DATE: October 28, 2015

TO: GFLJD Steering Committee

FROM: GFLJD Secretariat

SUBJECT: New or revised work programs and related fund-raising activities

Rationale

At its meeting of October 20\textsuperscript{th}, 2014, the Steering Committee of the Global Forum on Law, Justice and Development (GFLJD) discussed the direction of future GFLJD activities and approach to funding. It was decided that funding should be pursued by partners as well as by co-leaders of the Thematic Working Groups (TWG) and Communities of Practice (CoP) for proposals they consider relevant, and attached to concrete proposals and deliverables. It was also decided that TWGs’ co-leaders would endorse the proposals they consider relevant for submission to the Steering Committee. Minutes October 2014 Meeting

At its subsequent meeting of February 12\textsuperscript{th}, 2015, the Steering Committee approved an action plan for project development, including a set schedule for the submission of project proposals and the identification of sources of funding for projects that promise to have most impact and produce concrete deliverables. Minutes February 2015 Meeting

In February 2015, TWGs co-leaders were invited by the Secretariat to circulate a call for proposals to their partners. All proposals were required to be in line with the GFLJD’s new Strategy Statement (adopted in February 2015), and fall within the mandate of one of the GFLJD TWG or CoP. Proposals were also to be formatted following a Work Program and Result Framework template, as provided by the Secretariat.

The initial deadline for the submission of proposals was May 30\textsuperscript{th}, 2015. On June 2\textsuperscript{nd}, 2015, the Steering Committee agreed to extend the initial deadline to July 15\textsuperscript{th}.

As mandated by the Steering Committee, the GFLJD Secretariat has assisted with the preparation of proposals by providing templates, guidance and feedback, and helped shape work programs. The Secretariat is currently working with partners and co-leaders to identify sources of funding and has endeavored to match potential donors with project proposals that emerge from partners and TWGs.
11 proposals were received from Global Forum partners which were endorsed by co-leaders.

The proposals will be transmitted to the Steering Committee for information.
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SUMMARY OF PROPOSALS

PROTECTING CRITICAL SECTORS FROM CRIMINAL INFLUENCE AT ENTRY

TWG Justice & Rule Of Law Reform
January 8, 2015

This project is aimed at countries facing serious challenges of corruption, abuse and criminal influence in sectors that are considered critically important to national economic development. It aims to provide technical assistance to support improvements in systems for screening market entrants or applicants for licenses and/or concessions in critical sectors in which corruption risks are high. The purpose of this project is to help countries reduce the risks of potential corruption, abuse or criminal influence in critical sectors.

In countries where corruption risks in critical sectors are high, and systems of governance, regulatory supervision and transparency are weak, strengthening the fitness, propriety, and integrity screening procedures of the market entry process can help stem integrity risks entering a critical sector. This project focuses on helping supervisory officials to design, identify and implement appropriate systems and procedures for screening market entrants with a view of improving the integrity of critical sectors. This can in turn provide supervisory authorities the space needed to better manage existing risks, as well as build capacity to improve supervision and regulatory systems in those sectors on which development may depend.

The project may be initially piloted in 2 or 4 countries (including both fragile/conflict-affected countries – FCSs – and/or more developed countries) which will be selected on the basis of demand, need, political will and available financing. Preference will be given to countries that are facing potential extractives or other crucial sectors booms. Upon completion of the pilot phase, this project can be further developed into a standard TA product, if, based on information, best practices and experience collected there is a consensus such would be useful to enable delivery in additional countries. Further, upon completion of this project, if it is determined that the information and experience collected would be useful to countries in the form of a basic manual or “toolkit,” consideration will be given to producing and issuing such publication if funding is available.
INTERNATIONAL MODELS PROJECT ON WOMEN’S RIGHTS (IMPOWR): DATABASE OF LAWS RELATING TO WOMEN AROUND THE WORLD

TWG Justice and Rule of Law Reform
May 30, 2015

This proposal represents an innovative opportunity for international collaboration on a global database for women’s rights, positioned to maximize the development benefits of the UN’s emerging Sustainable Development Goals. In keeping with the World Bank Group’s vision to establish the leading Global Knowledge Platform on law, justice and development, the IMPOWR project is designed to provide online practical legal information, insights into law reform, toolkits, and other resources. It will serve a variety of stakeholders, from grass-roots advocacy groups, to government agencies, to international development and financial institutions. But most of all, it will serve women and girls throughout the world in their quest for equity and inclusion.

The International Models Project on Women’s Rights (IMPOWR; www.impowr.org) is a comprehensive research database to collect, process and store laws relating to women in every country. In addition, it provides an online clearinghouse for discussion and commentary on women’s rights. The database is wiki-like, enabling users to log-in and continuously update and improve the contents. The search function is structured to provide comparative information, with a focus on the implementation of the principles underlying the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW provides an authoritative framework to advance women’s rights throughout the world, having been ratified by 189 countries to date. The key aims of IMPOWR are to promote women’s rights and security; increase women’s political participation; and expand women’s economic opportunities. By facilitating capacity-building, such aims also enhance the prospects for economic and social development in the broader community.

BUILDING KNOWLEDGE AND CAPACITY FOR LEGAL ASPECTS OF SUSTAINABLE ENERGY FOR ALL

TWG Environmental and Natural Resources Law
June 2015
This proposal is designed to begin addressing the critical need for knowledge collection sharing and capacity building to better support SE4All implementation and achieving the proposed SDG 7—ensuring access to affordable, reliable, sustainable, and modern energy for all—once it is adopted. It focuses on the needs of African countries, recognizing that access to energy needs are extremely high in Africa and that most of the 26 countries with the highest populations experiencing extreme poverty are in Africa. The proposal includes six interrelated initiatives, which engage members of the CoP on Legal Aspects of SE4All, to survey needs, collect and share knowledge, and train and build capacity of government lawyers, private sector lawyers, NGO lawyers, law faculties, and other stakeholders involved in the legal aspects of promoting access to sustainable energy for all.

These initiatives will be undertaken over two years and are tailored toward achieving the following:

**Objective:** Collect and share knowledge about legal aspects of SE4All to support rapid implementation of Proposed Sustainable Development Goal 7: Ensure access to affordable, reliable, sustainable, and modern energy for all.

The intended outcome of these activities is to begin developing and implementing an enabling legal framework for sustainable energy for all, coupled with capacity building, with a focus on improving access for the poorest communities in the least developed countries.

**ONLINE DISPUTE RESOLUTION TO ADDRESS LOW-INTENSITY DISPUTES IN LATIN AMERICAN COUNTRIES**

CoP Alternative Dispute Resolution
June 6, 2015

The common objective is to bring a combination of experience, technology, expertise, and ideas to judicial stakeholders in order to strengthen governance and enhance both justice and sustainable development in Latin American countries. The pilot-project will adapt and implement an existing open-source ODR platform, integrate it to the current judicial offerings and ensure that it effectively responds to particular identified sectors. It brings to forefront open source technologies, makes ample use of decades of research expertise, draws upon existing judicial structures and promotes newly instigated judicial reform initiatives.
**Ultimate outcome:** improve access to justice for vulnerable social groups in Latin America, reducing class inequalities under the rule of law, while increasing social cohesion through an empowered citizenry’s renewed confidence in judicial institutions and when transacting with other citizens.

**Intermediate outcome 1:** increased number of low-intensity disputes resolved under the shadow of the law by empowered citizens, leading to self-actualization and increased confidence in judicial institutions.

**Intermediate outcome 2:** increased responsiveness by judicial institutions to citizens’ diverse needs to obtain, and right to access justice, especially within vulnerable social groups, through efficient use of technology.

**Intermediate outcome 3:** increased use of technology by people, especially vulnerable social groups, to enhance access to justice, participation in civil society and engagement in democratic life.

**Collecting and Preserving Evidence on Atrocity Crimes: International Assistance Contribution to the States’ Responsibility to Protect**

**TWG Empowerment and Equity for Diverse Communities**

September 2015

The project aims to deter war criminals and facilitate the work of investigators and criminal courts by supporting the collection and preservation of critical evidence of atrocity crimes. It is an initiative developed within the Global Forum on Law, Justice and Development, co-led by UNICRI and the World Bank, with the initial participation of the International Criminal Court, the Auschwitz Institute for Peace and Reconciliation, and the Budapest Centre for the International Prevention of Genocide and Mass Atrocities.

The international legal and political framework addressing “atrocity crimes”, established that member states have a “Responsibility to Protect” (R2P) their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity.

This development has deepened the collective responsibility of the international community and also created specific responsibilities in this regard. Namely, these responsibilities involve: the
responsibility to encourage and assist states in fulfilling their own responsibility towards R2P and to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes.

The international community has also used specific means to ensure that criminals responsible for atrocity crimes stand trial and future criminals are deterred from committing similar acts. However, investigations of atrocities often occur years after a crime has taken place. Due to legal, political, and resource-related obstacles that exist in organizing criminal trials for atrocities, certain crimes are investigated more than 30 years after they were committed (e.g. Extraordinary Chambers in the Courts of Cambodia (ECCC)). This delay in investigating crimes creates a risk of losing evidence or having witnesses inaccurately recollect events.

A number of these problems could be solved with a documentation and storage system that allows individuals to immediately report any atrocity crimes that they witness by using a smart phone application, a website, or a text messaging service. World Bank indicators show a steady increase in the use of mobile devices and smartphones and an increasing access to the internet. The increase in use of such technologies gives them the capability to be used as powerful tools for collecting evidence of atrocity crimes and fostering accountability.

**Enabling Access to Justice, Decision-Making and E-Governance for Persons With Disabilities**

TWG Empowerment and Equity for Diverse Communities

July 30, 2015

It is well established that poverty and disability are inextricably linked and both have a direct impact on health, well-being and development outcomes.¹ The Convention on the Rights of Persons with Disabilities (CRPD or Convention) is one of the most rapidly – and widely – ratified human rights treaties. Its legal requirements present significant challenges for developing countries given that, prior to the CRPD’s adoption in 2006, only a handful of countries had more than a rudimentary disability rights framework. Law schools, legal assistance organizations and governments are largely ill-equipped to effectively provide legal support in the broad spectrum of issue areas covered by the Convention. Few lawyers and judges understand disability law and

disability law - to the extent the law does address individuals with disabilities - is still not adequately covered in legal education in developed or developing countries. Legal professionals are important stakeholders in disability law reform and implementation, as are national law commissions, but require support to attain relevant expertise. Furthermore, disabled peoples organizations (DPOs) have a relatively short history of participation in law and policy advocacy. DPOs are eager to support disability law reform, but require specific training in order to be effective advocates. As a consequence, there are significant gaps in CRPD implementation for ratifying states. The proposed project seeks to address one aspect of this gap, namely, the provision of high quality and practical legal technical assistance tools, together with web-based and fully accessible accompanying webinar modules, on discrete topics. These knowledge tools will help disability law reform and development efforts gain significant traction and pave the way for more extensive legal reform and effective monitoring and implementation.

The project deliverables will include technical assistance on ensuring accessible technology-enabled governance and legal systems including developing procurement policies for accessible ICT, technical guidance, and case studies.

**Tool Kit On Strengthening Rule Of Law Leadership And Advisory Capacity (ROLLAC)**

TWG Justice and Rule of Law Reform  
May 2015

The Sub-Thematic Working Group on Building Trans-border and Local Competencies to Lead Rule of Law Reforms has identified the need of developing countries to ensure the availability of local legal and other professionals to provide leadership in relation to legal, justice sector and rule of law reform. It views national leadership in the structuring and management of legal and justice sector reform as essential to ensuring national ownership and accountability.

The Local Competencies Group further notes that in all countries, the process of establishment, maintenance and improvement of the rule of law is a core governance function. The Group further notes the positive and increasingly effective engagement by the international community with countries wishing to undertake reforms and strengthen the rule of law and the positive impact such engagement is having on many fronts. At the same time more needs to be done to help assisted countries build the specific knowledge and skills required to define and lead such reforms and innovations themselves.
Based on these observations the Local Competencies Group proposes to produce a Tool Kit on Strengthening Rule of Law Leadership and Advisory Capacity (“ROLLAC”) for use by all rule of law community actors (assisted countries, providers, donors, academics, etc.) which will offer practical tools which may be employed as an adjunct to all types of rule of law initiatives, in order to build the level of capacity required by countries to be able to lead subsequent waves of rule of law improvement and reform on their own.

The Tool Kit will seek to act upon the following priorities:

a. Specific guidance on what leadership means in the context of rule of law and how domestic actors can cultivate and apply it so that developing country governments, rule of law assistance providers and international development community can adopt appropriate measures.

b. By articulating ROLLAC as a national high-level goal, law reform efforts can be tailored to respond to nationally owned development frameworks, that donors or implementing agencies can refer to when designing rule of law reform initiatives in the future. To facilitate these processes, the Tool Kit will provide accessible information on strategic management techniques as applied to the justice sector.

c. Guidance on how international assistance efforts can gradually shift to technical support to initiatives designed and managed by local partners and support to peer-to-peer collaboration and exchange.

d. It will also provide guidance on comparative law analysis and the application of comparative law expertise for ROLLAC.

