBRD to improve the investment climate by enabling Tunisian judges to deal more effectively and independently with commercial law cases, with a particular focus on IP cases.

60

60 judges from 21 out of the country's 24 governorates participated in IDLO-EBRD training workshops

77/100

Tunisia ranks 77 out of 190 countries included in the World Bank's Ease of Doing Business Index²³

STRENGTHENING INTELLECTUAL PROPERTY RIGHTS IN TUNISIA

Intellectual property (IP) plays an important role in technical progress by protecting industrial inventions through patents and trademarks, and in the development of human creativity by safeguarding literary and artistic works through copyright. A strong IP regime is an instrument for the promotion of international trade and can indicate economic and social progress.

Keen to attract foreign investment and following a rise in counterfeiting and piracy in recent years, Tunisia is trying to build a robust framework of IP legislation by acceding to international treaties

and passing domestic laws. To deal effectively and independently with commercial law cases, Tunisian judges require specialized skills in order to adjudicate IP claims, especially in a changing context of increased economic development and regional integration.

In cooperation with the European Bank for Reconstruction and Development, the Tunisian Ministry of Justice and the Tunisian High Judicial Institute, IDLO recently organized three training workshops for judges from 21 out of the country's 24 governorates. Two-thirds of the judges who participated were women. Sessions covered issues such as the particular difficulties IP claims present for judges, the measures that judges may adopt to solve them,

and the quantification of damages.

"Intellectual property (IP) is beginning to be addressed by our magistrates since Tunisia has opened up to the outside world and large international brands and industrial patents have entered our market," said Mahmoud Kaabach, Inspector General at the Ministry of Justice, during the high-level launch event of the training. "A chamber has just this year been set up in the First Instance Court of Tunis and will be responsible for litigation relating to IP."

One of the training participants, Judge Badii Ben Abbess, commented that "even though I am familiar with all the theories, the training was extremely useful in turning theories into practical tools for dealing with IP cases."

Land rights and food security



Achieving food security is not only a question of whether adequate food is available, it is primarily about ensuring equal access. But in over half of all countries worldwide, laws or customs have a discriminatory effect on women and hinder their access to land. The rule of law can help make land rights for women more sustainable and contribute to the peaceful resolution of disputes.

IDLO published research on the nexus between land rights, gender equality, food security and the rule of law, and worked in Africa to determine the impact of tenure registration on land disputes and women's land rights.

50%

Women are responsible for over 50% of global food production, yet they account for 70% of the world's hungry²⁴

20%

Less than 20% of landholders globally are women²⁵

SCALING UP RESPONSIBLE LAND GOVERNANCE

As the World Bank's annual meeting on Land and Poverty got underway in Washington DC, representatives of governments, civil society, academia, the development community and private sector discussed land policy, challenges, and the latest research on land governance.

The purpose of the meeting was to explore 'what could be done to guarantee inclusiveness, sustainability, and reliability, build capacity, and ensure that better land information and more tenure security contribute to wider societal objectives and progress towards the Sustainable Development Goals'.

IDLO's Faustina Pereira, Senior Advisor, Strategy and Programs, presented the findings of the organization's research that has shown that in many countries, but especially in sub-Saharan Africa, the majority of land is under customary tenure: the rights, rules and responsibilities to possess, occupy and use it are based on community customs.

Land held under custom rarely enjoys adequate protection under national laws. With land-based investments expanding rapidly in Africa and elsewhere in recent years, customary held land is increasingly under threat. At the same time, such investments are rarely compliant with principles of sustainable natural resource management.

Yet even when legal frameworks recognize customary land rights, vulnerable landowners often lack the time, education, and social access to important sources of information for claiming their land rights, especially when facing well-resourced investors.

In addition, women often miss out in both the formal and informal land governance systems. IDLO research shows that women's land rights are often subordinate to men in informal justice systems. Yet our experience with land tenure registration, especially in poorer rural contexts, also suggests that land registration can have the unintended effect of eroding even further women's already weak customary land rights, because men's rights often have

superior status under customary law. It therefore comes as little surprise that where data is available, women hold only 15% of the total land titles.

IDLO believes that legal frameworks that promote sustainable development and equality are at the heart of the solution to many issues relating to land tenure. IDLO advocates that land programs should be underpinned by efforts to develop a robust legal and regulatory framework that promotes equality and non-discrimination. Such efforts should be combined with grassroots approaches, aimed at equipping vulnerable land owners with the means to defend and protect their lands. This includes measures to support more effective justice mechanisms to resolve disputes over land.

GENDER AND LAND RIGHTS

In IDLO's 'Realizing the Right to Food' report published in 2015, women's access to land was shown to be critical to the realization of the right to food. Access to land creates collateral for credit and ►

Land rights and food security

(Continued)

► so lack of land rights can affect the ability of women farmers to borrow and invest. Access to financial services is largely dependent on the security of land tenure.

Even when laws guarantee equal land rights, implementation challenges can undermine the benefits of the law. The study showed that while legal systems can protect and open up opportunities for women's land rights, in many countries the law continues to restrict women's rights to acquire, inherit, control, use or dispose of land.

STRENGTHENING WOMEN'S CUSTOMARY RIGHTS TO LAND

The rolling hills of Burundi, or collines, represent the heart of its rural society. Burundi has a growing population and one of the highest population densities in Africa, yet 90 per cent of its nine million inhabitants live in rural areas and many rely on subsistence farming for food. Women play an active role in the agricultural sector, which provides 90 per cent of the country's food production, according to statistics by UN Women.

The scarcity of land in Burundi poses serious problems as the population continues to grow. Food insecurity is high, with some 28 per cent of people living with limited access to food. What's more, as in many post-conflict countries in Africa, disputes over land can create security risks. 36 per cent of cases involving violent crime relate to land disputes as per IDLO data in 2016, putting land at the crux of the livelihoods of Burundi's citizens.

Land tenure registration (LTR) is an approach adopted by the Burundian government to reduce land disputes, stimulate agricultural investments and foster land productivity. Through registration the land ownership is formalized and recorded in a cadaster, or registry, and proof of ownership is given to rights holders.

In 2014, the non-governmental organization Stichting ZOA, with the support of the Government of the Netherlands, began a land tenure registration program in the south of Burundi. Under this initiative, IDLO's responsibility is to research the impact of the program on beneficiaries, as well as ways to strengthen women's customary rights in the land registration process.

Women's rights to land

Registering women's land rights is challenging in Burundi. Studies by IDLO have shown that while women were the main rights holders to nearly 25 per cent of the land, only a small fraction of these rights were actually registered in a woman's name.

Part of the problem lies in the fact that under customary law a woman's rights to land will often be subject to a superior right of a male family member. In practice, because men's rights often have superior status under customary law, only their rights make it onto the certificate.

Consequently, women's rights grow weaker. A woman who under customary law has the right to cultivate a portion of her father's land in case she is abandoned or widowed - a right called *igiseke* in Burundi - may find it harder to exercise her claim or defend herself in case her brother wishes to sell the land and argues that only his name appears on the certificate.

This is particularly problematic because these rights will often act as an insurance policy for women to protect them in times of hardship and destitution, such as a bad harvest, women who are abandoned or widowed, or whose husband falls ill.

These problems prompted IDLO, with support from its partner ZOA, to launch a pilot project in a small area of the south of the country. The pilot aimed to gain a better understanding of the obstacles

standing in the way of registration of women's land rights, identify strategies to overcome these obstacles, and test the effectiveness of these strategies in practice.

Overcoming obstacles to registering women's land rights

A lack of awareness, among both the population and the key actors involved in the registration process, is one of the main obstacles preventing registration. Specifically, many citizens are unaware of the various options that exist within the broader legal framework to protect women's land rights, including options that don't change the nature of the rights vis-à-vis customary law. Additionally, there is a lack of awareness around the adverse consequences of not recording women's land rights and the risks involved in registration for women.

To better protect women's land rights, IDLO conducted a series of awareness-raising activities in Rurambira prior to land tenure registration among key actors, coupled with intensive training on gender approaches to LTR and capacity strengthening activities.

Open dialogues and discussions at the community level were conducted to discuss women's land rights, the obstacles that stay in the way in their registration, and to deliberate on possible ways to overcome these obstacles. Both men and women participated in the debates, including local authorities, traditional leaders, religious leaders, and members of the general community.

As an outcome of this approach, consensus was reached on a number of issues. The community agreed that, in principle, a widow's rights on her late husband's land have to be registered as full property, and that the right of *igiseke* is worthy of protection in the form of either a full right of property or a dependent right mentioned on the father's property title. And finally, views

converged on the idea that as much as possible matrimonial property should be registered in co-ownership between husbands and wives.

The positive impact on women

As a direct result of these dialogues in Rurambira, the recognition of women's land rights during registration increased considerably, compared to other collines, where gender-specific awareness-raising activities had not been conducted.

Progress was particularly strong in terms of the recognition of the right of *igiseke* registered directly in a woman's name, up from 2.56 per cent to 12.35 per cent, and the right of *igiseke* recognized as a derived right, where the woman cannot be evicted even if the owner should sell the property, up from 1.13 per cent to 21.67 per cent. Finally, widows' rights to their deceased husband's land increased from 32.21 per cent to 62.50 per cent.

