



AMERICAN BAR ASSOCIATION

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Mr. Chairman, members of the Commission, thank you for holding this hearing and inviting the ABA to testify here today.

With funding from the State Department and USAID, the American Bar Association Rule of Law Initiative (ABA ROLI) has worked on rule of law development in Kyrgyzstan since 1993 when we opened our main office in Bishkek. In 2001, ABA ROLI opened its office in Osh, working on cross-border initiatives, civic education programs and citizens' rights advocacy networks.

Since ABA ROLI began working in Kyrgyzstan, a great deal has been accomplished. In 2002, legal professionals from Kyrgyzstan, Tajikistan and Uzbekistan came together and formed the first all-inclusive bar association in Central Asia consisting of judges, lawyers and prosecutors. The Ferghana Valley Lawyers Without Borders still functions today, providing direct legal assistance.

ABA ROLI worked to establish a nation-wide system of civic education centers, where law students are trained to teach civics to secondary school students utilizing specially prepared texts and extracurricular activities such as debates, essay contests, quiz games and summer camps. From 2007 through the spring of this year, this program was extended to students attending religious schools. The extracurricular activities that ABA ROLI sponsored provided an opportunity for the secular school students and the religious school students to meet and connect with one another. It enriched both of their educational experiences.

ABA ROLI has established Citizens' Advocacy Networks, worked with NGOs to provide legal aid to disadvantaged populations, and introduced a culture of pro bono legal service to the legal community. This pro bono culture was accepted with enthusiasm by the lawyers in Osh and

Jalalabad. These lawyers established a legal clinic at the border crossings with Uzbekistan, providing free legal advice to day traders and other travelers encountering difficulties at the border. Lawyers from the Ferghana Valley also formed traveling legal clinics, where two or more lawyers would travel to remote areas in the valley to provide direct legal assistance on weekends and their days off.

ABA ROLI has trained defense lawyers throughout Kyrgyzstan by providing continuing legal education on topics ranging from individual rights defense under Kyrgyz law to legal writing skills. With funding from the State Department's Bureau of International Narcotics and Law Enforcement Affairs, ABA ROLI is currently working with the Advocates Training Center in Bishkek to establish a sustainable and standardized method of delivering continuing legal education to defense attorneys, with the goal of having a level playing field between the defense and the prosecution in Kyrgyz courts.

With funding from the State Department's Office to Monitor and Combat Human Trafficking, ABA ROLI is implementing an anti-human trafficking program. The program works with judges, lawyers and prosecutors to strengthen the legal response to human trafficking in Kyrgyzstan.

Working at a community level and promoting a rule of law culture helps ensure that citizens will view the rule of law as a tool to solve local problems and protect local rights. ABA ROLI depends largely on local stakeholders, partners and staff, training them and building their capacity to become leaders in rule of law reform. All of our programs include capacity and institution building, along with a sustainability plan which leaves in the communities a cadre of trained and dedicated local reformers.

Currently, ABA ROLI staff in Kyrgyzstan are implementing an election program designed to train the legal community to address election complaints and violations, utilize the existing civic education centers for rapid voter education and provide direct legal consultations, including on-site assistance at select voting precincts. With the challenges posed by the transition in government, additional U.S. support through supplemental funding from the State Department for on-the-ground rule of law programs is needed. ABA ROLI will continue citizen education in preparation for the parliamentary elections this fall. ABA ROLI envisions a significant amount of education will be necessary for the citizens to understand and appreciate what the new constitution means to them and for their rights. Under our current program, ABA ROLI will develop a bench book for judges and a guidebook for lawyers to assist them in addressing election violations and complaints under Kyrgyz law. We will train legal observers to spot and report abuses. We will provide on-site legal assistance at precincts where issues are expected to arise.

With additional funding, ABA ROLI could re-establish support to cross-cultural efforts in the Ferghana Valley, including legal professional organizations, legal advocacy NGOs and access to justice for marginalized populations. The civic education program could be expanded to reach more villages in the south with an emphasis on equality and individual rights training. Lawyers and judges could continue to be supported in their efforts to become more independent and objective.

With the adoption of the new constitution, issues will arise involving implementing laws and regulations. Although the new constitution supersedes all previous constitutions, it leaves in place all the supporting laws of the previous constitution. These laws will have to be harmonized with the current constitution, and new laws will have to be drafted. The legal community, including all the newly appointed judges, will have to be trained on these legislative changes and their implementation. ABA ROLI could also provide legal guidance on the establishment of accountability and anti-corruption mechanisms throughout government.

In conclusion, while it is widely agreed that much remains to be accomplished in Kyrgyzstan, with increased international support, a culture of rule of law can be established at a grass-roots level. This is a generational issue, and with increased, steady support from the United States the new generation of Kyrgyz citizens can live in a stable country governed by the rule of law.