The main structure for the tool kit is based on the curriculum developed for the PROLAW Rule of Law for Development Masters Program at Loyola University of Chicago School of Law. The curriculum is designed to provide legal professionals with the capacity to design, lead, and manage rule of law reforms at the national level. The project further draws on case studies and the experience of GIZ in carrying out justice sector reform projects internationally, including its recent project with the World Bank Global Delivery Initiative on “Introduction of Administrative Justice in the South Caucasus”). Finally, the project will receive contributions on comparative law from University of Cape Town.
This is a proposal to the Global Forum on Law, Justice and Development (GFLJD) from IPEN: a global network of more than 700 NGOs in more than one hundred countries working to protect human health and the environment from harms associated with exposure to toxic chemical substances. Acknowledging that lead paint and its role in childhood lead poisoning is a global concern, the Global Alliance to Eliminate Lead Paint (GAELP or the Alliance) was established in 2010.

The proposal supports the goals of the GAELP to eliminate lead in all paints globally, beginning at a minimum with the phase out of lead in paints for household and school use by 2020. The Alliance seeks to achieve this goal by promoting the development of laws that limit lead content in paint. The Alliance and others have catalyzed work that is making progress toward this objective in most regions, but more difficultly so in the Eastern Europe, the Caucuses and Central Asia (EECCA) region has to date mainly focused on smaller, country-specific efforts.

This proposal builds on experiences from other regions. IPEN has done some country-specific work in the region. The primary activity has been to study lead content in household paints on the market in six of the countries. Lead paint for household use remains commonly available on the market in the countries of the region. The Alliance, therefore, needs to catalyze substantive progress toward lead paint elimination in this important region. By using a multi-country approach, meaningful momentum towards lead paint elimination can be built within the whole EECCA region.

There is now an important new opportunity due to the recent creation in early 2015 of the Eurasian Economic Union (EAEU) with current membership by five countries in the region. The proposed project aims to build on this and other developments to facilitate the establishment of effective regulatory controls on the lead content of paints manufactured, imported into, sold and/or used in countries of the EECCA region. The activities will include

1. A workshop to present the GAELP Toolkit for Establishing Laws to Control the Use of Lead in Paint and to promote its dissemination and use at the country level;
2. Production of National Lead Paint Reports in the target countries that will include an assessment of the lead content of paints on the market, a review of existing legal frameworks to control the use of lead in paint, and a nationally appropriate presentation of key information contained in the GAELP Toolkit;

3. Establishment of national multi-stakeholder working groups in target countries and their dissemination of national reports and promotion of legal instruments

4. Preparation of National Action Plans by the national working groups, including an assessment of the current national situation and any progress that has been made toward establishing effective national regulatory controls on lead in paint and/or toward securing full compliance with existing national regulatory frameworks already in place.

These activities will be conducted in the context of meeting the global goal of the Global Alliance to Eliminate Lead Paint to phase out lead paint, and will be carried out in cooperation with other GAELP partners.

**HUMAN-CENTERED BUSINESS MODEL: A HOLISTIC APPROACH FOR A NEW MODEL OF DOING BUSINESS**

Community Of Practice (CoP)  
October 2015

The “Human-Centered Business Model” Project aims at developing and piloting an innovative, human-centered, model of doing business that considers social and environmental sustainability as corporate goals at par with profit.

The Project idea belongs from the recognition of several existing initiatives scattered all over the world that testify an increasing interest of the private sector for social and environmental issues, and it wants to develop an innovative way of doing business, available for voluntary adoption, to bridge the gap between the business forms that singularly seek to maximize profit and non-profit organizations or volunteer’s associations.

The overall objective of this project is a sustainable and more equitable model of doing business that will advance inter-generational and intra-generational equity as well as shared prosperity and inclusive economic growth. The project is in line with the UN Sustainable Development Goals n.
that promotes a « sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all ».

The internalization of social and environmental interests in the enterprise requires not only a new corporate governance structure but also a revision of financial instruments, fiscal treatment and procurement policies, to make the model economically sustainable.

The project will be developed around six “pillars”:

1) Guiding Principles Pillar. This pillar aims to identify – among existing economic, social and environmentally sustainable policy goals, right-based principles largely agreed upon by the international community, and ethical principles – the “essential” guiding principles which must be fulfilled in order to be qualified as a “Human-Centered Enterprise” (HCE). These principles constitute a “minimum common denominator” of principles of immediate and/or progressive realization. In addition to the essential principles the Model will develop also “optional principles” specific to the economic sectors. Critical element will be the elaboration of performance indicators to measure a HCE’s implementation of each Guiding Principle.

2) Legal Framework and Corporate Governance Pillar. Depending on different legal, socio-economic and cultural environments, the application of the new Model will require either the adaptation of existing legal entities or the introduction of new ones. The governance structure of the new HCE will also need to be considered under a fresh light in order to be consistent with the Model’s aims. Within the development of this pillar, a particular attention should be given to the function of monitoring and enforcing the HCE’s performances in each of the principles.

3) Financial Pillar. As the Model will not privilege profit maximization, it may not be appealing to traditional investors. Therefore, it will be necessary to identify innovative financial mechanisms, through the development of new ones and/or through the adaptation of existing ones in order to attract also traditional investors.

4) Fiscal Pillar. The fiscal regime of the new business Model should also be consistent with the performances in terms of profitability, social and environmental sustainability and ‘wealth redistribution’ within the local community. The fiscal regime should be designed in accordance with the results for each principle.

5) Procurement Pillar. This pillar should cover both corporate procurement policies and forms of preferred procurement, in respect of fair competition and principles of transparency, non-discrimination and equal treatment.

6) Capacity Building and Mentoring Support Pillar. Last but not least, because of the impact on
the local community, the Human-Centered Business Model should include innovative forms of interaction with stakeholders, such as academia, professional associations, etc.

The process will start with a worldwide inventory of relevant initiatives and identification of international good practices. The first draft will be validated through a consultation process with partners, stakeholders and experts. The Model will then be piloted at a country level, in partnership with governments of two or three Countries. The pilot will provide feedbacks to improve and refine the theoretical model.

The Model, as piloted and implemented, will be finally make available to policy makers/governments for voluntary adoption.

The project – piloting phase included – will probably last from three to five years.

As of October 27th, 2015, nineteen partners have formally joined the project, the majority of them with a co-leadership role: ASSONIME; Bank of Italy (Central Bank); Bologna University; Ca’ Foscari University of Venice, Department of Economics; Erasmus University’s International Institute of Social Studies; European Public Law Organization (EPLO); European Research Institute on Cooperative and Social Enterprises (to be confirmed); Global Fund to End Slavery; International Institute for the Unification of Private Law (UNIDROIT); Libera Università Maria SS Assunta (LUMSA) ; Loyola University; Municipality of Athens; Organisation for Economic Co-operation and Development (OECD); Panteion University of Athens; The Hague University of Applied Sciences; Transjus Research Institute of the University of Barcelona, Law School; Union Internationale du Notariat; University of Cape Town; University of Michigan, School of Law.

MAPPTUS: A CROSS-NETWORKING DIRECTORY FOR LEGAL, FINANCIAL, GOVERNMENTAL, INTERNATIONAL AND POLICY PRACTITIONERS

Community Of Practice (CoP)
October 2015

In today’s world, there is a growing demand for thinking across columns. mApptus, an app for mapping aptitudes, is a Cross-Networking Directory for Legal, Financial, Governmental, International and Policy practitioners. It aims to make the world a more accessible and
collaborative place. It will open up access to professional markets beyond those who are traditionally privileged and well-connected to those who are invisible or inaccessible. Doing so will increase the size of the pie. The Project functions by allowing for an intelligent matching of targeted practitioners based upon the mapping of individual aptitudes in order to better chart one’s professional possibilities and interests. The Project offers the following, unique advantages:

First, the Project offers nuanced, layered professional-sector searches, combined with detailed subsector categorization. In a Venn diagramming approach, it allows for the searching of the point of overlap between two larger domains. For instance, a lawyer familiar with the financial services industry would be mapped to Legal and Financial domains; a government employee familiar with certain international policies would be mapped to Governmental and International domains; a judge teaching international anti-money laundering policies could be mapped to all five sectors; etc. Thereafter, each of the five sectors has detailed sub- and sub-subsectors categories (e.g., Legal → Alternative Dispute Resolution → International Commercial Arbitration). The Project allows, at a glance, for adept and tailored mapping and matching of practitioners. It does so not only according to individual or project needs, but also according to the advertised aptitudes of those practitioners. The Project is accessible not only to sophisticated audiences but also to a “lay” public looking for these practitioners (e.g., a journalist looking for a government employee in a certain country familiar with that country’s implementation of World Health Organization policies; an expatriate looking for a tax accountant familiar with tax law in two jurisdictions; etc.).

Second, the Project promotes the visibility of invisible practitioners, especially those across the Global South. Practitioners compete for attention and visibility. However, larger enterprises and firms, which are generally much more visible, are not necessarily the best options, neither in terms of bang-for-buck, nor in terms of the product produced. The Project provides a means for smaller, less visible practitioners to connect and to promote themselves, thereby allowing them to operate alongside more established organizations and companies that, through size, capital, closed connections and networks, and longevity, are more visible. Such is particularly true in creating South-South connections.

Third, the Project allows for both the assembling of teams, and for team building. Many projects require broadly formed experts of diverse backgrounds. The Project allows for the easy finding of practitioners of varied formations, with differing experiences yet congruous aptitudes, and will offer a means of helping to organize and construct those teams.
Busca-se, a partir da experiência que o Brasil já vivencia na preparação para sediar a Copa do Mundo FIFA 2014, desenvolver um projeto-piloto que servirá como base de implementação futura de uma plataforma de ações e boas práticas susceptível de utilização mundial destinada à prevenção e ao combate ao turismo e à exploração sexual de crianças e adolescentes em megaeventos internacionais.

A aplicação prática do presente projeto-piloto visa servir de primeira experiência para se afetir a eficácia de um conjunto de ações no combate à exploração sexual de crianças e adolescentes nas fases de preparação, realização e pós-encerramento de megaeventos internacionais.

Não se trata de uma espécie de auditoria ou de uma forma de fiscalização das ações empreendidas pelo Estado brasileiro. As ações aqui propostas, absolutamente em consonância ao ideário soberano da nação brasileira, têm o objetivo de contribuir com o grande projeto nacional brasileiro e com as diretrizes dos instrumentos internacionais de direitos humanos no processo de identificação e mapeamento de situações de risco de grupos mais vulneráveis da sociedade causadas por desvios comportamentais e pela atuação de redes criminosas de exploração infantil em grandes eventos, de tal forma a sistematizar um plano de ações que sirva de modelo no âmbito de políticas públicas nacionais e internacionais.

As ações aqui propostas foram concebidas no intuito de se testar previamente ideias em uma escala menor (nas 12 cidades-sede brasileiras da Copa do Mundo FIFA 2014), com riscos e recursos reduzidos, porém com alta concentração de esforços. Na verdade, a presente proposta visa agregar ou catalisar, a partir de iniciativas e da colaboração de integrantes do Global Forum on Law, Justice and Development (GFLJD) – mormente da Fundação Getúlio Vargas (FGV) e do World Bank (WB) -, ainda mais esforços nacionais e internacionais à complexa rede de ações e discussões já existente no Brasil e que é liderada pela Secretaria de Direitos Humanos da Presidência da República (SDH) - chamada de “Agenda de Convergência” - de tal forma a criar um modelo a ser seguido por outras nações em megaeventos.

A partir de ações preventivas (que incluem campanhas de conscientização e treinamento de autoridades responsáveis pela aplicação da lei) e de ações de geração de conhecimento (que incluem monitoramento, avaliação, produção de cartilhas informativas e geração de dados estatísticos) pretende-se chegar a um modelo de aplicação universal, cujos resultados possam se
traduzir, se não na eliminação absoluta, pelo menos em drástica redução dessa conduta delituosa durante o afluxo de enorme número de turistas – estrangeiros e nacionais – às cidades-sede dos megaeventos internacionais.

Acredita-se que a geração de dados estatísticos e de boas práticas, a partir do trabalho conjunto dos atores da Agenda de Convergência e do GFLJD – especialmente tentando catalisar esforços, amealhar financiadores nacionais e internacionais e firmar parcerias em cooperação internacional, no período de novembro de 2013 a outubro de 2014, possibilitará a construção de um modelo almejado, cuja eficácia poderá ser colocada à prova no próprio Brasil, por ocasião dos “Jogos Olímpicos de Verão” a se realizarem na cidade do Rio de Janeiro, em 2016, e em outras nações em futuros grandes eventos.
Protecting Critical Sectors From Criminal Influence At Market Entry

Thematic Working Group (TWG),

Program On

Justice & Rule Of Law Reform

January 8, 2015

TO THE STEERING COMMITTEE
Executive Summary

The Global Forum on Law, Justice and Development (GFLJD) provides an innovative and dynamic permanent forum of knowledge exchange, among countries, judiciaries, think-tanks, and other organizations, to make available relevant research and practice to improve development outcomes in the field of law and justice. The system provides targeted audiences with a coherent, sustained program of collaborative research and technical assistance to accelerate knowledge translation and use.

This project is aimed at countries facing serious challenges of corruption, abuse and criminal influence in sectors that are considered critically important to national economic development. It aims to provide technical assistance to support improvements in systems for screening market entrants or applicants for licenses and/or concessions in critical sectors in which corruption risks are high. The purpose of this project is to help countries reduce the risks of potential corruption, abuse or criminal influence in critical sectors.