While the awareness or recognition of rights doesn't inevitably guarantee the exercise of them, the results demonstrate that women's land rights are better protected if awareness, dialogue and community consensus are promoted.

IDLO AT CFS: RULE OF LAW SOLUTIONS FOR WOMEN, FOOD AND LAND

'Policies, laws and fair justice systems play a crucial role in making sure that women have equal access to land and productive resources,' Ilaria Bottigliero, IDLO Director of Research & Learning, told participants during a panel discussion on the topic of 'Land, gender and food security: the rule of law as an enabler'.

'In order to achieve food security we must not only ensure the availability of adequate food. It's primarily about eradicating systemic barriers that lead to the unequal production, procurement and distribution of food,' she added.

Bianca Pomeranzi, a member of the Committee on the Elimination of Discrimination against Women (CEDAW) and Senior Gender Advisor at the Italian Ministry of Foreign Affairs and International Cooperation, highlighted the importance of monitoring the effects of laws on changing discriminatory attitudes towards women.

'All laws should promote and protect the human rights of women. But it is quite difficult to understand how those laws are being implemented,' said Ms. Pomeranzi.

"Policies, laws and fair justice systems play a crucial role in making sure that women have equal access to land and productive resources."

Dr. Ilaria Bottigliero, IDLO Director of Research & Learning

'We need to implement progressive solutions, but it's difficult because the worlds of human rights and development take different approaches. The concept of the rule of law can be helpful in bridging these differences.'

Mike Taylor, President of the Secretariat of the International Land Coalition, underlined justice as the 'non-negotiable center of development'. He described projects in India, Togo and Nepal, which are using different approaches to achieve women's land rights – all based on the idea that change is brought about by getting people to work together.

Mr. Taylor emphasized that 'rule of law and legal recognition are the critical first step. But the change we need isn't just a question of putting a signature on paper. It's a process that must involve all stakeholders.'

Participants posed questions to the panel about the interaction between formal and informal legal systems, the effect of community tenure on women's rights, and how best to link up justice solutions with other issues affecting women, such as health, nutrition

and education.

In response to a question about what steps organizations are taking to involve future generations in efforts to promote gender equality, Dr. Bottigliero acknowledged the central role of young people as agents of change. 'We need to recognize the role of youth not as a beneficiary, but as a stakeholder. There is huge potential for making change work at the local level by mobilizing young people.'

During the event, IDLO presented its 'Women, Food, Land: Exploring Rule of Law Linkages' policy brief, which examines key challenges posed by rule of law issues that affect women's food security and land rights – such as inadequate laws and policies, implementation failures and barriers to accessing justice – and suggests ways in which rule of law interventions might seek to overcome these.

The discussion took place at a side event organized by IDLO and the Italian Mission to the International Organizations in Rome during the 43rd session of the Committee on World Food Security (CFS).

RESPONSIBLE INVESTMENTS IN AGRICULTURE AND FOOD IN MESOAMERICA

More than ten million people suffer from chronic undernourishment in Mesoamerica. Lifting these people out of hunger by 2030 will require US\$1.5 billion annual additional investments, of which US\$276 million should be spent on agriculture and rural development. However, not all kinds of investment are equally beneficial, and some may actually do more harm than good.

Applying guidance instruments such as the Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI) helps ensure that investments benefit those who need them most, thus contributing to the realization of the UN Sustainable Development Goals. Translating the CFS-RAI principles into action requires sustained support, guidance and application of the global principles in regional and national contexts.

Specific support will be necessary to improve the enabling environment. A proper enabling environment is essential to enhance responsible investments in agriculture and food systems. Inclusive institutional frameworks and platforms, adequate legal frameworks and policies all contribute to ensuring that investments increase not only in terms of quantity, but also in terms of quality. Conversely, in countries where governance is weak, investments can carry significant risks for all stakeholders.

Recognizing this key role of a proper enabling environment, FAO and the International Development Law Organization (IDLO) organized a workshop on 24 and 25 May 2016 in Antigua, Guatemala, to explore capacity development needs in Mesoamerica. The workshop was hosted by El Centro de Formación de la Cooperación Española en La Antigua.

Legal reform for biodiversity



Every day, people around the world depend on rich and varied ecosystems for their livelihoods, health and well-being. Biodiversity is a key crosscutting issue affecting development, enshrined in the 2030 Agenda. Yet ecosystems are increasingly at risk, and responsibility for protecting them must be embedded in all sectors. Where biodiversity is being exploited, the benefits must be shared in an equitable way.

IDLO has been working to build capacity for legal reform and develop tools to embed biodiversity considerations into policies and decision-making processes at national and local levels.

1.6bn

1.6 billion people depend on forests; disappearing forests are worth US\$ 4.3-20.2 trillion

75%

36% of known species are threatened by extinction and 75% of agricultural crop genetic diversity has been lost

EQUITABLE BENEFIT SHARING FROM NATURAL RESOURCES

Genetic resources are the raw ingredients for innovation in medicine, biotechnology, cosmetics, food and beverages, and more. The Nagoya Protocol is a global agreement that calls for the fair and equitable sharing of benefits from the utilization of genetic resources between those who use them and those that provide them. It aims to promote research and innovation on genetic resources while building

incentives for their conservation and sustainable use for the benefit of development and human well-being.

Following the entry into force of the Nagoya Protocol in October 2014, many countries are now actively engaged in making the Protocol operational. An early challenge in the Protocol's implementation is building the necessary capacity to enable countries to establish new or amend existing domestic Access and Benefit Sharing legislative, administrative and policy measures. Each country will need to define its own

approach tailored to its own needs and priorities.

IDLO and the Secretariat of the Convention on Biological Diversity, with funding from the Japan Biodiversity Fund, implemented a joint capacity-building program to facilitate the implementation of the Nagoya Protocol. It aims to ensure each country has their own national legal advisors to guide them in developing laws that translate the ambitions of the Nagoya Protocol into realities on the ground.

Natural resources management

KENYA



Kenya's steady economic growth is partially due to the progressive Constitutional provisions related to natural resources management, which have created the space for new laws, policies, guidelines and other enabling legal instruments.

As part of the broader efforts in Kenya across many relevant sectors at the national and county levels, IDLO provided technical assistance to develop the 2016 Mining Act, repealing colonial mining laws. The new legislation is seen to contribute significantly and sustainably to Kenya's economy, with provisions on human rights, biodiversity and equitable benefit sharing.

\$7bn

The mining sector in Kenya is currently worth around US\$ 16.5 million, with a growth goal of \$7 billion by 2030²⁶

5.9%

One of the fastest growing economies in Sub-Saharan Africa, Kenya's economic activity reached a 5-year high of 5.9%²⁷

IDLO SUPPORTS MINING REFORM IN KENYA

IDLO handed over 'popular versions' of the Kenya Mining and Minerals Policy to the Kenyan Government during the opening session of the first Kenyan Mining Forum.

The mining sector is seen as having the potential to contribute significantly to Kenya's economic development.

"The mining sector is one of the pillars that we believe has the power to define the future of our country," noted the Deputy President of the Republic of Kenya, H.E. William Ruto, who officially opened the Forum. "The Government will set aside special zones for mining and give permits to miners to unlock the potential in the sector. We will protect the interests of investors but will not allow them to take advantage of the industry. We want a win-win situation."

The Ministry of Mining prepared the policy as a framework to strengthen the regulation and coordination, and to guide the development, of the mining sector by addressing existing gaps. IDLO worked on the 'popular versions' of the policy, with the aim of summarising the key

elements in a simplified form. The policy provided the basis for the Mining Act (2016), which has also been developed with the technical support of IDLO.

Cabinet Secretary, Dan Kazungu, applauded the progress made, "Kenya has one of the most comprehensive and progressive mining policy and legal frameworks in Africa aligned to Kenya's development vision 2030, the Constitution and regional frameworks, including the Africa Mining Vision."

IDLO is continuing its work with the Ministry on the operationalization of the Mining Policy and Act through the finalization of the draft Mining Regulations and Guidelines, facilitation of stakeholder engagements, development of 'popular versions' of the Mining Act, technical reviews of the new legislation to identify possible areas of future reform, and development of a comprehensive framework for management of benefit-sharing.

Speaking at the Forum, IDLO's Country Director in Kenya, Enid Muthoni, praised the country for developing robust policy and legislative frameworks for the mining sector, which provide effective

checks against human rights violations and destruction of protected biodiversity resources in the exploitation of mineral resources, while also ensuring equitable benefit sharing between the two levels of government and also communities.

These efforts form part of IDLO's broader support in Kenya towards strengthening policy and legal frameworks relating to natural resource management.

"Kenya has one of the most comprehensive and progressive mining policy and legal frameworks in Africa aligned to Kenya's development vision 2030, the Constitution and regional frameworks, including the Africa Mining Vision."

Dan Kazungu, Cabinet Secretary

Promoting economic development

EASTERN EUROPE
& CENTRAL ASIA



Legal reforms that enable growth and support the fight against corruption improve economic opportunity. However, non-enforcement and lengthy delays of court decisions are significant problems which affect the business environment, investor confidence and economic indicators. Among specific concerns are a lack of effective measures to prevent and punish debtors who hide assets and evade court orders, and inadequate mechanisms for bailiffs to obtain relevant information on debtors' assets.

