



STATEMENT OF REGINALD M. TURNER, JR.

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submitted to the

SUBCOMMITTEE ON STATE, FOREIGN OPERATIONS, AND

RELATED PROGRAMS

COMMITTEE ON APPROPRIATIONS

UNITED STATES HOUSE OF REPRESENTATIVES

regarding

**Fiscal Year 2023 Funding for Democracy, Human Rights,
and Governance Programs**

June 3, 2022

Chairwoman Lee, Ranking Member Rogers, and Members of the Subcommittee:

My name is Reginald Turner and, as President of the American Bar Association (ABA), I am pleased to submit this statement on behalf of the association. Thank you for this opportunity to reiterate the importance of continuing U.S. leadership and support for the promotion of democracy, human rights, and the rule of law around the world.

As global events have highlighted, we live in a world where the promotion of our democratic values and the rule of law is more important than ever. The ABA appreciates that there is wide bipartisan agreement in Congress that programs to promote the rule of law internationally are valuable and cost-effective investments of U.S. taxpayer dollars that enhance both the national security and economic prosperity of our nation. Support for these programs is also consistent with our values as a nation. The ABA supports increased funding for Democracy, Human Rights, and Governance (DRG) programs for Fiscal Year 2023, including no less than \$3.127 billion for Democracy Programs.

Specifically, the ABA supports a renewed commitment to promoting rule of law programming within the DRG sector. Countries with weak or deficient respect for the rule of law invariably suffer a variety of ills, and the lack of rule of law leaves the constituent population without the tools to address these challenges. As Russia's invasion of Ukraine demonstrates, some authoritarian powers are engaged in actions that undermine the rule of law to advance their own interests. Countries that enjoy rule of law must rally to defend it, or the future will be bleak for major swaths of the world. The current downward trend in rule of law is a threat to our national security.

Properly understood, rule of law is akin to an immune system of governance. When it is healthy and robust, government can systematically address a wide array of issues—corruption, cybersecurity, terrorism, and climate change to name a few. When the immune system is compromised, the converse is true, and the ability of a government to fully utilize foreign assistance for sustainable development is in doubt. Funding for rule of law assistance is a force multiplier for the U.S. government because, when countries increase rule of law, the constituent population is empowered to enforce their own rights, grow their own economy, and effectively utilize the assistance they receive which all help foster stability in those countries.

As a long-time implementer of rule of law programs, the ABA can attest that the U.S. receives significant returns on this investment. For more than 30 years and in more than 100 countries, the ABA, through our Rule of Law Initiative (ABA ROLI), Center for Human Rights (CHR), and International Law Section (ILS), has been protecting human rights, and promoting justice, economic opportunity, and human dignity through the rule of law. Founded just after the fall of the Berlin Wall, ABA ROLI's early efforts focused on assisting Eastern European countries to draft constitutions and laws. The program also helped embolden judges, prosecutors, lawyers, and legal educators to take the lead in establishing – or in some cases re-establishing – the rule of law after decades of communism and repression. The early model of American lawyers offering pro-bono services to their colleagues in developing democracies remains at the heart of our global programs. In fact, lawyers, law firms, and other experts have contributed more than \$300 million in pro bono support for our programs since their inception.

Through ABA ROLI, CHR, ILS, and other initiatives, the ABA has a framework in place to respond to requests for assistance from every region of the world and can provide expertise in virtually every area of law, including such areas as advancing women's rights, combating trafficking in persons, fighting corruption, reforming judicial systems, ensuring access to justice, and defending human rights. Our programs work in close cooperation with government institutions and civil society organizations (CSOs), including bar associations, judicial training institutes, ministries of justice, law schools, police, United Nations missions, and an array of non-governmental organizations (NGOs). In 2021, ABA ROLI executed more than 110 programs in more than 50 countries in every region of the world with funding from the U.S. Department of State, U.S. Agency for International Development, and other multilateral donors and private foundations.

ABA ROLI in Sub-Saharan Africa

ABA ROLI's Africa division currently conducts activities in more than 30 countries. Our work in Sub-Saharan Africa seeks to promote accountability for human rights violations, strengthen justice sector institutions, and increase access to justice for historically marginalized populations, particularly the rights of women and the poor. Our programs work in close cooperation with government institutions and CSOs including bar associations, judicial training institutes, ministries of justice, law schools, police, United Nations missions, and an array of NGOs. We emphasize a multi-disciplinary approach to the provision of assistance, using information and communications technologies to overcome weak or absent justice infrastructure, and empower individuals and communities to defend their rights and advocate for their futures. Our programs build CSOs' and local activists' capacity to more effectively combat discrimination based on real or perceived sexual or gender identity through the establishment of a network of community-based paralegals.