In countries where corruption risks in critical sectors are high, and systems of governance, regulatory supervision and transparency are weak, strengthening the fitness, propriety, and integrity screening procedures of the market entry process can help stem integrity risks entering a critical sector. This project focuses on helping supervisory officials to design, identify and implement appropriate systems and procedures for screening market entrants with a view of improving the integrity of critical sectors. This can in turn provide supervisory authorities the space needed to better manage existing risks, as well as build capacity to improve supervision and regulatory systems in those sectors on which development may depend.

The project may be initially piloted in 2 or 4 countries (including both fragile/conflict-affected countries – FCSs – and/or more developed countries) which will be selected on the basis of demand, need, political will and available financing. Preference will be given to countries that are facing potential extractives or other crucial sectors booms. Upon completion of the pilot phase, this project can be further developed into a standard TA product, if, based on information, best practices and experience collected there is a consensus such would be useful to enable delivery in additional countries. Further, upon completion of this project, if it is determined that the information and experience collected would be useful to countries in the form of a basic manual or “toolkit,” consideration will be given to producing and issuing such publication if funding is available.
Target Audience

Government officials involved in policy decisions and operational implementation of systems for granting of licenses and/or concessions in critical sectors.

Timeframe: 2 years
Total budget for this project: $ 510,500, per 2 countries (adjacent)

Task Team Leader: Cari Votava, Sr. Financial Sector Specialist, World Bank

Project Team: Nalin Kishor (ARF), Dobromir Christow, Operations Officer (AFTFE/CICBR), Daniele La Porta, Mining Specialist (SEGOM), Francesco Clementucci, Consultant (FFSFI).

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I. Context/Relevance/Audience

A. Background

Globalization of trade, finance and communications has significantly transformed many ways of doing business. As a result, it can be cheaper and easier to access goods and services not available locally, or provide goods and services to distant markets. Because the benefits of globalization are widely available to all (including legitimate entrepreneurs as well as those willing to participate in criminal or corrupt activities), some aspects of globalization can give rise to new risks that can be harmful if unmitigated. Business development in a globalized marketplace can contribute to sustainable development in a governance and regulatory environment built on foundations of integrity and transparency. But when such foundations are lacking, and certain risks are unrecognized, and therefore, not mitigated, globalization can bring less desirable results. The United Nations Office of Drugs and Crime explains that “[i]n the past quarter century (namely since the end of the Cold War) global governance has failed to keep pace with economic globalization.”

The 2012 World Bank Group Governance and Anti-Corruption (GAC) Strategy recognizes that poverty reduction depends on the capacity of a country’s institutions to manage resources, deliver services and foster private sector growth. The extent to which a country can ensure the benefits of globalization support sustainable economic development depends on a multitude of factors, which include: political capacity, resources, skills and experience a country possesses (or can access) to mitigate the new risks that globalization might bring. Globalization can offer benefits and challenges, but in countries where governance and regulatory systems are weak, globalization can escalate existing risks and threats, including corruption, as well as create new ones, which can intensify challenges to growth and development.

“Armed conflict, crime, terrorism, persecution, corruption, impunity and the erosion of the rule of law are daily realities.” It is undisputed that “People across the world (…) have underscored the need for democracy, rule of law, civic space and more effective governance and capable institutions; for new and innovative partnerships, including with responsible business and effective local authorities; (…) We have also heard strong calls to reform international trade, ensure effective regulation of markets and financial actors, and to take vigorous action to fight corruption, curb illicit financial flows, combat money laundering and tax evasion, and recover stolen and hidden assets.”

While corruption risks exist in every country, these risks are higher in countries which lack basic regulatory anti-corruption and transparency safeguards as well as the capacity to enforce those which exist, particularly regulatory systems of riskier sectors. Also, countries that have undeveloped (or underdeveloped) sectors that represent high profit potential, and where likelihood of detecting or prosecuting corruption is low, tend to attract investors whose priorities do not always include enhancing profitability or productivity thorough legitimate means.

Although there are differences among countries, experience has shown that certain sectors can be more amenable to corruption than others. Although it is difficult to completely eliminate abuse, corruption or conflicts of interest from any country or sector, implementation of recognized safeguards (like effective screening procedures at market entry) can reduce the inflow of market entrants that are likely to engage in corrupt or unethical practices. In countries where corruption

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5 Idem.
and abuse in certain sectors are known to be high, improving the integrity standards in screening of market entrants is likely to reduce the number of market participants likely to participate in or perpetuate such activities. This can provide officials space they need to improve regulatory supervision, as well as refine and implement effective prevention and detection systems.

B. Development Objective

The basic aim of this project is to help countries implement simple and cost-effective options to improve integrity systems in the process of screening of applicants for a country’s most critical licenses/concessions, so that officials responsible for granting critical licenses or concessions know more clearly the counterparties with whom they are dealing, in order to improve the quality of market entrants and minimize potential corrupt influences.

Although the potential sources of corruption are many, particularly in countries where rule-of-law systems and governance are weak, improving the integrity, effectiveness and procedures in the screening systems of applicants for certain licenses or concessions is a cheap and effective safeguard at the market entry point in the value chain that can help to reduce potential corruption in critical sectors. Improving transparency and accountability in the processes leading to critical regulatory (licensing) decisions can reduce the opportunities for corruption. This can help a country improve its ability to ensure that the profits derived from the sector can be used to support development and poverty reduction, instead of being captured for private gain.

This clearly supports the achievement of the fifth essential elements (Justice: to promote safe and peaceful societies, and strong institutions), indicated by the U.N. Secretary-General in pursuing the Sustainable Developments Goals (SDGs)\(^6\). In particular, “Effective governance for sustainable development demands that public institutions in all countries and at all levels be inclusive, participatory, and accountable to the people. (…) Access to fair justice systems, accountable institutions of democratic governance, measures to combat corruption and curb illicit financial flows, and safeguards to protect personal security are integral to sustainable development.”\(^7\)

C. Project Description

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\(^7\) The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet, p. 24
The aim of this project is to help 2 to 4 pilot countries (as interest will guide)\(^8\) identify and implement effective market entry screening procedures to improve integrity and transparency as well as reduce risks of potential corruption and abuse in critical sectors. If successfully implemented, such regulatory enhancements will: (1) increase the likelihood that certain critical licenses and concessions will be awarded to those who are more likely to contribute to development of the sector in a manner consistent with the goals of the country; (2) contribute to improving the integrity of the supervisory and regulatory framework which supports development of a country’s most critical sectors; and (3) improve capacity of officials to identify and mitigate certain risks in identified critical sectors.

This project is based upon the principle of “fitness and propriety” recognized in international banking supervision standards (Basel Core Banking Principle #5\(^9\)). This international standard recognizes the importance of conducting thorough background checks to assess the ‘fitness and propriety’ of applicants for banking licenses. This means thoroughly understanding who is applying for the license and ensuring selected candidates meet certain established criteria in order to safeguard the integrity of the financial sector, which is considered a ‘critical’ sector in every country. Adapting this safeguard principle to other sectors would help to protect the integrity of other sectors, like extractives and natural resources sectors, which may be critical in a country’s economic development, and at high risk for corruption or criminal abuse.

Integrity safeguards for license screening process in natural resource and extractive sectors can be equally important as they are for the financial sector. Press headlines in both Sierra Leone and Liberia (and other fragile and conflict-affected states, or FCSs, as well as other more developed jurisdictions) demonstrate that such regulatory procedures are less than effective, due to weaknesses in rule-of-law, integrity and governance systems as well as lack of resources, capacity and expertise. It is common to find a high degree of confusion over what regulatory procedures are applicable, and even complete lack of enforcement by officials of those procedures which exist. These circumstances can give rise to regulatory chaos leading to selective interpretation and enforcement, which, on the one hand facilitates a dangerous amount of corruption, or on the other hand, enables corrupt forces force to benefit from the regulatory chaos and weak regulatory capacity. Either way, this environment thwarts any attempt to identify compliance breakdowns whether they constitute unethical actions or civil or criminal infractions. Some examples:

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\(^8\) This assistance has already been requested by officials in Sierra Leone and Liberia.

\(^9\) Basel Core Principles for Effective Banking Supervision (Basel Committee on Banking Supervision, Sept. 2012); [http://www.bis.org/publ/bcbs230.pdf](http://www.bis.org/publ/bcbs230.pdf)
• **Liberian Timber:** Global Witness report (Dec. 2012) asserts that millions of dollars worth of timber has been exported from Liberia in breach of a Presidential moratorium. Although the moratorium was upheld by the Supreme Court, decisions by the Ministry of Justice and the Forestry Development Authority indicate the timber exports are valid pursuant to Private Use Permits (PUPs) issued prior to the ban. A Jan 2013 report of a Special Investigative Body has documented massive abuses in the issuance of PUPs.

• **Liberian Iron ore:** A controversial decision awarding iron ore mining rights to a company which lacked credentials and mining experience sparked public outcry when reports emerged that the company selected did not meet stipulated selection criteria of the Ministerial Committee.

• **Sierra Leone Timber:** Al Jazeera confirmed it handed over to the Sierra Leone Anti-Corruption Commission (ACC) documents and evidence relating to a documentary asserting systematic and high level corruption in illegal logging. The documentary revealed how a moratorium on logging was being systematically flouted.

• **Sierra Leone Oil:** A controversial government decision granted licenses for oil exploration in 9 offshore blocks. A 2011 Petroleum Law calls for the creation of an oil regulatory agency (Petroleum Directorate), and a national oil company through which the state can participate in the industry, but neither of these have yet been created.

Responsible management of these and other critical resource sectors in both Sierra Leone and Liberia depend on effective supervisory and regulatory structures based on legal frameworks supported by effective enforcement capacity, adequate staff, resources and expertise. Measurable progress in improving governance generally, and implementing effective anti-corruption, integrity, transparency and accountability safeguards in critical regulatory activities has been limited. Thus,

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high corruption rates\textsuperscript{14} are only likely to increase given that both countries are facing booms in extractives sectors in which corruption risks are widely acknowledged to be high.

However, improved regulations can be ineffective if unsupported by adequate transparency, accountability and enforcement safeguards backed by adequate political will. Clear regulations, drafted with input of appropriate stakeholders and officials, harmonized to existing laws and regulations, and which are publicly accessible, can go a long way to de-tangle some of the issues.

Strengthening integrity safeguards in FCSs and more developed countries known to be on the verge of extractives and other sectors booms is especially urgent, not only to promote sustainable development, but also to minimize some of the major causes of fragility and conflict, that include:\textsuperscript{15}

- **Capacity Gap:** When institutions of governance are too weak to establish and sustain the balance of power among competing interests necessary so that peace and political stability can be sustained, cycles of violence are likely to be repeated.

- **Natural Resources Curse:** Dependence on exportable natural resources increases the risk of fragility and conflict, as those in charge may divert enormous sums of money to their own pockets, while “lootable” natural resources become a focus for factional fighting and a source of funding for rebel forces.

- **Expectations Trap:** Governments in countries with exportable natural resources tend to be less responsive to citizens than those that are forced to collect revenue by directly taxing citizens, due to the lack of a social compact that provides for accountability and minimal expectations on both sides.

- **Governance Gap:** Many FCS suffer from a lack of transparency, accountability and inclusion in their approach to governance, regulation and supervision, which causes cycles of violence to be repeated.

\textsuperscript{14} Sierra Leone ranks 123\textsuperscript{rd} and Liberia 90\textsuperscript{th} (out of 174) on Transparency International’s 2012 Corruption Perception Index.

\textsuperscript{15}Dealing with Governance and Anticorruption (GAC) Issues in Fragile and Conflict-Affected States, Chapter I: Understanding the “Drivers of Stress, Global Center on Conflict, Security & Development (World Bank, 2012).
D. Methodology

As few international standards or best practices exist relating to market entry screening systems, the cross-sector approach of this project is a new innovation. It consists of 2 distinct components to be delivered in 2 parallel phases: (1) TA and capacity building; and (2) Toolkit. The Toolkit will be initially drafted in outline form, and compiled through expertise of team members in their respective sectors. The drafting and revision of the Toolkit will continue through the TA delivery phase so that new issues, challenges and best practices can be added to ensure that the Toolkit is a thorough compilation of practices, experience, options and solutions to challenges encountered in the pilot countries.

While the Toolkit outline is being drafted, the candidate Pilot countries will evidence level of political will by submission of official Letter of Request to participate as a Pilot country, and next team members will work with country officials to identify sectors to benefit from enhancing systems and procedures for: (1) criminal background checks; (2) beneficial ownership checks; and (3) conflict of interest checks.

Based on the selection of sectors, the project team will work with relevant officials to draft and adopt an Action Plan for delivery of work to draft enhancements to legal frameworks and deliver training and capacity building programs.

Once completed, the Toolkit component will be finalized and undergo a Peer Review process at which time the method and mode of publication and dissemination will be determined. It shall include training materials that have been created and information on systems and procedures that may be useful for other countries.