In Eastern Europe and Central Asia, IDLO is providing technical assistance to strengthen commercial law, transform public procurement, establish mediation mechanisms, train bailiffs, and support judicial enforcement of decisions to improve economic opportunity.

24/25

24 of 25 EECA economies carried out business reforms in 2016, with some placing among the world's top improvers²⁸

78%

78% of the 200 bailiffs trained by IDLO found they improved their knowledge of enforcement systems

REFLECTIONS ON IDLO'S WORK IN THE EECA REGION

The year 2016 marked the tenth anniversary of IDLO's work in Eastern Europe and Central Asia (EECA) and continues to work in Albania, Kyrgyzstan, Montenegro, Tajikistan, and Ukraine.

Despite mineral richness, advantageous position being surrounded by fastest-growing economies and plenty of investment potential, in 2015-2016 Central Asia has objectively experienced a sharp economic crisis, underlined by currency collapse, unemployment, mass repatriation of migrants and accompanying social instability and unrest.

Until 2014, Central Asian economies which were not supported by extractive industries, were kept afloat by remittances. Though with low commodity prices and key regional economies on the rocks, in 2016 economies of Central Asia were stimulated mostly by state-run infrastructural investment funded by foreign borrowing, mainly from China.

As the result, the average citizens have been hit by high inflation and price increases, while small business suffered from slow-down in trade, pike in credit interests and fiscal tightening.

IDLO, working together with other key stakeholders, such as the European Bank for Reconstruction and Development adopted a comprehensive, flexible and urgent approach to sustainable economic programming and implemented a number of projects aimed at enhancing legal and judicial frameworks for economic activities. In particular, IDLO aimed to tackle corruption at all levels of society, deregulation of key economic sectors, opening up and optimizing public procurement and fair competition, support to small and medium enterprises and fair resolution of commercial disputes whether through formal or alternative adjudication. The ultimate objective being to try even hard to influence the lives and hardships of individuals trying to make ends meet in such harsh environment.

Who we work with and methodologies:

Looking for more grass-root and sustainable solutions, in the past year, IDLO branched out towards new stakeholders, who would complement the existing partnerships with governments and justice sector institutions. Among such partners are associations of female judges and lawyers, universities and commercial chambers. These new partners, not only bring new opportunities for capacity building and new innovative solutions, but also create a balance vis-à-vis institutions, which are not always stable in the region.

While expanding our partnership base, IDLO does not overlook the fact, that without stable and transparent institutions, sustainable economic development is hardly feasible. In strengthening justice sector institutions, IDLO's approach has been three-forked: a) strategic vision, including sound budgetary planning, b) capacity-building c) accountability through new online platforms which showcase the work of

the institutions, and make their decisions and work-flows accessible to the general public.

In 2016, taking into account the economic context, lessons learned and policy dialogue with multiple actors, IDLO succeeded at designing new projects aimed at improving economic rights of individual stakeholders, including often overlooked women entrepreneurs (who play a dominant economic role in societies drained of male work-force by mass migration). Key problems faced by the individuals in realizing their economic rights are administrative burdens, dispute resolutions, secured transactions and access to justice. IDLO attempts to tackle those in a holistic approach, which provides legal remedies and practical solutions ranging from deregulation to optimizing overstretched administrative services from fiscal reform to tax training, from improving enforcement mechanisms to creating mediation centers and not to forget consumer protection and “decorruptionizing” public procurement, leading the way for small and medium businesses to participation in public tenders, stimulating local economies.

In fact, IDLO has had the unique opportunity to test holistic approach to justice sector reform in several countries in Eastern Europe and Central Asia, where institution strengthening was complimented by capacity building, while enhanced dispute resolution made more secure by assuring speedy enforcement was complimented by legal literacy.

While new laws and dispute resolution mechanisms can have transformative powers on individual entrepreneurs or communities, the process once again underlines that progress requires evolution not revolution. And evolution, either in nature or in society is a slow process. No miracles, just hard work and patience.

Fighting Corruption

Corruption is an endemic and prevailing obstacle to justice sector reform. Without addressing the issue, change is short-lived. IDLO has remained keen to mainstream anti-corruption efforts into its work with the judiciary, prosecutors and public administration.

In Ukraine, IDLO – together with the

“The judiciary in Tajikistan should be open and clear as a mirror. The EBRD/IDLO project will help us improve transparency.”

Mr. Naim Mansurzoda,
Head of Supreme Economic Court

U.S. Department of State – has been working with the dedicated anti-corruption agencies, the National Anti-Corruption Bureau and Special Anti-Corruption Prosecutor to fight corruption.

In Kyrgyzstan, IDLO continued to address corruption through the implementation of an anti-corruption plan and enactment of relevant legislation. In addition, IDLO was involved in improving Human Resources and training policies of justice sector actors, which, in turn, make them less vulnerable to corruption and pressure.

Improved Economic Law Frameworks and Institutions

Due to the long-standing collaboration with the European Bank for Reconstruction and Development (EBRD), IDLO remained a key partner for improving commercial law frameworks in the region.

IDLO continued to work with judges, regulators and court decision enforcement agents on how to make justice work better with the economy. A new project, launched in partnership with EBRD in Tajikistan, is looking to enhance the capacity in relation to implementing court orders, while in Montenegro judges were trained on alternative dispute resolution.

Building on Successes, Incremental Approach

IDLO is always focused on capturing know-how, lessons learned and translating it into expanded and improved programming. The fast changing and continuously improving field of e-justice offers one of the best examples. IDLO continued to work in the EECA region on different aspects of e-justice, from case management to designing platforms for publication of court decisions.

OUR COMMUNITY

Ms Senka Danilovic, from the Judicial Training Center (JTC) in Montenegro

“In 2016, IDLO - with financial assistance from the European Bank for Reconstruction and Development and the Government of Italy - conducted a project in commercial law judicial training support in Montenegro.

The JTC board gave its consent to sign a Memorandum of Understanding with IDLO; this memorandum defines the obligations of both parties and specifies training topics and ways of organizing training throughout the project. What was important for us as a partner institution is that IDLO respected our demands when it came to choosing topics.

IDLO organized two courses for trainers of Montenegrin judges on topics such as communication skills for trainers, relationship management, stress management, memory skills, analysis of training needs, and efficient ways of conducting training.

For those judges and two additional representatives of the JTC, IDLO also arranged a study visit to Italy in June 2016, which gave them the opportunity to see relevant judicial institutions as well as colleges for judges and prosecutors, and to exchange experiences with colleagues on legislation and judicial practice.

Subsequently, IDLO organized training on four different topics of commercial law. All these training sessions were performed by national Montenegrin judges, who have had undergone a training program for trainers, and international experts engaged by IDLO; the average number of participants per training module was twenty.

The JTC performed an evaluation of the success of the training through the analysis of data obtained from questionnaires that participants filled in at the end of each module. Results showed that the seminars fulfilled the expectations of the participants, both in terms of content and engagement of lecturers.

To conclude, it was a very successful cooperation and we sincerely hope that we will continue cooperation with IDLO in the near future.”

Thought leadership, partnerships and engagement

2016 was another year of strengthening and forging partnerships and IDLO enjoyed continued engagement and great trust from its partners, policy actors and donors, leading to many significant achievements and milestones. We were privileged to work with the UN around Agenda 2030 through our offices in New York and Geneva and implement many joint initiatives in the countries we work in with various agencies, including the United Nations Development Programme, the World Health Organization, UN Women, the Food and Agriculture Organization of the United Nations, the Committee on Food Security, and the European Bank for Reconstruction and Development.

We also engaged with a wide variety of stakeholders – governments, civil society, academia, and the private sector; the collaborative partnerships which made our accomplishments contained in this report possible. These partnerships that ranged from information exchange to more collaborative processes, created shared opportunities and made it possible for us to leverage on the partners' added value for greater impact.

Our thought leadership initiatives allowed us to best serve our beneficiaries by consistently identifying emerging issues and trends that are important and are of relevance to our beneficiaries, and by staying relevant. We look forward to enhanced engagement with our partners, policy actors, and the intergovernmental sector in the coming year.

PROFESSOR YUNUS JOINS IDLO ADVISORY COUNCIL

Nobel Laureate and pioneer of microcredit, Professor Muhammad Yunus, was appointed to IDLO's International Advisory Council, the select body of eminent thought leaders who provide high-level counsel to the organization.

Speaking at an event on the occasion of his joining at IDLO in Rome, Professor Yunus said, "The underlying issues that the poor face in the finance sector can teach us valuable lessons for the justice sector: in many places, the law serves only the people who can afford it."

"Just as poor people have the right to access credit, they have a right to access justice", he added, underlining the need for legal reforms to protect the rights of poor people.

Speaking at the event, IDLO Director-General, Irene Khan said, "Our association with Professor Yunus reflects IDLO's commitment to create a culture of justice for all," and noted that "through innovative legal reform, the poor can find social as well as legal justice."