ABA ROLI in Asia and the Pacific

ABA ROLI's Asia and the Pacific division implements country-specific programs in 10 countries. The division's programs include substantive areas such as anti-corruption, human trafficking, wildlife trafficking, access to justice, freedom of expression and religion, child rights, business and human rights, counter-terrorist financing, strengthening law-related institutions, and improving the skills and cooperation of legal actors (prosecutors, judges, lawyers). Partners in the region include government institutions and civil society organizations, including judicial training institutes, supreme courts, law schools, bar associations, and a wide range of non-governmental organizations.

ABA ROLI in Europe and Eurasia

Originally known as ABA CEELI, the Europe and Eurasia Division was the ABA's first international technical legal assistance program. Created in 1990 to respond quickly and broadly to the tasks associated with reforming legal infrastructures after the fall of the Berlin Wall, the division has since worked in 28 countries across the region. Today, we implement country-based and regional programs in 12 countries, including Russia and Ukraine. These programs have increased access to justice and transparency of the judicial process, educated populations about

their rights and responsibilities, supported efforts to combat trafficking in persons (TIP), cybercrime, drug trafficking, and other transnational crimes, and strengthened legislation and legal institutions in countries seeking European Union accession.

ABA ROLI has had a field office in Kyiv, Ukraine since 1993. In 2021, prior to the Russian invasion, ABA ROLI implemented two programs in Ukraine. ABA ROLI's "Promoting Internet Freedom in Ukraine" program worked to empower cross-sector Internet Freedom champions to advocate for laws and policies that promote freedom of expression online. The "Promoting Social Cohesion in Ukraine (Pro-SoCo)" program brought together media, civil society, and youth actors from different regions of Ukraine to work on joint projects that aim to increase national unity, promote civic identity, and foster informed and constructive dialogue on issues relating to Ukraine's European future. While the focus of our programs in Ukraine has changed to documenting Russian atrocities, we are happy to inform the subcommittee that our staff on the ground remains safe.

ABA ROLI in Latin America and the Caribbean

The Latin America and the Caribbean Division operates programs in El Salvador, Mexico, Peru, Colombia, and through a regional program covering El Salvador and Guatemala. ABA ROLI implements activities in partnership with host-country government institutions, law schools and CSOs. Our work in the region includes a wide array of rule of law thematic areas: strengthening LGBT organizations, supporting legal education in transitions to accusatorial criminal justice systems, strengthening the investigation and prosecution of transnational organized crime, corruption, illegal gold mining, and related crimes, money laundering and drug trafficking, hate crimes, femicide and TIP, assisting institutions to strengthen judicial oversight, bolstering the capacity of forensic laboratories and of justice institutions to use forensic evidence in criminal cases, and providing technical support to legislative and policy reform in substantive areas.

ABA ROLI in the Middle East and North Africa

Currently, the Middle East and North Africa division maintains offices or operates bilateral programs in Algeria, Jordan, Morocco, Libya, and Tunisia. It also conducts regional programs involving other MENA countries. These programs focus on judicial development, women's rights, the role of women in the legal and judicial profession, legal education reform, legal profession reform, human rights and access to justice, governance, and anticorruption. For all programs, ABA ROLI seeks to build local capacity to promote the rule of law by working in close collaboration with government institutions and NGOs. Since initiating work in the region in 2004, ABA ROLI has conducted more than 150 programs in 17 countries, including dozens of assessments of legal systems and related issues.

ABA ROLI's Global Thematic Programs

JusTRAC+

Focused on enhancing collaboration and strengthening evidence-based programming among justice sector practitioners in the U.S. Government and beyond, JusTRAC+ fosters opportunities

for information sharing and dialogue and supports learning by improving access to evidence-based practices. In 2021, ABA ROLI finalized and debuted the JusTRAC+ Knowledge Portal (<https://www.justracportal.org/sign-up>), the locus of program activity which serves as the hub for the two Communities of Practice – one focused on Justice Sector Measurement and the other focused on the Nexus of Transnational Organized Crime and Corruption. The Knowledge Portal features comprehensive practice notes with recommended resources on the topics of: Court Performance Measurement; Measuring Success in Judicial Reform Initiatives; and a toolkit on Countering Corruption-enabled Transnational Crime.