Component I: Pilot Technical Assistance Delivery

Provision of technical advice and assistance to 2 or 4 pilot countries which would be selected on the basis of demand, need, political will and availability of financing for implementation. Once pilot country(ies) are identified, TA delivery would take up to 2 years depending on country capacity and on availability of a local assistance to support regulatory coordination, follow up and mentoring of counterpart officials. The basic aims of the TA component would be to:

1. Provide necessary support to country officials to:
• identify relevant ‘critical’ sectors\textsuperscript{16} in which improved integrity and transparency of market-entry regulatory procedures would be beneficial;
• review existing market entry regulatory procedures in each sector, identifying the risks and weaknesses;
• identify feasible policy improvements consistent with accepted business practices in each sector and secure political approvals and support for implementation;
• draft appropriate legal/regulatory measures to support proposed improvements with all relevant stakeholders;
• identify training and capacity building needs to support implementation, and develop training materials and deliver necessary training;
• draft necessary internal procedures for screening (document & information collection, research, analysis, records maintenance and information dissemination) and necessary standard template documents in support of implementation;
• draft monitoring and evaluation procedures that will measure effectiveness of improved procedures and provide system for continued improvements.

2. Disseminate Client Survey to obtain views and inputs of officials on the value, experience and lessons learned following implementation of improved market-entry procedures.

3. Produce report on Component I (TA delivery) summarizing entire experience of TA delivery, identifying lessons learned, and collected effective/efficient practices to be used in further TA delivery or in publications.

\textit{Component II: Toolkit}

Following delivery of this technical assistance in 2 to 4 pilot countries, a Toolkit Product will be created to enable dissemination of similar support to other countries using the experience gained and lessons learned from the pilot projects. This will enable the applicable principles on transparency and good practices in regulatory screening and licensing procedures, as well as the sector-specific differences to be collected and disseminated to interested officials in further countries. Delivery of the Toolkit in other countries would depend on availability of further funding. If necessary, materials for training other experts to deliver this TA can also be produced.

\textsuperscript{16}“critical” sectors will be different in each country, but for purposes of this project the selected sectors should be those: (1) which are (or expected to become) important in supporting economic development; and (2) where corruption and lack of regulatory transparency are impeding the ability of the state to benefit from the sector’s productivity and profitability.
II. Objectives/Results Indicators

Main Objective

The main objective of this project is to help countries implement efficient and effective (ie. low cost) systems as to improve integrity and transparency in the regulatory processes for market entry into critical sectors in order to reduce corruption, abuse and criminal activities in those sectors.

In addition, this project aims at scaling up successful solutions pertaining to law and justice in the development through generation of innovative and customized legal/regulatory solutions in order to:

- increase overall development effectiveness through strengthening of regulatory rule-of-law systems;
- help solve legal development challenges in use and allocation of proceeds from natural resources in resource rich countries;
- break down traditional barriers to knowledge sharing and good practices across regions, and reduce resource disparities;
- disseminate information to enhance capacity and regulatory expertise ensuring solutions are cost-effective and sustainable in resource limited environments.

The objectives and results indicators are as follows:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Result/Output Indicators</th>
<th>Estimated Time Frame</th>
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<tbody>
<tr>
<td>Provision of technical advice and assistance to 2/4 pilot countries which would be selected on the basis of need, political will and</td>
<td>Identify 2/4 pilot countries for TA phase on basis of: • Need • Political commitment • Available funding for delivery • Critical sectors identified(^{17})</td>
<td>2 Countries 4 Countries</td>
</tr>
</tbody>
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\(^{17}\) Sectors shall be agreed between Project Team and Counterpart officials on the basis of: (1) economic importance; (2) need to improve quality of entrants; and (3) likelihood of opportunity to ensure sustainable results.

\(^{18}\) T = time in which necessary funding to support this project has been confirmed and received.
<table>
<thead>
<tr>
<th>availability of financing for implementation</th>
<th>Deliver necessary TA based on capacity needs of counterpart officials</th>
<th>Toolkit product</th>
</tr>
</thead>
</table>
| Deliver necessary TA based on capacity needs of counterpart officials | - Political economy analysis will be done by relevant team experts upon selection of sectors.  
- Existing market entry regulatory procedures reviewed with risks and weaknesses identified  
- policy improvements (consistent with accepted business practices in each sector) identified and proposed to include: (a) criminal background checks; (b) beneficial ownership checks; and (c) conflict of interest checks  
- necessary legal/regulatory amendments/measures drafted, including appropriate measures for enforcement  
- training & capacity building delivered  
- internal procedures for screening (document & information collection, research, analysis, records maintenance and information dissemination) and necessary standard template documents drafted/adopted  
- monitoring & evaluation procedures drafted & adopted  
- Client Survey disseminated to counterparts & stakeholders  
- Efforts will be made to assess improvements to transparency throughout value chain.  
- Summary report of TA phase completed | Written TA product created which contains:  
- Instructions for TA delivery  
- Description of regulatory steps  
- Identify good practices, policy and regulatory options  
- Training materials for TA delivery | T + 18 mos | T X 2 | T + 21 months | T X 2 |
III. Rationale for why this is the best instrument to achieve the stated objectives

The project is the best instrument to achieve the objectives of helping client countries (both FCSs and more developed ones) to improve quality, integrity and transparency in regulatory market-entry procedures in critical sectors because it aims to help countries identify low-cost options for a simple, but important step in the value chain. Given that such procedures can be nontransparent, particularly in countries struggling with governance issues and corruption, this project aims at clarifying and simplifying these regulations and processes. Thus, approaching this work from a regulatory-process perspective may be a good entry point to seek to achieve positive change while avoiding political sensitivities. Further, if an inadequate level of political will to implement the necessary regulatory improvements exists, this is likely to become apparent in the early stages of delivery. In such case the program can be closed down before expenditure of large amounts of resources.

This project is a good way to achieve the stated objectives, because as there are few international standards or even recognized best practices related to protecting integrity at market entry in critical sectors. Thus, this project will provide technical support to policy officials to choose the most appropriate regulatory options and procedures for each sector. The Extractive Industries Transparency Initiative (EITI) has developed rules and principles regarding transparency in extractive sectors, however, these apply only to post-contract transparency issues, and do not include screening procedures in the market-entry point of the value chain.

IV. Consultation with Client and Other Stakeholders

Client ownership and commitment (e.g., access to information, resources, input, and dissemination)

Preliminary discussions with officials in certain fragile states that are on the brink of potential booms in important extractive sectors have indicated a high level of interest in this project. The policy level officials which have expressed interested are concerned that current levels of

19 http://eiti.org/eiti/implementation
20 Sierra Leone (an EITI candidate country since 2008) and Liberia (1st country in the world to be certified as EITI compliant).
corruption will be exacerbated by booms in important extractive sectors. The Coordinating Committee of LEITI (Liberia) has expressed strong interest in this project. Although there is some level of will among certain policy officials to fight corruption in these countries, strategic action plans to fight corruption have resulted in little progress, and officials with political clout to do so hesitate to lead in implementation of effective actions to fight corruption due to the power, tools and resources held by those benefitting from the status quo. Therefore, officials that support the fight against corruption are likely to contribute to efforts which are also backed by donor support and actions.

Representatives of donor countries and organizations whose projects support governance, anti-corruption and improving transparency in extractives sectors, have indicated strong interest in supporting this project due to its simplicity, and the potential for progress in a way that avoids direct confrontation with political sensitivities.

Counterparts and Stakeholders

The counterparts in the Component I portion of the project will include appropriate officials of the pilot countries selected, as well as selected donors, representatives of civil society.

Coordination to finalize materials into the form of the Toolkit product (Component II) that can be delivered in other countries will be managed by the TTL, with inputs and contributions from interested stakeholders and counterparts.

Project phases will be carried out by a multitask force composed of practitioners from chosen regulatory sectors and stakeholder, as well as other entities and organizations. Planning, implementation and assessment of project will involve, and may not be limited to, two or more members of the Global Forum on Law, Justice and Development (GFLJD), or other interested organizations. For example, collaboration will be welcome and seek from the Organization for Economic Co-operation and Development (OECD), and International Development Law Organization (IDLO), the Basel Institute on Governance, the Council of Europe, the Department for International Development (DFID), as well as other entities and/or donor organizations or countries that may demonstrate interest and relevant expertise in making the project a success.

Resources

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21 This committee is made up of government officials and representatives of the private sector, as well as the LEITI Secretariat.
Financial resources to support implementation of this project will be sought from available trust funds as well as support from donor countries and organization interested in supporting these efforts. Support from donor countries or organizations will be welcome, either in the form of financial support, on-ground coordination, and/or expertise and other inputs.

Dissemination

Information created for and during the TA delivery (component I) of the project will be disseminated as appropriate and in accordance with rules and policies of the WBG as well as the pilot country/ies. The Toolkit product (component II) will be disseminated within the WBG and made available to interested experts and donors which may be interested in delivering similar TA in other countries.

V. Project Risks

1. Political influence in screening process or decision-making process on new entrants.

   ** Mitigation:** This political risk exists in every country. Steps will be taken to ensure the likelihood of sufficient level of political will to improve the integrity of the market entry system and procedures. The risk that inappropriate political influences can affect implementation of the most well-written laws and regulations, particularly in countries where rule-of-law systems are weak, is very real. However, when transparency in rules, processes and/or systems is not clear, or when vague or overbroad exceptions to the general regulatory procedures are permitted in the regulations, the ability of corruption to affect outcome is significantly increased and exacerbated.

2. Risk: quality of advice and delivery of TA

   ** Mitigation:** Risks of delivering low quality advice and technical assistance will be mitigated by selecting the most appropriate sector experts with country experience in the relevant sectors. As various sectors may require different market entry systems and procedures (normally based on level of front-end investment required of investors), experts with recognized expertise in the various sectors will be chosen to prepare and deliver necessary TA in a manner that is consistent with the absorption capacity of the country.

3. Risk: reluctance of policy officials to adopt and/or implement appropriate market screening procedures or transparency mechanisms
Mitigation: Ensure project team conducts a thorough assessment of political will and other related factors concerning the countries with an interest in participating as a TA recipient. To ensure most accurate assessment of political willingness to adopt and implement improved procedures:
- An initial written request from appropriate policy level officials of the country is required to commence the work;
- Project team members will continue to assess political will throughout the duration of the project and will continue to ascertain it while various portions of the project are delivered;
- TA and capacity deliveries will take place in stages (may differ based on sectoral characteristics) which will require incremental steps to be taken and effectively implemented as a condition to delivery of further TA through duration of the project.

4. Availability of funding

Mitigation: This project will depend on the availability of funding which will be sought from a multi-donor trust fund or other sources. As this project targets integrity and transparency, resources which are earmarked to support governance, accountability and corruption challenges will be targeted.

5. Disruption in economic sector activity.

Mitigation: The risk of disruption of existing sector activity should not be an issue as long as accepted principles of regulatory reform and improvement are followed. Such principles discourage retroactive application of rules, unless specifically strong policy reasons justify retroactive application. Any regulatory improvements adopted pursuant to this project are likely to be made legally effective from the time of adoption, rather than retroactive. Further, project team members will ensure that any screening procedures that might disqualify honest investors will not be proposed.
## Estimated Budget

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<tr>
<th>Component</th>
<th>Year #1 (estimated) USD</th>
<th>Year #2 (estimated) USD</th>
<th>2 countries USD</th>
<th>4 countries $^2^2$ USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Component I (Pilot Technical Assistance$^2^3$) + Component II (Toolkit Product)</td>
<td>286,300</td>
<td>209,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication and dissemination</td>
<td>5,000</td>
<td>10,000</td>
<td>15,000</td>
<td>30,000</td>
</tr>
<tr>
<td>Grand total (FY-1 + FY-2)</td>
<td></td>
<td></td>
<td>510,500</td>
<td>1,021,000</td>
</tr>
</tbody>
</table>

$^2^2$ This refers to 2+2 countries (adjacent couples), and assume 2 developing plus 2 more developed countries.