Other high-level participants at the event included H.E. Benedetto della Vedova, Undersecretary of State at the Italian Ministry of Foreign Affairs and International Cooperation, and H.E. Pier Ferdinando Casini, Chairman of the Foreign Affairs Committee at the Italian Senate. Both speakers emphasized the 2030 Agenda and the important connection between Professor Yunus's message and IDLO's work around the world, noting that sustainable development cannot exist without democracy, rule of law and accountable institutions.



Nobel Laureate and pioneer of microcredit, Professor Muhammad Yunus

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South South cooperation

PROMOTING EXCHANGES OF BEST PRACTICE SUPPORTING WOMEN'S ECONOMIC EMPOWERMENT: LESSONS FROM INDIA

After the brutal rape of a young woman in New Delhi in 2012, the issue of violence against women in India was thrust into the spotlight. The intensity of the national outcry in the aftermath led to the establishment of the Verna Committee, a governmental branch dedicated to addressing the issue of violence against women.

In 2013, a domestic violence incident was reported every five minutes. In 2012, more than two rape cases were reported every hour. And, according to a report from UN Special Rapporteur on Violence Against Women, two out of three women who have been victims of violence have never sought help nor told anyone about the violence committed against them.

Violence against women in India remains a severe problem. The Verna Committee released a report in 2013 citing the abject failure of the state to properly protect women against sexual violence and provide protective homes for distressed women and children. While there are Women's Protection Centres (WPCs) in India covering both short and longer term stays, the number of sanctioned shelters is insufficient and has even decreased over the past decade.

While most shelters in India are government funded, the money allocated is not enough to cover long term needs and often takes too long to

reach the centres to have a real effect.

As a result of this funding crisis, shelters in India have developed expertise in fundraising, income generation and exit strategies for their beneficiaries.

As part of IDLO's Supporting Access to Justice in Afghanistan (SAJA) program, a study tour to New Delhi was organized to learn about different approaches and innovations taken by organizations in India to promote income generation and empower women to support themselves. The tour group consisted of 12 participants from Afghan shelter partners including, the Ministry of Women's Affairs (MOWA), Voice of Women Organization, Women for Afghan Women, Humanitarian Assistance for the Women and Children of Afghanistan and Afghan Women Skills Development Center.

WPCs in Afghanistan are largely reliant on donors and need to seek out funding from different sources as foreign aid diminishes. They also face challenges with reintegrating women back into society, as so few women become independent enough to exit.

A number of organizations in India work to build the capacity of women through financial and vocational training. SEWA (Self-Employed Women's Organization) provides support to women as they take out a loan, open bank accounts, manage their own money and earn revenue on original products. The Navjyoti India Foundation, in addition to providing training for economic independence, highlights community development with the mandate: if women are empowered, they can empower their

communities in return.

The legal framework in India also has a role to play in the scheme of women's economic empowerment. WPCs in India benefit from the 2014 Corporate Social Responsibility (CSR) Law, where private companies are legally bound to contribute 2 per cent of earnings to social organizations.

Afghan participants on the tour expressed ways in which India's examples could benefit the Afghan situation. A vocational trainer working at an Afghan shelter NGO noted, "I was very impressed how SEWA runs the cooperative. In Afghanistan, there is no organization running a cooperative to lend money for the business of women. SEWA did not have the facilities, like the office space and furniture, but they did very good work with very little facilities."

Lessons from the tour demonstrated the importance of coordination between shelter homes, governmental services and implementing agencies (NGOs) to address these issues. While the government of India has been heavily criticized for not improving the conditions of the shelters, there are tangible benefits to working closely with them.

An Afghan participant commented, "I liked how Guild for Service has a good relationship with the government in India. We both do vocation training classes for beneficiaries, but in Afghanistan we cannot provide women with a certificate approved by the government like in India. The shelter was not in the best condition, but they still offered good programming and all the beneficiaries were happy... We can learn from India."

Thought leadership

FREEDOM OF RELIGION OR BELIEF

Seeking to contribute to international discussions on the promotion and protection of the right to freedom of religion or belief, IDLO in collaboration with the Italian Ministry of Foreign Affairs and International Cooperation organized a high-level half-day conference in Rome titled “Freedom of Religion or Belief: Promoting Peaceful Coexistence through Human Rights”, to discuss the role of the rule of law in enabling the right to freedom of religion or belief.

The event marked the launch of IDLO’s report *Freedom of Religion or Belief and the Law: Current Dilemmas and Lessons Learned*, a study offering informed reflections on the critical importance of religious tolerance in contributing to respect for other human rights and strengthening good governance, the rule of law, and peace and security.

IDLO’s report intends to contribute to the public debate by showing that just and equitable rule of law frameworks are essential in order for societies to safeguard the right to freedom of religion or belief, and to balance this right fairly with other rights and interests. Strong legal frameworks can also help to reduce the capacity of extremist organizations to draw public support and legitimacy from politicized religious rhetoric.

Based on the findings of IDLO’s study, a panel discussion explored the legal and human rights aspects surrounding the promotion and protection of freedom of religion or belief at the international and national levels.

The conference brought together high-level speakers representing the Italian government, the United Nations and civil society, as well as a panel of experts and faith representatives. In addition to diplomatic representatives of the Rome-based missions to the Holy See, to the United Nations Agencies, and to Italy, participants also included representatives of Italian institutions, faith-based and international organizations, civil society, think tanks and academia.



“People are closing themselves off behind walls and searching for ethnic and national purity. Nationalist movements are re-emerging, and we know those can turn into wars. This is a problem of democracy – how to live together under common rules, even though we are different.”

Mario Giro, Italian Deputy Minister for Foreign Affairs and International Cooperation, speaking at the launch of IDLO’s report on Freedom of Religion or Belief

IDLO at the UN

MARCH

New York

- At the 60th session of Commission on the Status of Women, IDLO highlights that the rule of law is essential in advancing gender equality and enabling women's empowerment. Legal empowerment strategies, at the heart of IDLO's programs in many countries, help enhance women's capacity to claim their rights; to engage in legal, development and service delivery processes; and to improve the quality of legal protection and justice they receive.
- IDLO co-hosts side event, "Achieving Gender Parity in International Representation", at 60th session of Commission on the Status of Women, focusing on the importance of women's rights to enjoy equal access and representation in international bodies. IDLO stresses the message of Agenda 2030; that no one should be left behind and that justice – in all its forms – is the force that will ensure development will be sustained.

Geneva

- IDLO addresses the 31st session of the UN Human Rights Council and highlights linkage between the rule of law and human rights. IDLO reiterates its commitment to work within the Council to promote ideas and cooperation for building strong legal frameworks, accountable institutions and promoting access to justice.

APRIL

New York

- During the High-Level Thematic Debate on "Achieving the SDGs" convened by the President of the UN General Assembly, IDLO reiterates its commitment and sustained efforts to implement the Agenda 2030 in both letter and spirit.
- At the 15th Session of the UN Permanent Forum on Indigenous Issues IDLO shares its vision of a world where every person, including indigenous peoples, lives in dignity and under the rule of law, where principles of equality, cultural integrity, social inclusion, sustainable development and respect for human rights, are fostered and implemented.

APRIL

New York

- At the World Humanitarian Summit (WHS), IDLO's Director-General, Irene Khan, reminds participants that the rule of law is an enabler of disaster risk reduction, humanitarian action, and post-disaster recovery and reconstruction.

JUNE

New York

- IDLO joins Italy, Mexico, and Turkey, together with the Executive Office of the UN Secretary-General, in organizing the event, "E-justice: Sharing National Experiences in Enhancing Transparency, Effectiveness and Access to Justice". It facilitated knowledge exchanges and national experiences on strengthening the rule of law through e-justice, particularly by enhancing the effectiveness and transparency of and access to justice institutions.

Geneva

- An event on the sides of the 32nd Session of the Human Rights Council, organized by IDLO with the sponsorship of the Permanent Missions of Romania, Peru, Tunisia, Morocco, Republic of Korea and International IDEA and in cooperation with the Office of the High Commissioner for Human Rights, provided an opportunity to develop ideas and proposals for the first edition of the Forum on Human Rights, Democracy and the Rule of Law.

JULY

New York

- IDLO's Director-General chairs High-Level Political Forum on Sustainable Development on "Ensuring that no one is left behind", from the perspective of women and girls, and stresses key to leaving no one behind is inclusion and integration.
- IDLO's Director General participates in the High Level Thematic Debate on "UN@70 - Human Rights at the center of the global agenda", convened by President of the General Assembly and stresses the importance of the rule of law to realize human rights. On the margins of the event, IDLO hosts a meeting for the participating government ministers, senior international judges and rights advocates to discuss strategies for promoting the rule of law around the world.
- IDLO joins Mongolia and International IDEA in the event, "Making the People Count: Democratic Accountability and the 2030 Agenda for Sustainable Development" convened on the margins of the High-Level Political Forum on Sustainable Development, sharing experiences on the importance of democratic accountability in citizens' monitoring of the public-sector service delivery, as entailed in the implementation of the SDGs.