Women and Girls Empowered

Women and Girls Empowered (WAGE) is a global consortium to advance the status of women and girls, led by ABA ROLI in close partnership with the Center for International Private Enterprise (CIPE), Grameen Foundation, and Search for Common Ground (Search). WAGE works to improve the prevention of and response to gender-based violence (GBV); advance the women, peace, and security agenda (WPS); and support women's economic empowerment by strengthening the capacity of civil society and private sector organizations in fifteen target countries through ten initiatives. In addition to technical assistance, WAGE provides direct assistance to women and girls, including information, resources, and services they need to succeed as active and equal participants in the global economy and public life. WAGE also has a robust learning agenda that seeks to build a body of evidence of relevant promising practices in the three thematic areas of WPS, GBV, and women's economic empowerment. A key part of WAGE's approach is integrating the thematic areas in a collaborative and inclusive way to address the multiple interconnected barriers that women and girls face. In 2021, the WAGE management teams advanced the WAGE Learning Agenda by finalizing key research products such as rapid needs assessments, "Women's Entrepreneurship in Timor-Leste," and "Advancing the Women, Peace, And Security Agenda in Sri Lanka". WAGE also finalized four gender and inclusion analyses on Moldova, Jordan, Ghana, and Timor-Leste. To expand and share WAGE's body of knowledge, WAGE launched an Advisory Group and Network of academics and practitioners across the globe. Over the year, WAGE's partners continued to share lessons learned and integrate learning into programming through knowledge sharing sessions between initiatives.

The ABA Center for Human Rights

The ABA Center for Human Rights, established a decade after ROLI, promotes and protects human rights worldwide by defending advocates who face retaliation; rallying thought leaders on crucial issues; and seeking to hold abusive governments accountable under law. Through its Justice Defenders Program, funded since 2011 by a grant from the Department of State's Bureau of Democracy, Human Rights, and Labor, CHR supports lawyers, journalists, and advocates protecting human rights, anywhere in the world. To date, the program has leveraged more than \$2 million in free legal assistance to more than a thousand advocates worldwide. CHR recently has enhanced this program with significant funding from the Clooney Foundation for Justice.

CHR also helps to strengthen U.S. and international law to ensure that people who commit mass atrocities are held accountable. In this vein, CHR recently began an initiative with the Carnegie

Corporation of New York to study and improve legal frameworks governing the use of proxy fighters in foreign conflicts. CHR also fights modern slavery by working with the Uniform Law Commission to fortify state law to ensure that human traffickers find no haven in the U.S., and empowering trafficking survivors to rebuild their lives. Other work includes advocacy to protect LGBTQ persons, advance global health by shaping a human rights framework for confronting public health challenges and improve international standards to protect human rights from harmful business practices.

Contributions to International Organizations

As you know, the Contributions to International Organizations account funds the U.S. dues payment for the United Nations regular budget, along with assessments for specialized agencies such as the International Atomic Energy Agency, the World Health Organization, and other key multilateral organizations such as NATO. These organizations function as a critical force-multiplier in promoting international peace and security, strengthening democratic governance, and protecting human rights. While none of these organizations is perfect, the United States can lead reforms from a stronger position when we meet our financial obligations and actively support those international organizations that help advance our national interests.

Conclusion

We recognize that Congress faces many competing budgetary demands and appreciate the Subcommittee's past support for this essential funding for Democracy, Human Rights and Governance programming. The U.S. has been able to play a critical leadership role in the world because it has, over multiple administrations of both parties, maintained a values-based foreign policy that advances the conditions for a peaceful and prosperous world. Failure to sustain and fund that policy risks ceding our leadership position to those who would remake the global order in ways that will certainly not serve U.S. interests. Establishing governments, legal structures and institutions based on the rule of law are necessary prerequisites to establishing resilient democratic societies and successful market-based economies. Programs such as those outlined above are cost-effective means through which to advance both the interests of individuals in participating countries and U.S. foreign policy, and we urge you to continue to support them for Fiscal Year 2023.