$^2^3$ These figures assume pilot countries are Sierra Leone & Liberia (adjacent) and TA costs indicated are estimate because the number of experts as well as missions required for delivery will substantially depend on the capacity level of the beneficiary country. In higher capacity countries a certain portion of advice and guidance can be delivered remotely, but in lower capacity countries more face-to-face training will be needed.
## TA delivery in pilot countries

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Identify critical sectors: the project team will work with officials to identify sectors considered ‘critical’ which face recognized challenges with respect to corruption, abuse and criminal activity.</td>
</tr>
<tr>
<td>2</td>
<td>Identify criteria to be used in integrity (fitness/propriety) screening and analysis which should minimally include: (1) criminal background checks; (2) beneficial ownership checks; and (3) conflict of interest checks.</td>
</tr>
</tbody>
</table>
| 3    | Determine regulatory logistical framework & procedures by which the integrity screenings will be conducted:  
  - Who will be responsible for conducting the integrity screening and analysis portion of the licensing process (i.e., should it be conducted by officials in the license-granting authority or should this portion be conducted by another unit that would report findings to the license-granting agency)?  
  - To ensure thorough yet efficient procedures in conducting integrity screenings, identify specific timelines (deadlines) for initiating screening procedures; various steps in the process; deadline by which findings are submitted to decision-making authority; and if necessary, exception procedures where extensions of time may be warranted.  
  - At what point in the application process, and pursuant to what procedures will the integrity screening procedures be triggered (i.e., will they be conducted on all applicants or short-listed applicants)?  
  - How will the findings/results be reported, formulated, communicated by the person/s (or body) responsible for decision making on the granting or denial of licenses or concessions?  
  - How should the findings be considered by the responsible authority in the decision making process?  
  - How should the decision making process/analysis be documented?  
  - What information (i.e., data & information collected, analysis documents, files and other info) used in the process remain confidential and what information can/should be made public in the interests of transparency and integrity?  
  - Where and how should the confidential/protected information be filed, maintained, protected?  
  - For what purposes can the confidential information be used or shared? And pursuant to what procedures? |
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<tr>
<td><strong>4</strong></td>
<td>Identify officials/experts responsible for conducting integrity screenings &amp; available facilities in which screenings will be conducted (include training of officials in decision-making authority, if different from unit conducting integrity screenings); Identify training &amp; equipment needs and available resources</td>
</tr>
<tr>
<td><strong>5</strong></td>
<td>If necessary, help officials to identify funding sources to procure necessary equipment and facilities.</td>
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<tr>
<td><strong>6</strong></td>
<td>Produce necessary training materials and delivery training sessions to build capacity in carrying out &amp; completing remaining implementation steps.</td>
</tr>
<tr>
<td><strong>7</strong></td>
<td>Draft &amp; adopt regulatory measures to reflect necessary regulatory logistics and procedures.</td>
</tr>
<tr>
<td><strong>8</strong></td>
<td>Draft &amp; adopt internal screening procedures (ie. methodology &amp; analysis) along with template forms for conducting: (1) criminal background checks; (2) beneficial ownership checks; and (3) conflict of interest checks.</td>
</tr>
<tr>
<td><strong>9</strong></td>
<td>Draft &amp; adopt necessary inter-agency agreements, MOUs, or other procedural agreements or measures related to obtaining and/or sharing information</td>
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</table>
| **10** | Draft & adopt principles and assign responsibilities for regular monitoring & evaluation of entire process, which includes:  
  - collecting statistics & feedback related to all points in process, and from all relevant stakeholders  
  - analyzing statistics/feedback to produce findings & recommendations on improving process and quality |
Client Survey

1. How would you rate the OVERALL QUALITY of the TA Project?

2. To what extent did this TA meet country objectives in improving transparency in market entry processes?

3. To what extent did this TA project meet your learning needs?

4. My knowledge/skills increased as a result of this event

5. The knowledge/skills gained through this event are directly applicable to my job

6. From which portion of this TA project did you benefit the most? __________________________________________________________

7. Which portion of this TA project do you think was least beneficial? ______________________________________________________

8. What 3 things did you like most about this TA Project? Why?

___________________________________________________________________________________________________________________

___________________________________________________________________________________________________________________

___________________________________________________________________________________________________________________
9. What 3 things did you dislike about this TA Project? Why?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

10. How can this TA project be improved in terms of delivery to other countries?

______________________________________________________________________________
International Models Project on Women’s Rights (IMPOWR): Database of Laws Relating to Women Around the World

Thematic Working Group (TWG), Program on Justice and Rule of Law Reform, May 30, 2015

TO THE STEERING COMMITTEE

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General Information

Lead Partner Institution: American Bar Association Section of International Law

Contacts: Dr. Isabella D. Bunn, Rule of Law Officer
(isabella.bunn@regents.ox.ac.uk)
Ms. Christina Heid, International Projects Director
(christina.heid@americanbar.org)

Partner GFLJD Institutions:
TBD

Program Implementation Period:

Start Date -- September 1, 2015
End Date -- August 31, 2017 (completion of funded work)

Requested Funding: $ 525,000

Executive Summary

This proposal represents an innovative opportunity for international collaboration on a global database for women’s rights, positioned to maximize the development benefits of the UN’s emerging Sustainable Development Goals. In keeping with the World Bank Group’s vision to establish the leading Global Knowledge Platform on law, justice and development, the IMPOWR project is designed to provide online practical legal information, insights into law reform, toolkits, and other resources. It will serve a variety of stakeholders, from grass-roots advocacy groups, to government agencies, to international development and financial institutions. But most of all, it will serve women and girls throughout the world in their quest for equity and inclusion.

The International Models Project on Women’s Rights (IMPOWR; www.impowr.org) is a comprehensive research database to collect, process and store laws relating to women in every country. In addition, it provides an online clearinghouse for discussion and commentary on women’s rights. The database is wiki-like, enabling users to log-in and continuously update and improve the contents. The search function is structured to provide comparative information, with a focus on the implementation of the principles underlying the UN Convention on the Elimination
of All Forms of Discrimination Against Women (CEDAW). CEDAW provides an authoritative framework to advance women’s rights throughout the world, having been ratified by 189 countries to date. The key aims of IMPOWR are to promote women’s rights and security; increase women’s political participation; and expand women’s economic opportunities. By facilitating capacity-building, such aims also enhance the prospects for economic and social development in the broader community.

I. Introduction and Context

Promoting Gender Equity and Development

Gender equality has become a core development objective, and greater gender equality has shown to improve development by providing an institutional framework that enhances economic, political, social and environmental sustainability for both men and women. Gender equity is a global public good that has worldwide economic and social impact. Since the UN Millennium Development Goals were adopted in 2000, women have made unprecedented gains in rights, education and health, and access to jobs and livelihoods. More countries than ever guarantee women and men equal rights under the law in such areas as property ownership, inheritance and marriage. In most countries’ constitutions, there are explicit guarantees for the equality of all citizens and nondiscrimination between men and women. Yet across the globe, gender imbalances persist in human capital, political institutions, economic opportunities and social services. The adoption of laws that uphold equal rights for men and women is a necessary foundation. But also important are the implementation and enforcement of the laws, education on legal rights, access to justice, and recognition of legal rights where tradition or religion may conflict with the law.

Laws related to women cut across all sectors: agriculture (i.e., land ownership); education (i.e., educational enrollment); finance (i.e., access to credit); health and social services (i.e., improved delivery of maternal care); public administration, law and justice (i.e., increased female political representation and elimination of institutional gender biases); transportation (i.e., access to safe and reliable public transportation); water and sanitation (i.e., access to safe and clean water and sanitation); and industry and trade (i.e., narrowing the earnings and productivity gap). Women and girls still have unequal access to social services and institutions in all of these sectors.

The UN Sustainable Development Goals (SDGs), to be adopted in September of 2015, underscore the importance of achieving gender equality and empowering all women and girls. Beyond the express language of Goal 5, nearly all the proposed goals have at least one gender-related element.
within the targets to be met by 2030. In order to meet these targets, a foundation of equitable laws for women and men must be established. The local and national institutions that administer, enforce and adjudicate such laws may also need to adapt to such changes. In short, the legal aspects of women’s empowerment will prove vital to the achievement of the SDGs. IMPOWR can play a vital role in this process. Its comparative database of laws, along with expert assessments of their implementation, could help identify key areas of legal reform. The knowledge exchange features could help disseminate information on effective legal initiatives and empower local communities to strengthen the rule of law. IMPOWR provides an innovative technology platform to help ensure maximum impact on gender equality in the realization of the SDGs process – thereby enhancing sustainable political, economic and social development.

**ABA Section of International Law Commitment to IMPOWR and World Bank Collaboration**

IMPOWR is currently administered by the American Bar Association (ABA) Section of International Law. Founded in 1933, the Section of International Law plays a leading role in the development of policy in the international arena, the promotion of the rule of law around the world, and the education of international law practitioners. It is the only ABA entity that focuses on the full range of international legal issues in the public and private spheres. The Section’s membership of approximately 22,000 spans over 90 countries, which includes 18% of its members as U.S.-qualified lawyers practicing abroad and another 18% as non-U.S. qualified lawyers. The Section also maintains relationships with more than 80 international, national and local bar associations and legal organizations worldwide. The Section’s purposes are to promote interest, activity and research in international and comparative law and related areas; to further the development of international and comparative law; to diffuse knowledge among members of the legal profession and others; to promote professional relationships with lawyers similarly engaged in foreign countries; and to implement Goal IV of the Association – “To advance the rule of law in the world.”

Under Goal IV, the Section has implemented numerous short and long-term legal capacity-building projects around the world. The Section’s flagship initiative is the International Legal Resource Center (ILRC), which was created in 1999 to enhance access to worldwide pro bono legal expertise for technical assistance projects. This reflects the common commitment of the United Nations Development Programme and the Section to advocate for good governance and the rule of law on a global scale. Through the ILRC, the Section has partnered with the World Bank Group on a variety of projects, notably by identifying hundreds of experts for specialized legal research and advice. Areas of collaboration have included Benchmarking Public Procurement; Debt Resolution and Business Exit; Doing Business; and Women, Business and the
Law. The Section is also a founding intellectual partner of the Global Forum on Law, Justice and Development. It is actively involved in nearly all of the Thematic Working Groups and Communities of Practice, as well as the annual Law, Justice and Development Week.

The Section established IMPOWR several years ago to support the worldwide implementation of CEDAW. Under the IMPOWR leadership team’s guidance, the Section invested in the design and development of the IMPOWR database and website. It also coordinated the efforts of volunteers who contributed hundreds of pro bono hours in researching and inputting database content. The Section also initiated the process of establishing relations with law schools, law firms, bar associations, non-governmental organizations and international institutions to identify volunteers to contribute content to the IMPOWR database. Now the Section hopes to elevate IMPOWR to a new level by partnering with more organizations and gain a wider audience in order to collect additional data and analyze the data for best practices. Additionally, the Section would like to develop on a translation mechanism for the IMPOWR content so that users can access the information in multiple languages.

The Section appreciates the objectives of the Global Forum on Law, Justice and Development to provide a dynamic permanent forum for knowledge exchange, as well to connect countries, judiciaries, think-thanks, regional and international organizations, development agencies and civil society organizations. IMPOWR is ideally poised to be part of the Global Forum’s Global Knowledge Platform.

**IMPOWR Content and Stakeholder Engagement**

The content of IMPOWR’s database on women’s rights under law is contributed by users and volunteer researchers, including lawyers, law students and experts around the world. The wiki-like database provides original, editable, searchable and comparable information summarizing current laws as well as gender-related legal reform and enforcement efforts. The scope takes in over 190 countries on 40 specific topics, and reaches the international, regional and national levels. IMPOWR is grounded in the conviction that effective implementation of gender-equality laws around the world can be accelerated and enhanced through the sharing of readily accessible and timely information. Insights on both the successes and the failures of law reform measures can be offered, along with guidance on effective modes of implementation. Also featured are topics such as the role of cultural traditions and the protection of equality in civil society. The website can be utilized as both a library and a clearinghouse for best practices, encouraging further analysis and action.
The overall intention of IMPOWR is to promote gender equality through the exchange of knowledge. Those contributing to and benefitting from this online resource include diverse stakeholders from around the world such as: law and development experts, legal counsel, women’s advocates, representatives of civil society and faith-based groups, grass-roots activists, researchers and educators, funding providers, legislators, and policy-makers at every level. The expectation is that acting on such knowledge will make a difference in the lives of women and girls around the world.

The proponents of IMPOWR recognize that legal reform initiatives for gender equality are not an end in themselves. Rather, they contribute to the broader social, political and economic changes that will help grant women a sense of self-determination, an enhanced role in society and the marketplace, and greater opportunities to contribute to the well-being and prosperity of their communities. At its core, IMPOWR reinforces the global aspiration for equity and inclusion.

II. Proposed Development Objectives/Expected Outcome

Objective 1
Collect and input data on forty topic areas (organized by: activities of the state; civic life; healthcare; marriage and family; economic and social life; crimes and violence; access to justice) on gender-related laws and legal reform efforts in 190 countries.

Outcome 1.1 New national, regional and international legal knowledge generated on the legal aspects of women’s rights, gender equality and access to justice – that is, the way that women’s rights are reflected in national and local legislation and regulations.

Result 1.1 Data collection of current gender-related laws and relevant legal frameworks.

Result 1.2 Data on laws and legal reform efforts, including the role of traditions and the enforcement and protection of equality in civil society, translated into major languages.

Result 1.3 Analysis of laws and legal reform efforts, including the role of traditions and the enforcement and protection of equality in civil society.

Result 1.4 Make information available on GFLJD knowledge-sharing platform.

Objective 2
Law, justice and development actors exchange and analyze information on gender law reform to collaboratively develop new toolkits and capacity for innovative legal solutions.

**Outcome 2.1** Enhanced understanding and capacity of law and policy-makers to design and implement innovative solutions to gender law reform.

**Result 2.1** Good practices (“models”) for primary and secondary domestic legislation identified, including development and implementation of laws.

**Result 2.2** Analyze legal framework of 20 selected countries to review and assess best practices for development and implementation of laws related to women’s rights, gender equality and access to justice.

**Result 2.3** Develop best-practices toolkit.

**Result 2.3.1** Make information available on GFLJD knowledge-sharing platform.

**Result 2.3.2** Present findings and toolkit at the LJD Week 2016.

### III. Project Details

**1. Concept: Activities and Outputs**

**1.1.1 Activity:** The laws and legislation related to women and girls in 190 countries will be researched and inputted into the IMPOWR database. Target 40 countries in the initial year.