SEPTEMBER

New York

- On the first anniversary of the adoption of 2030 Agenda for Sustainable Development, IDLO joins the international legal community to boost implementation of SDG16 by sharing expertise, knowledge and best practices at the event “SDG16 and Access to Justice: An Interactive Dialogue on National Policy Reforms and Advocacy”. IDLO stressed its unique positioning in the field of the rule of law that stems from its ability to work with governments, UN agencies, and civil society along with academia and the private sector.
- IDLO’s Director-General addresses the High-Level Plenary Meeting on “Addressing Large Movements of Refugees and Migrants” and stresses that refugee and migration issues do not operate in a legal vacuum: conventions, treaties and laws are well-established, but not well-respected, therefore there are huge gaps in commitment, compliance and capacity. At a roundtable at the same meeting on “Addressing vulnerabilities of refugees and migrants on their journeys from their countries of origin to their countries of arrival”. IDLO’s Director-General stresses the vulnerability of migrants to violence and abuse, especially women, children, ethnic and religious minorities, the elderly, indigenous peoples, and the disabled.
- At the UN General Assembly, IDLO partners with the Global Action Platform and Diplomatic Courier in bringing together private sector and government representatives to discuss ideas and strategies to achieve a prosperous world for all, with particular focus on poverty (SDG1), well-being (SDG3) and justice (SDG16); issues at the center of the 2016 Global Action Report launched during the event.

Geneva

- Addressing the panel on the Causes and Consequences of Violence Against Indigenous Women and Girls, Including Those with Disabilities, during the 33rd session of the Human Rights Council, IDLO underlined the need to sensitize, educate, and train judges, prosecutors, and other justice professionals and legal practitioners on the rights of indigenous women and girls.
- During the panel on Youth and Human Rights in the same session of the Council, IDLO said that law-making and public policy processes must include the views of all those concerned and affected, especially young people, emphasizing laws and regulations promulgated today may affect them for decades to come.
- IDLO partnered with the Special Rapporteur on Human Rights and the Environment, John Knox, to help gather diverse stakeholder views in a meeting of experts and public consultation for the production of his 2017 annual report to the Human Rights Council, focusing on biodiversity and human rights.

OCTOBER

New York

- IDLO addresses the Sixth Committee of the 71st session of the General Assembly sharing insights into IDLO’s policy and programmatic work and highlighting IDLO’s contribution to the implementation of Agenda 2030. Among others, IDLO referenced its global initiatives on legal and institutional reforms that has contributed to the advancement of gender equality and women’s rights, combatting gender-based violence, empowering marginalized communities and ensuring their access to basic rights and justice. At the national level, IDLO highlighted its partnerships with governments on access to justice and capacity building.

NOVEMBER

Geneva

- During the first Forum on Human Rights, Democracy and the Rule of Law of the UN Human Rights Council, IDLO referred to SDG 16 as calling on institutions and decision makers to include everyone, in putting the rule of law at the center of the 2030 Agenda.
- At a side event on “YouthUP: Democracy through Participatory Policy-Making”, organized by the European Youth Forum, with the support of the Secretary General’s Envoy on Youth, and the sponsorship of the Permanent Mission of Romania, IDLO discussed ideas, challenges, best practices and recommendations on improving young people’s participation in decision-making through participatory policy-making mechanisms.



Julian Fleet, IDLO’s Permanent Observer to the UN, in Geneva, presenting credentials to Michael Möller, Director-General of the United Nations Office at Geneva

Voice of our partners

INTERVIEW WITH DR. PUCHETA, SUPREME COURT OF PARAGUAY

Both in her country Paraguay and across Latin America, Dr. Alicia Beatriz Pucheta is one of the leading women working in the field of justice and rule of law. Having started her career as a court stenographer in 1971, she has since become the first woman to hold the highest position in the national judiciary, President of the Supreme Court.

She is also President of the Criminal Chamber of the Supreme Court and Minister in Charge of the Human Rights Directorate and of the Gender Secretary of the Supreme Court.

IDLO's Director of External Relations, Judit Arenas, talked with Dr. Pucheta on the margins of its 2016 Partnership Forum, where she participated as a speaker to share her experiences.

IDLO: What do the rule of law and access to justice mean to Paraguay?

Dr. Pucheta: The 'social' state of the rule of law, which is how it is defined in the current national constitution, states clearly that vulnerable people should have the same access to justice as every other citizen, following the principles of equality, non-exclusion, and non-discrimination... First of all, citizens are given information on which services, provided by the judicial system, they can access. They are also informed about their rights, because if they aren't aware of their rights, they can't access them. These two points are very important for accessing justice. First, remove the obstacles, before talking about facilitating access to justice or the tools to access justice truly and effectively.

IDLO: Paraguay has large indigenous populations. What kind of measures have been implemented to ensure access to justice for indigenous peoples?

Dr. Pucheta: Firstly, we hired anthropologists, who are better placed to communicate with indigenous populations. Secondly, we also hired intercultural experts to assist judges, who have to deal with issues affecting indigenous people. Thirdly, following the "Languages Law", it is compulsory that judges are proficient and write sentences in the Guarani language, given that my country is bilingual, and especially critical when it involves the rights of citizens. Furthermore, the Directorate of Human Rights is working on a protocol to inform all indigenous communities of these judicial services.

IDLO: It is obvious that both the court and the judicial power in Paraguay are taking some important measures to ensure access to justice. Which improvements should other countries, courts and judicial powers make?

Dr. Pucheta: I can't really give advice since every country functions according to its own particular situation and needs. That said, in exchanges with other justice ministers from Latin America and the Caribbean, countries can present their successful experiences and practices as a model, which other countries might want to adopt. In this way, we have the 'Judicial Facilitator System' which has been replicated in various Latin-American countries, likewise the 'Educating Justice Program'... Judicial Facilitators are unpaid volunteers, leaders within their community, who receive a



Dr. Alicia Beatriz Pucheta, President of the Supreme Court of Paraguay

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training course by justices of the peace, this is the first access to justice in rural communities. These facilitators advise their community about issues affecting them: what they need to do, where they can go for recourse, which documents they will need. They take an oath before the Supreme Court of Justice and they provide the local justice of peace with a report on the main situations affecting the community.

IDLO: Dr. Pucheta, can you tell me in one sentence what a world with rule of law and access to justice means to you?

Dr. Pucheta: One will never be a good jurist if one doesn't feel pain when facing injustice.

Strategic partnerships

Given the interconnected nature of development priorities set out in the 2030 Agenda, partnerships form a key element for IDLO to further its work to promote a culture of justice around the world. In 2016, IDLO entered into agreements with diverse stakeholders to establish frameworks for action in particular programs, or to expand our research, competencies and thought leadership capabilities. Some of our partners include:

- › Liberia National Police
- › Ministry of Women's Affairs, Afghanistan
- › Milan Center for Food Law and Policy, Italy
- › Municipality of San Pedro Sula, Honduras
- › National Development Planning Agency of Indonesia and the Ministry for Foreign Trade and Development Cooperation of the Netherlands
- › New York University School of Law and NYU Shanghai
- › Office of the Ombudsman, Philippines
- › The Parliamentary Institute, Cambodia
- › Tor Vergata University, Italy
- › Union Attorney General's Office, Myanmar



Goal 17: Revitalize the global partnership for sustainable development

A successful sustainable development agenda requires partnerships between governments, the private sector and civil society. These inclusive partnerships built upon principles and values, a shared vision, and shared goals that place people and the planet at the centre, are needed at the global, regional, national and local level.



MOU signing at New York University School of Law

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Governance

IDLO was established as an intergovernmental organization in 1998 through an international treaty – the Agreement for the Establishment of the International Development Law Organization – of which the Government of Italy, our host, is the Depository.

IDLO is governed by the Assembly of Parties, which determines the organization's policies and oversees actions taken by the Director-General.
































The governance structure is comprised of a Standing Committee, an Audit and Finance Committee and an expert Board of Advisers, whose members are elected by the Assembly.

The Assembly of Parties convenes annually in Rome. Member Parties elect a President and a Vice-President for a three-year term. As host country of the organization's headquarters in Rome, Italy is Vice-President *ex officio*.

At the 2016 Assembly of Parties, new member Viet Nam was welcomed into the organization, bringing the total number of IDLO's Member Parties to 31.

Member Parties

As of November 2016

- | | |
|---|--|
|  Afghanistan |  Mozambique |
|  Australia |  Netherlands |
|  Austria |  Norway |
|  Bulgaria |  OFID |
|  Burkina Faso |  Pakistan |
|  China |  Paraguay |
|  Ecuador |  Peru |
|  Egypt |  Philippines |
|  El Salvador |  Romania |
|  France |  Senegal |
|  Honduras |  Sudan |
|  Italy (Vice-President <i>ex officio</i>) |  Tunisia |
|  Jordan |  Turkey |
|  Kenya |  USA (Vice-President) |
|  Kuwait (President) |  Viet Nam |
|  Mongolia | |



2016 Assembly of Parties

In November 2016, IDLO's Assembly of Parties adopted a new IDLO Strategic Plan that will set the direction of the work of the organization for the following four years – a Plan grounded in the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) as adopted by the United Nations in September 2015. The previous year's Assembly had called for the Plan to be “geared to maximize the contribution that IDLO, within its mandate, can make to an effective and sustained implementation of the 2030 Agenda”.

During the Assembly, which was hosted by the Italian Ministry of Foreign Affairs and International Cooperation on November 29, Viet Nam joined the organization as the newest Member Party.