**1.1.1.1 Output:** Further development of the IMPOWR database and website.

**1.1.2 Activity:** Partner institutions will coordinate their in-kind contributions, including research and data inputs into the IMPOWR database.

**1.1.2.1 Output:** Further development of the IMPOWR database and website.

**1.1.3 Activity:** Organize annual meeting of partner institutions for research coordination.

**1.1.3.1 Output:** Annual meeting for research coordination.

**1.1.4 Activity:** Research and identify organizations working on gender law reform projects that might benefit from legal assistance.

**1.1.4.1 Output:** A list of organizations, including contact information.
1.1.5 Activity: Invite additional organizations to join IMPOWR and collaborate on research and data input.

1.1.5.1 Output: Additional data from other stakeholders.

1.2.1 Activity: Research and develop mechanism for language translation of data into major languages.

1.2.1.1 Output: Data is more readily accessible to users without knowledge of English.

1.3.1 Activity: Research and analysis of laws and legal reform efforts, including the role of traditions and the enforcement and protection of equality in civil society, conducted by partner institutions.

1.3.1.1 Output: Analysis of research by partner institutions.

1.4.1 Activity: Make information available on GFLJD knowledge-sharing platform.

1.4.1.1 Output: Data is more readily available to Global Forum partners.

2.1.1 Activity: Organize a board of advisors (made up of representatives from partner institutions and other organizations).

2.1.1.1 Output: Board of advisors formed.

2.1.2 Activity: Organize an annual meeting for board of advisors.

2.1.2.1 Output: Annual meeting for board of advisors.

2.2.1 Activity: Board of advisors to oversee the development of a toolkit for law reform best practices with respect to women’s rights.

2.2.1.1 Output: Toolkit for law reform best practices with respect to women’s rights.

2.2.2 Activity: Make information available on GFLJD knowledge-sharing platform.

2.2.2.1 Output: Toolkit is more readily available to Global Forum partners.

2.2.3 Activity: Present findings and toolkit at LJD Week 2016.

2.2.3.1 Output: Toolkit is more readily available to Global Forum partners.

2. Responsibility

The implementing agency for this work will be the American Bar Association. The responsibilities will be carried out by the ABA Section of International Law, which is based in Washington, DC. In addition to the main LJD partners, collaborations will include law schools, civil society
organizations and international organizations. The ABA and partner institutions will coordinate their research and data input. A full-time program coordinator will oversee all of the partners’ work to ensure timely input and no duplication of efforts. A project director will provide twenty percent supervisory support to the project.

3. Monitoring and Evaluation

Initial research by collaborators will involve self-monitoring, though there may be additional local supervision in settings such as law schools. Once the data is inputted into the IMPOWR database, the program coordinator will assess the degree of completion. Such assessment will be on a quarterly basis. On an annual basis, evaluations of the database information will be requested from representatives of international governmental organizations, governments, academics and NGOs. Additionally, online evaluations will be requested from IMPOWR users. As necessary, an independent evaluation will be undertaken at the end of the program funding period.

4. Financial Details

The ABA has already provided substantial financial support for IMPOWR, in addition to the pro bono legal assistance in managing and contributing to the project. Funding from outside the ABA is administered via the ABA Foundation for Justice and Education.

**Partner’s in-kind contribution:** $145,000 for website and database development  
**Requested funding:** $525,000 for a period of two years

**Project Management**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>Project Director (20% supervisory support)</td>
<td>$16,000 (x2)</td>
</tr>
<tr>
<td>Program coordinator (annual salary &amp; benefits)</td>
<td>$72,500 (x2)</td>
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<tr>
<td>Office space, computer, telephone and overhead</td>
<td>$101,000</td>
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<tr>
<td>Partner coordination management</td>
<td>$30,000 (x2)</td>
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**Project Activities**

<table>
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<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Website development for language translation</td>
<td>$130,000</td>
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<tr>
<td>Website hosting and maintenance (annual basis)</td>
<td>$11,000 (x2)</td>
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<tr>
<td>Design and printing for toolkit and annual report</td>
<td>$10,000</td>
</tr>
<tr>
<td>Advisory Board meeting (annual basis)</td>
<td>$5,000 (x2)</td>
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Research coordination meeting (annual basis) $ 5,000 (x2)
Travel costs to present the project at LJD Week 2016 $ 5,000

TOTAL $ 525,000

5. Sustainability and Impact

The networks and partner institutions that make up IMPOWR are committed to ensure that the knowledge products which are generated as part of this program of work are sustainable and have the highest possible impact.
<table>
<thead>
<tr>
<th>Objective 1: Collected and input legal knowledge on women with disabilities</th>
<th>Leading Partner: American Bar Association</th>
</tr>
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<tbody>
<tr>
<td><strong>Primary beneficiaries:</strong> Government actors, legal experts, academia working on developing more equitable laws relating to women</td>
<td><strong>Expected Outcomes:</strong> Women living with disabilities with access to more equitable laws</td>
</tr>
<tr>
<td><strong>Secondary beneficiaries:</strong> Women themselves awareness platforms</td>
<td><strong>Baseline:</strong> No existing knowledge or legal frameworks related to gender laws</td>
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<tr>
<td>Without national, regional and international legal knowledge on women, the legal systems of women's rights and gender equality are not reflected in national and local legislation</td>
<td><strong>Activities or Outputs:</strong> Collected data on current and future laws related to gender laws</td>
</tr>
<tr>
<td><strong>Data Source:</strong> Rights-based approach, collected data, existing data, and best practices</td>
<td><strong>Monetary Evaluation:</strong> No cost associated</td>
</tr>
<tr>
<td><strong>Baseline:</strong> No existing knowledge or legal frameworks related to gender laws</td>
<td><strong>Data Source:</strong> Rights-based approach, collected data, existing data, and best practices</td>
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<td><strong>Baseline:</strong> No existing knowledge or legal frameworks related to gender laws</td>
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<td><strong>Baseline:</strong> No existing knowledge or legal frameworks related to gender laws</td>
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| **Leading Partners:** American Bar Association |
|---|---|
| **Funding:** No cost associated |
| **Total cost:** $100,000 |
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Building Knowledge and Capacity for Legal Aspects of Sustainable Energy for All

Thematic Working Group (TWG),
Program on
Environmental and Natural Resources Law
June 26, 2015

TO THE STEERING COMMITTEE
General Information

**Leading Partners**: IDLO, ABA, International Lawyers for Africa, ELI, GW Law, University of Leicester, University of Dundee, IUCN Academy of Environmental Law, King & Wood Malleson, members of the Global Forum CoP on Legal Aspects of SE4All

**Executive Summary**

This proposal is designed to begin addressing the critical need for knowledge collection sharing and capacity building to better support SE4All implementation and achieving the proposed SDG 7—ensuring access to affordable, reliable, sustainable, and modern energy for all—once it is adopted. It focuses on the needs of African countries, recognizing that access to energy needs are extremely high in Africa and that most of the 26 countries with the highest populations experiencing extreme poverty are in Africa. The proposal includes six interrelated initiatives, which engage members of the CoP on Legal Aspects of SE4All, to survey needs, collect and share knowledge, and train and build capacity of government lawyers, private sector lawyers, NGO lawyers, law faculties, and other stakeholders involved in the legal aspects of promoting access to sustainable energy for all.

**Development Objectives**:

This proposal is designed to begin addressing the critical need to build, collect, and share legal knowledge and build legal capacity, in order to support achievement of the proposed Sustainable Development Goal 7: ensuring access to affordable, reliable, sustainable, and modern energy for all.

Access to energy is essential to the World Bank’s goals of building shared prosperity and ending extreme poverty. To this end, the proposal primarily focuses on the needs of African countries, recognizing that many people on the continent lack access to reliable energy and that most of the 26 countries with the highest populations experiencing extreme poverty are in Africa. The outcomes of the proposal will generally be replicable, and certainly usable and accessible, from other geographic areas.

The proposal includes six interrelated initiatives, which engage members of the CoP on Legal Aspects of SE4All, to (1) survey needs, (2) collect and build legal knowledge, and (3) train and build capacity of government lawyers, private sector lawyers, NGO lawyers, law faculties, and other stakeholders involved in the legal aspects of promoting access to sustainable energy for all.
These initiatives will be undertaken over two years and are tailored toward achieving the following:

**Objective:** Collect and share knowledge about legal aspects of SE4All to support rapid implementation of Proposed Sustainable Development Goal 7: Ensure access to affordable, reliable, sustainable, and modern energy for all.

**Activities:**
1. Undertake needs survey and gap analysis with regard to legal aspects of promoting sustainable energy for all;
2. Build, collect, and share legal knowledge, making it widely available to those engaged in increasing access to sustainable energy; and
3. Build legal capacity of key stakeholders, including law faculties, lawyers, and bar associations, in order to address the identified needs in near and longer term.

The intended outcome of these activities is to begin developing and implementing an enabling legal framework for sustainable energy for all, coupled with capacity building, with a focus on improving access for the poorest communities in the least developed countries.

**Team:** George Washington University Law School; University of Leicester; University of Dundee; IUCN Academy of Environmental Law;¹ Nigerian Institute for Advanced Legal Studies; Environmental Law Institute; International Development Law Organization; American Bar Association; International Lawyers for Africa; King & Wood Mallesons.

**Partners:** Members of the CoP on Legal Aspects of SE4All (list attached).

**Geographic Focus:** Africa, especially Sub-Saharan and West Africa.

**Audiences/Beneficiaries:** Government lawyers, NGO lawyers, private sector lawyers, law faculties, SE4All project implementers and financiers, and other interested stakeholders working on energy law and energy access issues in Africa.

Capacity building programs will initially focus on 2-3 target countries in Africa, most likely Nigeria, Malawi, Lesotho, and/or Botswana. The CoP will work closely with International

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¹ The IUCN Academy of Environmental Law has 21 member law schools in Africa.
Lawyers for Africa (ILFA), the Nigerian Institute for Advanced Legal Studies, and the Universities of Leicester and Dundee to identify networks of key stakeholders within Africa.

**Results Framework:** see spreadsheet attached

**Project Narrative/Description:**

It is well-established that access to reliable energy is central to meeting the World Bank goals of shared prosperity and ending extreme poverty. Access to reliable energy facilitates better education, improved health care, and opens the door for new business enterprises, all of which are essential to shared prosperity and human flourishing. It is for these reasons that the U.N.’s Sustainable Energy for All (SE4All) initiative was launched at Rio+20 and energy access is a central part of the proposed Sustainable Development Goal 7.

Recognizing the importance of access to energy, the Thematic Working Group on Environment and Natural Resources, created under the auspices of the Global Forum on Law, Justice and Development, established the “Legal Aspects of SE4All Community of Practice” in early 2013. The CoP includes a broad range of public and private partners including several universities, NGOs, the American Bar Association, and law firms who share the goal of finding ways to support implementation of SE4All. A list of the CoP members is attached.

At Rio+20, in discussions with lawyers in several African countries (including Nigeria, Malawi, Botswana, and Lesotho), at meetings on the proposed Sustainable Development Goals, in discussions at the Second Annual SE4All Forum, and in other contexts, members of the CoP have inquired about how legal issues were being taken into account in SE4All implementation, whether people involved with SE4All implementation are aware of legal resources that could facilitate SE4All implementation, and about the availability of capacity building resources related to SE4All. The answer has consistently been that legal issues will arise in the context of individual projects but people involved with SE4All implementation are not aware of any repository of information or of capacity building assistance specifically focuses on SE4All-related legal assistance that could help facilitate and expedite implementation of SE4All projects. This is the case despite the fact that legal issues permeate SE4All work including (1) the need for legislation that facilitates new forms of energy development, especially renewable and off-grid development, that supports energy efficiency, or makes financing of access projects feasible; (2) are central to the contracting arrangements that are part of energy development; and (3) are integral to energy project financing. The CoP’s research demonstrates that there is a clear need to build indigenous capacity to either do the legal work associated with new types of energy development or conduct regulatory oversight of new energy developments. Removal of legal barriers to implementation of SE4All is also of importance and will be incorporated through the initiatives.
This proposal is designed to begin addressing the critical need for knowledge collection, knowledge sharing, and capacity building to better support SE4All implementation and achieving the goals of SDG 7 once it is adopted. It focuses on the needs of African countries recognizing that access to energy needs are extremely high in Africa and that most of the 26 countries with the highest populations experiencing extreme poverty are in Africa. We propose to do this work through six interrelated initiatives that could be undertaken separately but would be more efficient if they were undertaken together over a two-year period. The tasks would engage several members of the CoP utilizing their particular expertise, some of which will require new financial resources discussed in the budget and some of which will be in-kind contributions to the effort. By doing so, we will both be able to bring specialized resources to the various tasks and continue to strengthen the CoP itself. We believe that completing this “table setting” work will set the stage for follow on proposals for longer-term capacity building assistance and the creation of a new knowledge hub within SE4All or elsewhere, or the expansion of an existing knowledge hub to include significantly more information on legal issues that affect SE4All goals and SDG 7. These initiatives are discussed below.

**Initiative 1. Need Survey and Gap Analysis**

Significant work has already been undertaken by CoP members to identify needs for legal resources and training including two visits to southern Africa by Professor Thoko Kaimo from the University of Leicester, meetings held in Nigeria by Professor Yinka Omorogbe, and work done in Kenya by the International Development Law Organization (IDLO). But significant additional work is needed to lay a solid foundation for the other capacity building and knowledge generation tasks outlined in the remainder of this proposal. Project partners will provide in-kind work toward this task: International Lawyers for Africa (ILFA), King & Wood Mallesons, and the University of Dundee, Scotland, will contribute to the need survey by reaching out to networks of contacts and alumni. Funded work will involve in-country research by legal faculty and legal research assistants, as well as analysis of the survey results by NGOs familiar with how to translate information from the surveys into knowledge development and capacity building projects. The project team and partners will use the need survey to develop a gap analysis and determine which types of knowledge-sharing and capacity building activities would be best suited to meeting the needs of constituencies and stakeholders in target countries.

**Initiative 2. SE4All Legal Knowledge Hub**

Based on the work several members of the CoP have undertaken, and information received from a broad array of stakeholders and actors, we think there is a clear need for a SE4All Legal Knowledge Hub. The Hub could be based on the models used for existing knowledge hubs
associated with SE4All (or perhaps incorporated into one of the existing knowledge hubs). Some work has already been undertaken by The George Washington University law School in developing a “Resource Center” on SE4All legal issues that is available on line at http://www.law.gwu.edu/Academics/research_centers/SEI/Pages/SustainableEnergyforAll.aspx.

However, much more work needs to be done to design a knowledge hub that would provide easy access to information on legal issues related to SE4All and SDG 7. We propose to work with the University of Dundee (that created under a World Bank grant a Source Book on Oil, Gas, and Mining Laws), Stuart Bruce of the King & Wood Mallesons law firm and other members of the CoP to develop a design for and establish a “Legal Aspects of SE4All Knowledge Hub.” This work would be conducted in close consultation with the SE4All Secretariat to ensure that the design model can easily be integrated into the SE4All knowledge hub system.

**Initiative 3a Law School Curriculum Modules**

The IUCN Academy of Environmental Law is a worldwide network of academic institutions, with 191 member law schools, including 21 in Africa. The Academy is also a member of the Legal Aspects of SE4All CoP. Based on the needs analysis and a related survey of Academy member law schools in Africa, the project team proposes to develop SE4All related legal curriculum modules for four classes that could be woven into existing courses focused on environmental law, energy law, administrative law or other related courses, especially in law schools in Africa as a starting point. The team would engage three or four law faculty members, either through the CoP or through the IUCN Academy, to draft the modules. This work would be followed by a curriculum workshop, suggested to be held in connection with the IUCN Academy of Environmental Law Annual Colloquium in late June 2016 in Oslo, Norway. Project funding would cover costs of the workshop, including travel to the workshop for the module drafters and several law faculty from Africa. The time of the law faculty participating in the Workshop would be an in-kind contribution to the SE4All effort. The curriculum would be made available at no cost to faculty in Africa and elsewhere, along with evaluation surveys for both students and teaching faculty to assess the use and effectiveness of the curriculum.

**Initiative 3b. Targeted capacity building: In-country technical assistance and development of model legislation**

Again, based on the results of the surveys and gap analysis, the proposed project would create two types of technical assistance approaches as test platforms for a longer-term technical assistance program.

First, the project would develop a capacity building program for two or three targeted countries in sub-Saharan or West Africa, most likely in Nigeria, Malawi, Lesotho, and/or
Botswana. This would involve in-person training for government lawyers and private sector lawyers related to SE4All. This work would help refine the types of training that is needed and facilitate proposals for meeting longer term training needs for a wider audience. IDLO drawing on its experience and research on sustainable energy investment, would undertake a legal preparedness process in a pilot country and/or develop research on legal aspects of energy investment, especially renewable energy, in one or two such pilot countries.

Second, the project team, based on the surveys and the expertise of the members of the CoP, would identify a select number of areas in which model laws or guidelines for good practices in legislation and regulation may be a good way to advance access to energy. The project team would draft the laws and circulate them for constructive comment among lawyers in Africa, through collaborating bar associations and universities. The model laws would then be finalized and provided to anyone interested in the legislation (and made available through the SE4ALL Legal Knowledge Hub).

Initiative 3c. Distance Learning Programs

In addition to in-person capacity building, we believe the SE4All program could be supported by distance-learning programs directed to practicing attorneys (government, NGO or private sector). ILFA has been providing intensive training courses to lawyers from Africa since 2007 on a variety of topics. The organization has an established network of lawyers in Africa and also has a well-tested procedure for developing distance-learning courses. We propose, again as a test bed for a potentially larger effort in the future, the creation of six to eight SE4All related distance learning modules produced by ILFA, with the support of IDLO and other project team partners. Curriculum for the distance learning modules would be developed by law faculty or NGO experts on sustainable energy.

Initiative 3d Peer-to-Peer/Bar-to-Bar Legal Assistance

Working with the American Bar Association (ABA) and other bar associations, including bar associations in Africa, we propose to hold an organizational meeting to explore how to best structure a peer-to-peer/bar-to-bar legal assistance project that would provide pro bono help in dealing with legal questions that arise in the context of SE4All implementation. The ABA through the Section of International Law has been involved in the Global Forum’s Thematic Working Group on Environment and Natural Resources and in the CoP, and is a strong proponent of this concept. The idea is somewhat analogous to the Central and Eastern European Law Initiative (CEELI), which still provides pro bono assistance to countries from the former Soviet Union. The proposed grant would fund, in year two of the initiative, an organizational meeting in London or another convenient European location at which members of several bar associations interested in
providing assistance related to SE4All would meet with members of African Bar Associations to determine how best to structure a peer-to-peer/bar-to-bar pro bono assistance project.

**Proposed Project Timeline**

<table>
<thead>
<tr>
<th>Project Activity</th>
<th>Year 1</th>
<th>Year 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1st semester</td>
<td>2nd semester</td>
</tr>
<tr>
<td>1 Conduct needs survey and gap analysis; analyze survey results</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Initial consultation on SE4All legal knowledge hub concept</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2a Develop concept for knowledge hub; determine need and develop plan for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>further activities to create knowledge hub</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2b Design hub interface and implement online platform</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3a Begin curriculum development (informed by needs survey); curriculum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>workshop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3b In-country technical assistance programs (in-person training; legal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>preparedness for sustainable energy investment)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3c Development of model legislation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3d Organizational meeting and consultation on Peer-to-Peer/Bar-to-Bar pro</td>
<td></td>
<td></td>
</tr>
<tr>
<td>bono legal assistance on SE4All issues</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Evaluation**

To evaluate the success and impact of the project and specific project activities, the team proposes a combination of quantitative and qualitative measurements. For the needs survey, success will be measured by the quantity and quality of detailed responses that provide helpful guidance in designing knowledge-sharing and capacity building components of the program. For the training and capacity building activities, success will be measured by the number of participants and
stakeholders reached and trained, as well as qualitative surveys and evaluations from project beneficiaries and audiences about their experiences and what they have learned through training or curriculum development programs. Additional indicators will be present and future demand for distance learning, training programs, and pro bono assistance efforts, and interest in technical assistance and model legislation.

As some of the activities, including creation of a SE4All Legal Knowledge Hub, represent “seed” programs, indicators of success will include qualitative assessments of whether the project has identified a clear need and developed an effective proposed mechanism for meeting that need in ongoing efforts.

**Proposed Indicators**

<table>
<thead>
<tr>
<th>Project Activity</th>
<th>Indicators</th>
<th>Expected Outputs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Survey and gap analysis</td>
<td>Number (quantity) and detail (quality) of responses; Contacts made related to needs and depth of responses</td>
<td>Gap analysis and proposed programs for knowledge sharing and capacity building</td>
</tr>
<tr>
<td>2 Knowledge hub</td>
<td>Evaluation of whether clear needs for content and plans for support in creating the hub have been identified</td>
<td>Development and design plan for knowledge hub; implementation</td>
</tr>
<tr>
<td>3a Law school curriculum modules</td>
<td>Incorporation of one or more of the modules into existing or new courses; evaluation of curriculum</td>
<td>3-4 successful class modules</td>
</tr>
<tr>
<td>3b Legal assistance and/or model laws</td>
<td>Demand for in-person legal assistance programs; interest in using and adopting model laws</td>
<td>Legal preparedness plans for sustainable energy investment; Model legislation</td>
</tr>
<tr>
<td>3c Distance learning programs</td>
<td>Number of persons taking courses; evaluations of courses</td>
<td></td>
</tr>
<tr>
<td>3d Peer-to-Peer/Bar-to-Bar</td>
<td>Number of bar associations interested in participating in the organization meeting; commitments to pro bono assistance approach resulting from the meeting; initial number of pro bono hours provided</td>
<td></td>
</tr>
</tbody>
</table>
Dissemination:

Several of the tasks include specific dissemination plans. Main events for additional dissemination include:

- LJD Week – for dissemination of information regarding SE4All Legal Knowledge Hub (Nov. 2015; TBD 2016)
- IUCN Academy of Environmental Law Annual Colloquium in Oslo, Norway (June 2016)
- Organizational meeting regarding Peer to Peer / Bar to Bar legal assistance programs (TBD 2016)

Online dissemination of the project will include an accessible knowledge hub for legal aspects of SE4All, which could be based on models used for existing knowledge hubs associated with SE4All.

Risk management: GW Law will serve in a coordinating role for the overall project to ensure that different tasks are undertaken on schedule and according to the plans laid out both in this concept note and determined via the project’s needs survey and gap analysis.

Budget and funding:

**Indicative Project Budget (USD)**

<table>
<thead>
<tr>
<th>Project Activity</th>
<th>In-kind support from project team and partners</th>
<th>Requested Funding</th>
<th>Total Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Survey and gap analysis</td>
<td>10,000</td>
<td><strong>40,000</strong></td>
<td>50,000</td>
</tr>
<tr>
<td>2 Knowledge hub</td>
<td>10,000</td>
<td><strong>80,000</strong></td>
<td>90,000</td>
</tr>
<tr>
<td>3a Law school curriculum modules</td>
<td>10,000</td>
<td><strong>85,000</strong></td>
<td>95,000</td>
</tr>
<tr>
<td>3b Legal assistance and model laws</td>
<td>15,000</td>
<td><strong>115,000</strong></td>
<td>130,000</td>
</tr>
<tr>
<td>3c Distance learning programs</td>
<td>10,000</td>
<td><strong>90,000</strong></td>
<td>100,000</td>
</tr>
<tr>
<td>3d Peer-to-Peer/Bar-to-Bar</td>
<td>80,000</td>
<td><strong>90,000</strong></td>
<td>170,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>135,000</strong></td>
<td><strong>500,000</strong></td>
<td><strong>635,000</strong></td>
</tr>
</tbody>
</table>
Requested Funding for Year 1 of the Project: $220,000
Requested Funding for Year 2 of the Project: $280,000
Total Requested Funding: $500,000
<table>
<thead>
<tr>
<th>Proposed Development Objective</th>
<th>Audience / Beneficiaries</th>
<th>Expected Outcomes</th>
<th>Intermediate Results / Indicators</th>
<th>Baseline</th>
<th>Activities or Outputs</th>
<th>Data Source</th>
<th>Responsibility</th>
<th>Reporting Arrangements</th>
<th>Monitoring and Evaluation</th>
<th>Peer Reviewers</th>
<th>Budget $ ,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Self</td>
<td>Targeted Clients</td>
<td>Treated Clients</td>
<td>On-line</td>
<td>Independent Evaluation</td>
</tr>
</tbody>
</table>

**LJD**

**GLOBAL FORUM ON LAW, JUSTICE AND DEVELOPMENT**

Generating Innovative Legal Solutions to Development Challenges
1. Need survey and gap analysis with regard to legal aspects of promoting sustainable energy for all

<table>
<thead>
<tr>
<th>Action</th>
<th>Target Audience</th>
<th>Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey and gap analysis</td>
<td>Lawyer s, law faculties, CoP member s</td>
<td>Survey completed within first</td>
<td></td>
</tr>
<tr>
<td>Survey responses; gap analysis; foundation for capacity building and</td>
<td></td>
<td>year of the project; Quantity</td>
<td></td>
</tr>
<tr>
<td>knowledge generation activities</td>
<td></td>
<td>and Quality of responses</td>
<td></td>
</tr>
<tr>
<td>Need Survey and Gap Analysis</td>
<td>SI</td>
<td>semi-annual</td>
<td></td>
</tr>
<tr>
<td>Survey of African lawyers, law faculties, and additional stakeholders</td>
<td>ILFA; King &amp; Wood Mallesons; CoP members</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>in-country research by CoP members</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Accessible knowledge hub</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Existing sources (GW Law-housed SE4All Resource Center, etc.)</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>SE4All Legal Knowledge Hub</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Evaluations of hub; surveys</td>
<td>GW Law; University of Dundee; King &amp;</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wood Mallesons; ELI; CoP member s and</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td></td>
<td>partners</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