The Assembly appointed Pakistan as new *ad hoc* member of the Standing Committee; the Assembly also appointed Italy to serve as the chair of the Audit and Finance Committee and Peru, Turkey and the USA as new members of the same committee.

Regarding the Board of Advisers, the Assembly renewed the appointment of H.E. Ertugrul Apakan, Prof. Makau W. Mutua, Dr. Hanno Scheuch, Prof. Patricia G. Kameri-Mbote, Prof. Stefan



Hammer, and Prof. Cristiana Carletti.

To mark the occasion of the 2016 annual meeting of the Assembly of Parties, IDLO also hosted a multi-stakeholder Partnership Forum, bringing






together different stakeholders to discuss the potential of Goal 16, and the rule of law more generally as an essential tool in the successful implementation of the 2030 Agenda.

“IDLO believes that a culture of justice requires both state institutions that are well-functioning, honest and accountable, as well as citizens who are aware of their rights and empowered to claim them.”






Irene Khan, Director-General, IDLO

Standing Committee

Up to November 2016






-  **Kuwait**
President
 -  **USA**
Vice-President
 -  **Italy**
Vice-President *ex officio*
 -  **Mozambique**
 -  **Netherlands**
- Chair of the Board of Advisers**
- Vice-Chair of the Board of Advisers**

As of November 2016






-  **Kuwait**
President
 -  **USA**
Vice-President
 -  **Italy**
Vice-President *ex officio*
 -  **Netherlands**
 -  **Pakistan**
- Chair of the Board of Advisers**
- Vice-Chair of the Board of Advisers**

Audit and Finance Committee

Up to November 2016

-  **Netherlands**
Chair
-  **China**
-  **Egypt**
-  **Kenya**
-  **Italy**

As of November 2016

-  **Italy**
Chair
-  **Egypt**
-  **Peru**
-  **Turkey**
-  **USA**

Board of Advisers

As of November 2016

- H.E. Ertuğrul Apakan**
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- Prof. Patricia G. Kamari-Mbote**
Professor of Law, School of Law, University of Nairobi, Nairobi, Kenya

- Ms. Hongxia Liu**
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- Prof. Makau W. Mutua**
SUNY Distinguished Professor, Floyd H. & Hilda L. Hurst Faculty Scholar, Buffalo Law School, The State University of New York, Buffalo, NY, USA [Chair]
- Mr. Daniel Rowland**
Law and Development Advisor, University of Sydney, Sydney, Australia
- Dr. Hanno Scheuch**
Senior Counsel, OPEC Fund for International Development, Vienna, Austria

IDLO would like to thank H.E. Ertuğrul Apakan and Prof. Makau W. Mutua for their service as Chair and Vice-Chair, respectively, of the Board of Advisers until the meeting of the Assembly of Parties in November 2016. Subsequently, the Board elected Prof. Mutua as its new Chair, and Ms. Hongxia Liu as its new Vice-Chair.

Access to Justice and the Rule of Law as drivers of Sustainable Development: OPPORTUNITIES AND CHALLENGES

On the occasion of the 2016 meeting of the Assembly of Parties, IDLO convened a multi-stakeholder Partnership Forum on Access to Justice and the Rule of Law as Drivers of Sustainable Development: Opportunities and Challenges. Participants discussed how the rule of law and access to justice can drive sustainable development and contribute to building peaceful and just societies.

Opening the Forum, President of IDLO's Assembly of Parties, Nawaf Al-Mahamel, acknowledged that the event came at an important time for the organization with the Assembly of Parties having just approved its Strategic Plan for the next four years.

The Plan, he said, had emerged against the backdrop of a 'challenging' external environment but was inspired by the vision of the UN's 2030 Development Agenda'. The Forum, he added, was an opportunity to explore access to justice as a driver of sustainable development and contributor to building peaceful and just societies, as embodied in Goal 16 of the new Sustainable Development Goals (SDGs).

As one of the chief negotiators in the development of the SDGs in his previous role as Ambassador to the United Nations, Brazilian Ambassador Antonio de Aguiar Patriota, initiated discussions on the contentious origins of Goal 16. He admitted that perhaps the biggest

challenge remaining was now its implementation.

IDLO's Director-General, Irene Khan, elaborated on two crucial aspects of the organization's new Strategic Plan - access to justice, and equality and inclusion, and said IDLO's focus would be on empowering people to understand and claim their rights and ensuring justice institutions work effectively.

She called for the active participation of those present, emphasizing their contributions and practical experiences would prove invaluable to shaping IDLO's work.

During the Forum's many discussions the participants shared diverse experiences in relation to their efforts at trying to establish the rule of law in a range of countries. Senior judges, government officials, and representatives of civil society and academia joined the discussions on institution building and access to justice in the pursuit of peace, security, sustainable development and economic growth.

Describing the challenges at a national level, the Attorney General of Afghanistan, Mohammad Farid Hamidi, introduced the participants to the Afghan context in relation to the period since he took office several months earlier. He cited the most pressing need as being tackling 'a culture of using the judiciary as a political tool'. He added lack of

capacity as the main constraint. He elaborated on the efforts of his office to develop human capacity, to change recruitment policies and remove prosecutors with no legal background. Within eight months, they had recruited more than 400 new, trained prosecutors, and increased the ratio of women from 3 percent to over 50 percent. 'We need trained and capable lawyers and judges. This is how we bring the rule of law to Afghanistan' he concluded.

The Ukrainian Ambassador to Italy, Yevhen Pereygin, praised the growing reach and activities of IDLO and, in particular, the organization's work in Ukraine, which he described as responding to local, emerging demand, where corruption was a top priority.

Jelena Madir, Chief Counsel for the Financial Law Unit of the European Bank for Reconstruction and Development (EBRD), also acknowledged their capacity development initiatives in partnership with IDLO, training judges and other legal professionals. She said that often new laws were on the books, but not enforced, probably because judges did not feel equipped. EBRD partnered with organizations such as IDLO to conduct training, but, she added, this is of limited value if the international experts then just leave. She highlighted the need for the training of trainers, the focus of much of IDLO's work,

“Effective institutions are key to providing justice, upholding rights and facilitating development. But, these alone are not enough. Discriminatory laws and policies aggravate inequality and exclusion. Marginalized groups, in particular, must be empowered to fight discrimination and access to justice. Engagement with civil society and informal justice systems will be crucial to this effort.”

Irene Khan, Director-General, IDLO

if momentum is to be maintained.

Reflecting on the universally applicable nature of the SDGs, Italian Minister Alfredo Durante Mangoni, focused on his nation's fight against corruption, a major priority under Italy's G7 presidency. Referencing the role of the rule of law in also supporting economic development as well as justice, Minister Mangoni acknowledged the perception of corruption associated with Italy was a potential obstacle to attracting foreign investment.

Discussing access to justice, especially for marginalized and vulnerable groups, State University of New York (SUNY)

Professor Makau Mutua flagged the common misconception of rule of law and access to justice as an end, rather than a means to an end. He urged participants to consider how those on the margins could be brought into the centre, the role of civil society, and recognition of informal systems.

The Attorney General of Myanmar, Tun Tun Oo, spoke of justice sector reform aimed at strengthening the rule of law in his country, the five-year strategic plan of his office, and how IDLO was working to support this crucial work in a historic period of

transition for Myanmar.

The President of the Supreme Court of Paraguay, Alicia Beatriz Pucheta de Correa, and the Judge President of the High Court of South Africa, Dunstan Mlambo, shared their experience in making access to justice a lived reality for those that go through their courts. Dr. Pucheta shared the experience of the Paraguay Supreme Court in establishing procedures and systems to make justice accessible to indigenous peoples, women – including those that have suffered violence – and others in vulnerable situations.



H.E. Antonio de Aguiar Patriota, Ambassador of Brazil to Italy, speaking at the 2016 Partnership Forum

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Management and Finance

As part of its efforts to improve transparency and accountability, IDLO joined the International Aid Transparency Initiative (IATI) and now reports on program and financial information in line with IATI standards. The organization also adopted a detailed Anti-Corruption and Anti-Fraud Policy as well as a Whistleblower and Anti-Retaliation Policy, modelled on the best practices of other similar international organizations.

In the first half of the year, an Independent Management Review was carried out by an international management consultancy firm selected through a competitive process under the leadership of the Standing Committee and with the full support of the organization's management team. The recommendations emanating from the Review were fully accepted by the management team and were implemented, with the Standing Committee being kept informed of progress in this area.

After four years of strong financial growth, in 2016 IDLO faced an unexpected funding gap in its projected unrestricted revenue towards the end of the year and took immediate steps to cut back

expenses. As a result of that and also because of earlier prudent financial management during the year as well as a generous additional contribution from Italy, IDLO was able to reduce the deficit significantly. With authorization from the Standing Committee, IDLO covered it from the reserves that had been built earlier to a healthy level. A priority for the organization in 2017 is to revitalize its resource mobilization activities.

IDLO is grateful for the continued and very generous support from Italy and the United States of America, and all its other partners and donors.

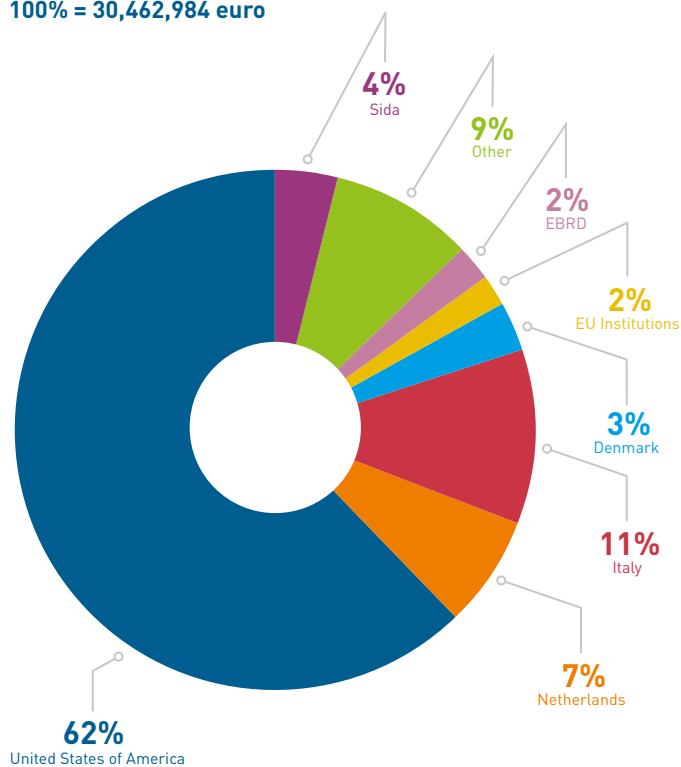
IDLO's audited financial statements for 2016 are available online at <http://www.idlo.int/transparency-and-accountability>

Towards the end of 2016 IDLO's Assembly of Parties adopted a new Strategic Plan to cover the period 2017 – 2020 (Strategy 2020). It articulates the contribution that IDLO will make to support the achievement of the Sustainable Development Goals in the coming four-year period. Strategy 2020 also sets out the internal reforms and organizational investment that IDLO will make to strengthen its capacity.

Total Revenue by Donor – 2016

Graph 1

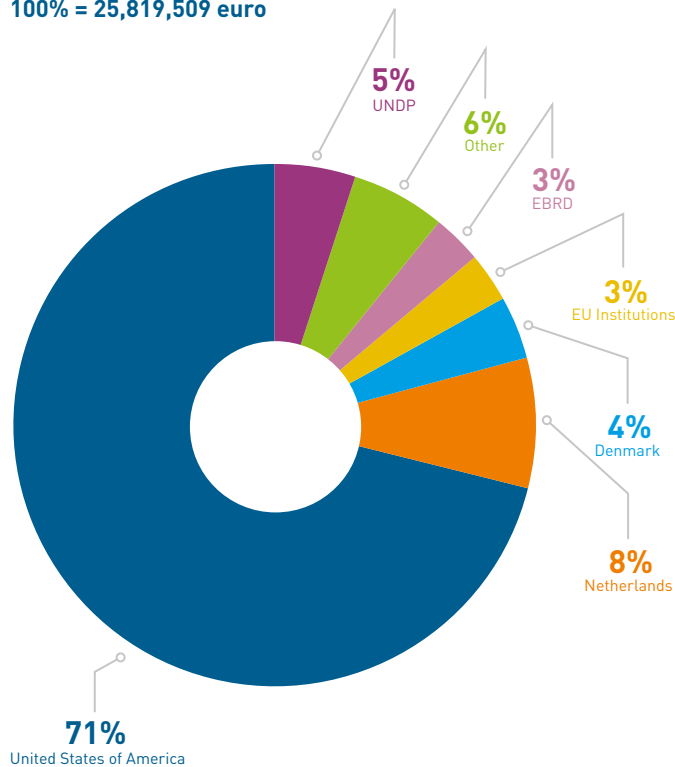
100% = 30,462,984 euro



Program Revenue by Donor – 2016

Graph 2

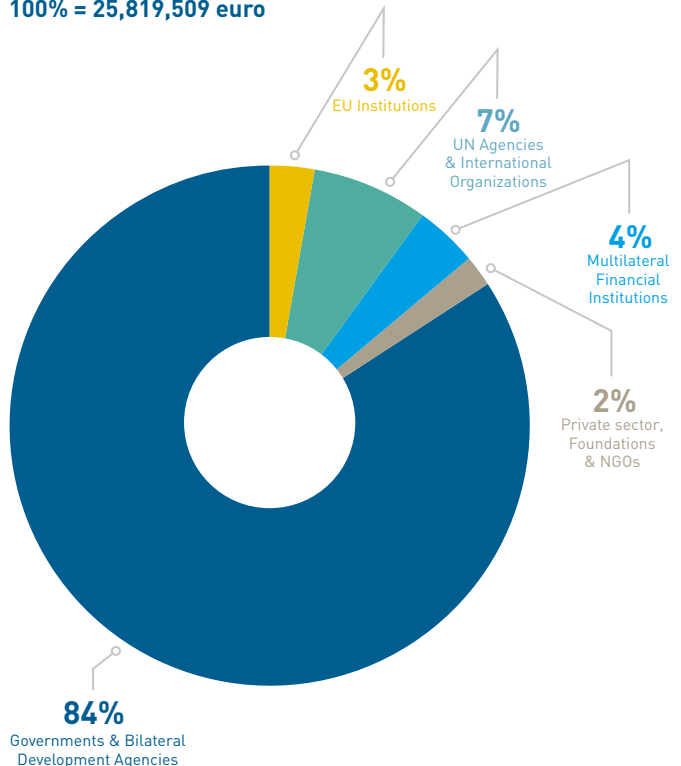
100% = 25,819,509 euro



Program Revenue by Donor Category – 2016

Graph 3

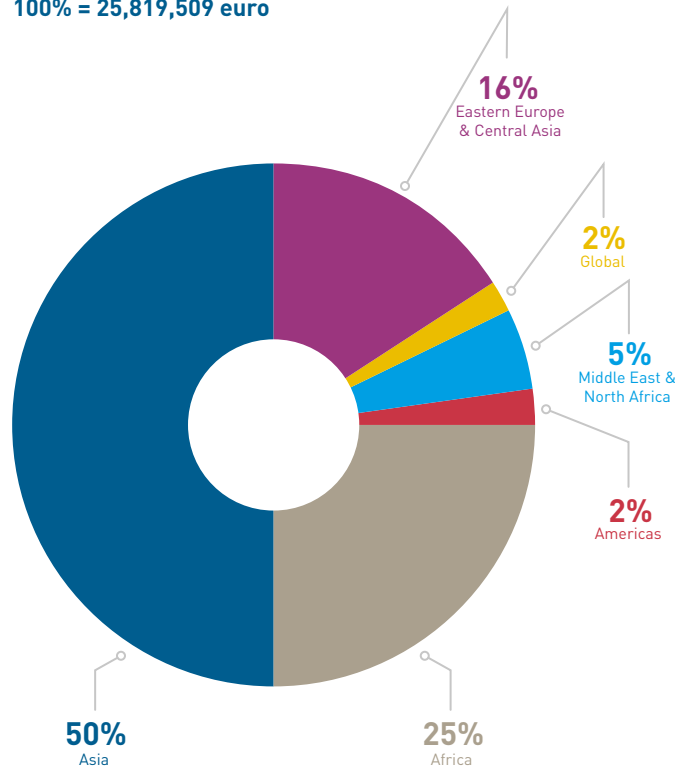
100% = 25,819,509 euro



Program Revenue by Region – 2016

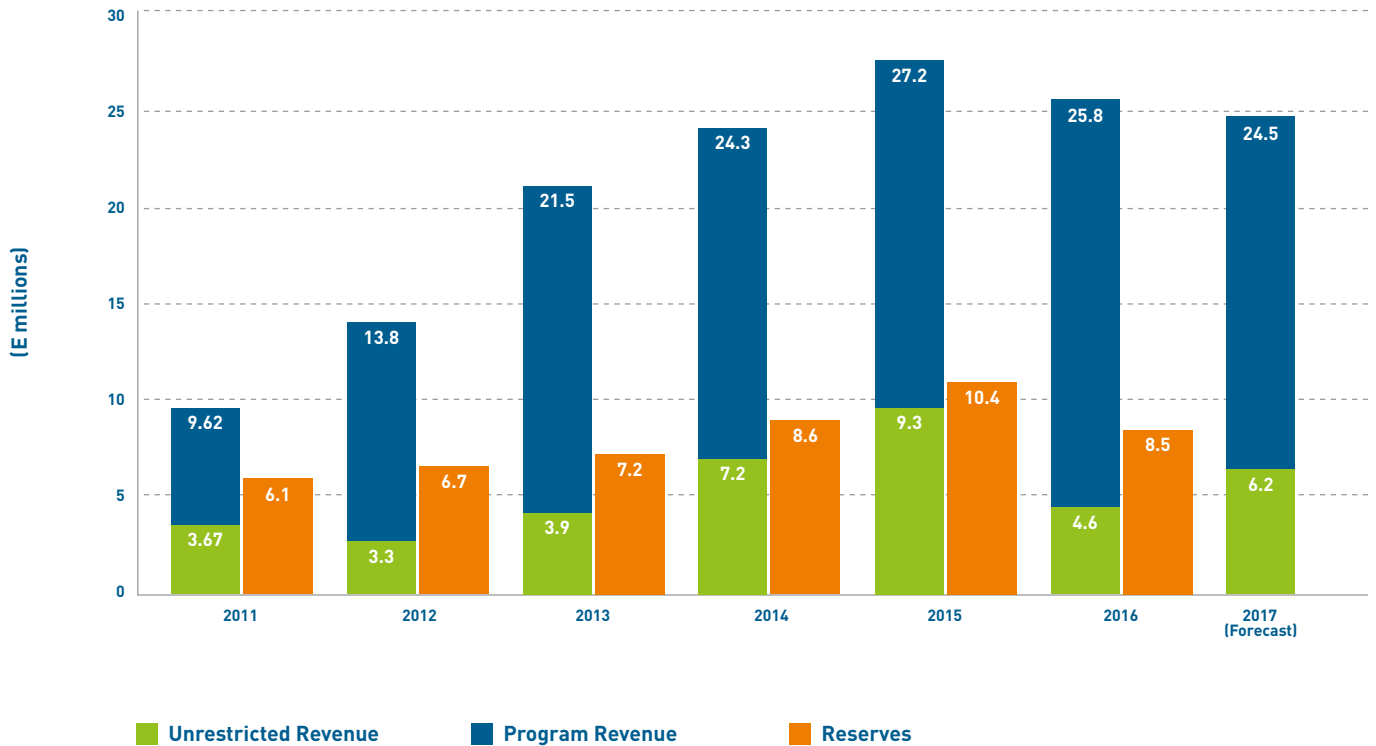
Graph 4

100% = 25,819,509 euro



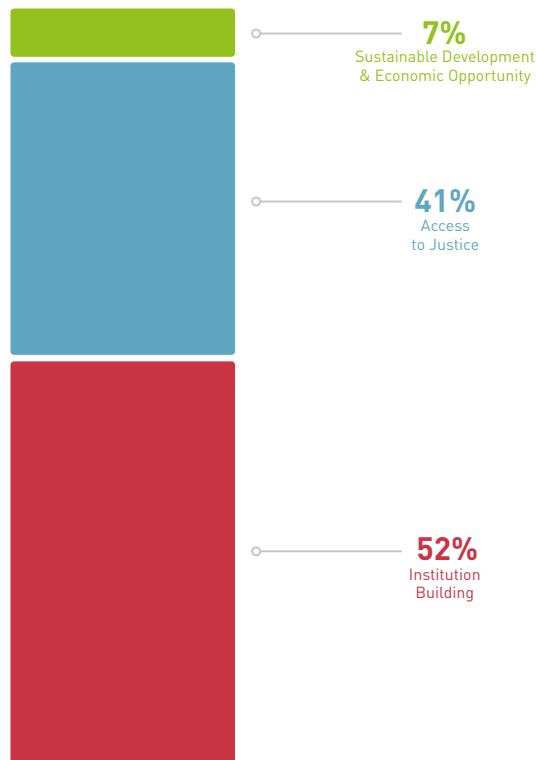
Trends in Unrestricted and Program Revenue and Reserves 2011-2017

Graph 5



Program Implementation by Strategic Goal – 2016

Graph 6



In 2016, IDLO's partners were:

- European Bank for Reconstruction and Development (EBRD)
 - European Commission
 - Ford Foundation
- Governments of:**
- China
 - Denmark
 - Ecuador
 - Germany
 - Italy
 - Kuwait
 - Netherlands
 - Switzerland
- Institute of International Education
 - Kuwait Fund for Arab Economic Development
 - OPEC Fund for International Development (OFID)
 - Secretariat of the Convention on Biological Diversity (CBD)
 - Swedish International Development Cooperation Agency (Sida)
 - Tetra Tech
 - United Nations Development Programme (UNDP)
 - United Nations Food and Agricultural Organization (FAO)
 - United States Department of State
 - United States Agency for International Development (USAID)
 - ViiV Healthcare

Footnotes

Unless otherwise specified, all statistics are IDLO-sourced

- 1 Number of judges provided by Judiciary of South Sudan in September 2017; South Sudan population provided by Worldometer, accessed 9 October 2017, <http://www.worldometers.info/world-population/south-sudan-population/>
- 2 New York University School of Law, http://www.nyulawglobal.org/globalex/South_Sudan.html
- 3 Judiciary of South Sudan (JOSS) Directorate of Research & Training
- 4 Reliefweb, 2017 Somalia Humanitarian Needs Overview, 28 November 2016, <https://reliefweb.int/report/somalia/2017-somalia-humanitarian-needs-overview>
- 5 Reliefweb, 2017 Somalia Humanitarian Needs Overview, 28 November 2016, <https://reliefweb.int/report/somalia/2017-somalia-humanitarian-needs-overview>
- 6 United Nations Mission in Liberia, Addressing Impunity for Rape in Liberia, October 2016, https://unmit.unmissions.org/sites/default/files/impunity_report_-_binding.pdf
- 7 United Nations Mission in Liberia, Addressing Impunity for Rape in Liberia, October 2016, https://unmit.unmissions.org/sites/default/files/impunity_report_-_binding.pdf
- 8 Social Films, Delivery of Justice – Mali, <http://socialfilms.org/delivery-of-justice-mali/>
- 9 World Economic Forum, The Global Gender Gap Report 2016, <http://reports.weforum.org/global-gender-gap-report-2016/#read>
- 10 World Bank, Women, Business and the Law 2016: Getting to Equal, <http://wbl.worldbank.org/-/media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>
- 11 World Bank, Women, Business and the Law 2016: Getting to Equal, <http://wbl.worldbank.org/-/media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>
- 12 World Bank, Women, Business and the Law 2016: Getting to Equal, <http://wbl.worldbank.org/-/media/W7BG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>
- 13 Klugman, 2017
- 14 The World's Women 2015, Chapter 6. See at https://unstats.un.org/unsd/gender/downloads/WorldsWomen2015_chapter6_t.pdf
- 15 World Health Organization (WHO) et al., Global and Regional Estimates of Violence against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence” (report published by WHO 2013), 16.
- 16 UNAIDS, The Gap Report, http://www.unaids.org/sites/default/files/media_asset/UNAIDS_Gap_report_en.pdf
- 17 UNAIDS, Infographic, 18.6 Million Girls and Women Living with HIV, 8 March 2017, <http://www.unaids.org/en/resources/infographics/girls-and-women-living-with-HIV>
- 18 DREAMS website, <http://www.dreamspartnership.org/innovation-challenge/#innovation>
- 19 World Health Organization, Global Health Observatory (GHO) data, <http://www.who.int/gho/ncd/en/>
- 20 UNAIDS, Global AIDS Update 2016, http://www.unaids.org/sites/default/files/media_asset/global-AIDS-update-2016_en.pdf
- 21 World Justice Project, The Rule of Law in Afghanistan: Key Findings from the 2016 Extended General Population Poll & Justice Sector Survey, 2 May 2017, https://worldjusticeproject.org/sites/default/files/documents/WJP_Afghanistan%20GPP%20%20JSS%20Report_2May2017%20%283%29.pdf
- 22 Seguridad, Justicia Y Paz, Metodología del ranking [2016] de las 50 ciudades más violentas del mundo, 6 April 2017, <http://www.seguridadjusticiaypaz.org.mx/biblioteca/prensa/send/6-prensa/239-las-50-ciudades-mas-violentas-del-mundo-2016-metodologia>
- 23 World Bank, Doing Business, <http://www.doingbusiness.org/rankings>
- 24 United Nations Special Rapporteur on the Right to Food, Hilal Elver, ‘Report of the Special Rapporteur on the Right to Food’ (2015), A/HRC/31/51. Press release, available: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17169&LangID=E>
- 25 UN Women, <http://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures#notes>
- 26 Financial Times, Kenya’s nascent mining industry set for boom, 31 May 2016, <https://www.ft.com/content/5ec41850-2657-11e6-8b18-91555f2f4fde?mhq5j=e1>
- 27 World Bank, Kenya Economic Update: Housing – Unavailable and Unaffordable, 30 May 2017, <http://documents.worldbank.org/curated/en/988191491576935397/Kenya-economic-update-housing-unavailable-and-unaffordable>
- 28 World Bank, Press Release, Economies in Europe and Central Asia at the Forefront of Top Global Improvers, Says Latest Doing Business Report, 25 October 2016, <http://www.worldbank.org/en/news/press-release/2016/10/25/economies-in-europe-and-central-asia-at-the-forefront-of-top-global-improvers-says-latest-doing-business-report>







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HEADQUARTERS

International Development Law Organization (IDLO)

www.idlo.int | info@idlo.int | @IDLO

Viale Vaticano, 106 | 00165 | Rome | Italy

Tel: +39 06 4040 3200 Fax: +39 06 4040 3232

Branch Office

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

Office of the Permanent Observer (UN)

336 East 45th Street | 11th floor
New York | NY 10017 | USA
Tel: +1 212 867 9707
newyork@idlo.int

Office of the Permanent Observer (UN)

23 Avenue de France
1202 | Geneva | Switzerland
Tel: +41 22 734 41 40
geneva@idlo.int