2. Build, collect, and share legal knowledge regarding access to sustainable energy

<table>
<thead>
<tr>
<th>Target Audience</th>
<th>Frequency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyer s, law faculties, CoP member s</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessible knowledge hub</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing sources (GW Law-housed SE4All Resource Center, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SE4All Legal Knowledge Hub</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluations of hub; surveys</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GW Law; University of Dundee; King &amp; Wood Mallesons; ELI; CoP member s and partners</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>10</th>
<th>40</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50</td>
<td>10</td>
</tr>
<tr>
<td>Build legal capacity of stakeholders involved in developing and implementing an enabling legal framework for sustainable energy for all</td>
<td>Law faculties, student, lawyers</td>
<td>3-4 Class modules related to SE4All to be integrated into courses on environmental law, energy law, administrative law, etc.</td>
</tr>
<tr>
<td>Number of trained lawyers; increased demand for legal assistance programs; Level of interest in adopting model law</td>
<td>Development and review of model laws and guidance for legal reform and implementation; First stages of training programs; Development of further proposals for training programs</td>
<td>In-country technical assistance, legal preparedness programs for sustainable energy finance, and development of model legislation</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>current laws; low level of current training in these areas among government and private-sector lawyers</td>
<td>Semi-annual</td>
<td>x</td>
</tr>
</tbody>
</table>

<p>| Participants | IDLO; ELI; University of Leicester; ABA; CoP members | Number of stakeholders | 130 | 15 | 115 |</p>
<table>
<thead>
<tr>
<th>lawyers from government, NGO, private sector in Africa</th>
<th>Number of participants in distance-learning modules</th>
<th>Low level of current training on SE4All legal issues</th>
<th>Distance-learning programs</th>
<th>Post-module evaluations</th>
<th>ILFA; IDLO; content developed by CoP members and partners</th>
<th>semi-annual</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-8 Distance-learning modules</td>
<td>Organizational meeting to explore how to structure P2P / Bar-to-Bar legal assistance projects / pro bono assistance</td>
<td>To be determined via organizational meeting</td>
<td>Peer-to-Peer / Bar-to-Bar legal assistance</td>
<td>Level of interest and participation in organizational meeting</td>
<td>x</td>
<td>x</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>lawyers from government, NGO, private sector in Africa</th>
<th>Number of participants in distance-learning modules</th>
<th>Low level of current training on SE4All legal issues</th>
<th>Distance-learning programs</th>
<th>Post-module evaluations</th>
<th>ILFA; IDLO; content developed by CoP members and partners</th>
<th>semi-annual</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organizational meeting to explore how to structure P2P / Bar-to-Bar legal assistance projects / pro bono assistance</td>
<td>To be determined via organizational meeting</td>
<td>Peer-to-Peer / Bar-to-Bar legal assistance</td>
<td>Level of interest and participation in organizational meeting</td>
<td>x</td>
<td>x</td>
<td>170</td>
<td>80</td>
</tr>
</tbody>
</table>

| TOTAL | 635 | 135 | 500 |
Online Dispute Resolution to Address Low-Intensity Disputes in Latin American Countries

Communities of Practice (CoP),
Program on
Alternative Dispute Resolution
June 6, 2015

TO THE STEERING COMMITTEE

This document has a restricted distribution and may be used by recipients only in the performance of their official duties. Its contents may not otherwise be disclosed without GFLJD authorization.
**Development Objective (DO)**

Alternative dispute resolution methods’ usefulness to compensate for the shortcomings of traditional justice systems has been widely recognized. The use of ICTs has brought forth a new era in the legal field, with online dispute resolution (ODR) being employed to address a variety of low-intensity disputes, such as minor infractions, consumer or taxation issues. With the advent of a digital age in Latin America and multiple local judicial stakeholders reaffirming their express interest in novel justice delivery methods, citizen empowerment through technology is possible now more than ever.

The common objective is to bring a combination of experience, technology, expertise, and ideas to judicial stakeholders in order to strengthen governance and enhance both justice and sustainable development in Latin American countries. The partners will share this knowledge and develop a pilot-project that aims to build peaceful and inclusive societies and promote the rule of law, while enhancing access to justice for vulnerable social groups: a purpose in line with the objectives put forward in the UN Sustainable Development Goal #16.

The pilot-project will adapt and implement an existing open-source ODR platform, integrate it to the current judicial offerings and ensure that it effectively responds to particular identified sectors. It brings to forefront open source technologies, makes ample use of decades of research expertise, draws upon existing judicial structures and promotes newly instigated judicial reform initiatives.

The partner’s combined efforts have the transformative power to put enforcement mechanisms in the hands of disenfranchised citizens, thus more equipped to hold their government, peers and civil society actors to account. This in turn fosters the emergence of more inclusive societies and reduces disparities between various classes.

**Ultimate outcome**: improve access to justice for vulnerable social groups in Latin America, reducing class inequalities under the rule of law, while increasing social cohesion through an empowered citizenry’s renewed confidence in judicial institutions and when transacting with other citizens.

**Intermediate outcome 1**: increased number of low-intensity disputes resolved under the shadow of the law by empowered citizens, leading to self-actualization and increased confidence in judicial institutions.
Intermediate outcome 2: increased responsiveness by judicial institutions to citizens’ diverse needs to obtain, and right to access justice, especially within vulnerable social groups, through efficient use of technology.

Intermediate outcome 3: increased use of technology by people, especially vulnerable social groups, to enhance access to justice, participation in civil society and engagement in democratic life.

### IMPLEMENTATION BUDGET FOR PROJECT

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technological investments</td>
<td>$260,000</td>
</tr>
<tr>
<td>Human Investments</td>
<td>$328,000</td>
</tr>
<tr>
<td>Contingency (5%)</td>
<td>$32,340</td>
</tr>
<tr>
<td>Total project</td>
<td>$620,340</td>
</tr>
</tbody>
</table>

In kind contribution – Cyberjustice Lab: $500,000

Maintenance budget for project: $29,394 / year

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**General Information**

**Leading partners**

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*Secretaria de Reforma do Judiciário, Ministério da Justiça do Brasil*
Marcelo Veiga – Secretary of Justice Reform

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Name of Partner Institution
Contact TBD

Name of Partner Institution
Contact TBD

Name of Partner Institution
Contact TBD

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Program Implementation Period
August 2015 – December 2017

Total Program Cost
1.440,160 USD

Partners’ in-kind contribution
Laboratory’s tech – 700,000 USD

Requested Financing
740,160 USD
Executive Summary

The Université de Montreal’s Cyberjustice Laboratory (hereafter, Laboratory) and its partners are determined to bring together their expertise and focus their efforts to increase access to justice in Latin America. We plan on doing so by making use of our open-source online dispute resolution platform to empower Latin American citizens who seek redress for consumer and other low-intensity disputes but currently lack an appropriate forum.

The international community has time and again recognized the potential of alternative dispute resolution (hereafter, ADR) to compensate for the shortcomings of traditional justice systems and often time, to complete them. It is regarded as an efficient way to resolve disputes, without having to incur the expenses of trials and lawyers.

The use of information communication technologies (hereafter, ICT) brings forth a new era in all domains, and the legal field is no exception. Harnessing the power of technology to its expertise, the Laboratory has developed an open-source, modular platform for online dispute resolution.

Such a system would prove itself highly effective in contexts where the value of the dispute is relatively low, when compared to the direct and indirects costs of litigation. The Laboratory’s platform, and others like it, are seeing increased usage in various developed countries, where the formal justice system’s costs outweigh its benefits.

Latin America comprises mostly of developing countries, each at various stages in their development process. Many of them are in the midst of experiencing their digital revolution, with increased dissemination of ICTs across the continent propelled by mobile technology. Technology brings forth economic growth, but this growth may be stifled should it not be accompanied by appropriate judicial reforms.

In an age where two out of three Latin Americans have little faith in their judicial institutions’s ability to bring forth justice to those that deserve it, the online dispute resolution project the Laboratory proposes is exactly what is needed to reinstate trust in the system. Empowering the local population by giving it the tools it needs to get the justice it deserves is our mission.

The project will begin by identifying the ideal Latin American country to welcome the initiative, followed by negotiations with local partners who are vital to a successful implementation. The Laboratory and its partners will work together to customize the platform to meet the country’s specific requirements and regulations. In parallel, institutional partners will work to train legal
practitioners, ensuring that the field is clear for implementation once the software development phase is complete.

Partnerships with local government agencies, the Ministry of Justice, as well as a diverse pool of industry and institutional partners will provide the promotion and legitimacy the platform requires. Beneficiaries are thus more likely to see it as a viable alternative, shielding it from obsolescence through disuse.

The project’s success will be the cornerstone to building a much larger, nationwide system. The ultimate goal is to restore confidence in the justice system, not in the target country alone, but throughout the continent. In our globalized economy, Latin America has the potential to join — and perhaps lead — the worldwide online dispute resolution (hereafter, ODR) revolution.

I. Introduction and Context

A. Context (global, regional, national)

Latin America and the Caribbean have benefited from a solid economic performance since 2003, marked by an impressive resilience during the 2008 global financial crisis. However, and even though Latin American and Caribbean countries differ significantly from one another, this geographical area is also the most socially unequal of the world’s developing regions. Hence, many people, and in particular poor and vulnerable individuals, have not noticeably benefited from this growth.

Ensuring everyone has access to the benefits of growth and progress is the main challenge this region faces. In order to address this problem, it is essential to help protect the most vulnerable social groups’ basic human rights. The right to access to justice is the unequivocal cornerstone to ensuring the exercise of all other fundamental rights by the citizenry. However, practical barriers still prevent people from accessing the formal legal system, effectively preventing a true justice for those who need it most.

In the continuum of the “Science of delivery” approach promoted by the World Bank, the delivery of justice should be focusing on the most effective means of providing access to justice. In the wake of an unprecedented period of dissemination of technology in Latin America and the Caribbean, notably through the use of cellular phones and the democratization of access to the Internet, we are, now more than ever, able to make justice accessible and affordable in the region.
This is true in regards to access to legal services (information, legal aid etc.), but also in terms of dispute resolution. ICTs present themselves as an effective medium for the judicial and extrajudicial resolution of conflicts.

While judicial means remain the traditional method of conflict resolution, faith in the judicial branch in Latin America is dishearteningly low, with unending court backlog. Two out of three Latin Americans do not believe the current system is well adapted to their reality. As such, low-intensity disputes are rarely resolved by judicial means. Luckily, disputes can more often than not be efficiently resolved through alternative methods, such as negotiation, mediation or arbitration. Combining these methods with the traditional judicial offerings would improve the level of service and accessibility to justice for citizens.

Even with the use of ICTs and these alternatives methods, the task at hand – increasing accessibility to justice by strengthening confidence in judicial institutions – is an enormous one. The Community of Practice (hereafter, CoP) is of the opinion that the time is right to implement an ICT-based extrajudicial dispute resolution initiative in a single locality, where it will be tried, tested and adapted to suit the needs of the local population. Once solutions are in place to overcome obstacles on a smaller scale, the project will be gradually expanded to a national level.

Beyond national implementation goals, the CoP seeks region-wide adoption after the pilot-project has demonstrated its value. Such an expansion would be in line with access to justice policies put forward by the Organization of American States and the Inter-American Development Bank. With a proven track record, it will be easier to alleviate any doubts that may arise in neighbouring nations, which should ease the dissemination of the platform throughout the region. Experience will also allow for a smoother region-wide implementation process.

The choice for the initial locality is influenced by three major factors: (1) the ICT readiness of the chosen country, as defined in the “Risks and Mitigation Measures” section; (2) the existence of ongoing or imminent judicial reforms; and (3) the degree of influence exerted by our principal collaborator, the Centro de Estudios de Justicia de las Américas (CEJA), who will spearhead our local efforts.

As such, the CEJA has identified three countries where they feel confident in their ability to enact meaningful change and lasting reforms: Chile, Colombia and Costa Rica. All three have initiated some form of judicial reform. In depth analysis of ICT readiness according to the process defined subsequently, will be carried out following approval of the pilot-project.
Access to justice in Latin America has been divided into three tiers: “private arbitration, for those who can afford an arbiter; the justice system, for those who can afford a lawyer; and mediation centres, for those who can afford neither”. While it would be foolish to pretend that our initiative would grant luxury sports cars to a disenfranchised citizenry who cannot even afford a car to begin with, the pilot-project seeks out to reduce discrepancies between tiers by offering a reliable vehicle to access justice for those who currently seek it on foot and have yet to make it to the land of justice.

B. Sectoral Context

People facing low intensity disputes often become disheartened due to a multitude of factors including (1) costs and complexity of judicial procedures, (2) delays to reach trial, (3) lack of knowledge of individual rights of actions and, finally, (4) overall scepticism towards the efficiency of the justice system. This is why a growing number of people are turning towards alternative dispute resolution methods that lower costs and delays associated with the justice system and effectively enhance access to justice.

The term “alternative dispute resolution” or ADR will be employed throughout the text, since it is a term that is commonly understood to encompass the notions of “negotiation, mediation and arbitration”. The term in itself has a connotation of being an external mechanism, at times appearing under the guise of a system that eclipses judicial oversight. This can be detrimental to the rule of law in certain situations and for a variety of reasons, neither of which will not be addressed in depth in this document. Instead, we will focus on the situations in which ADR is effective in strengthening the rule of law and bringing justice.

The major objections to ADR lie in its privatization. One can imagine scenarios of individuals subverting themselves to the rule of law through contractual clauses obligating parties to resort to ADR in case of dispute. Furthermore, broad reading of ADR clauses prevents parties to submit their claim to the public sphere, which is detrimental both to their individual claim and to the greater advancement of jurisprudence that is established following public adjudication.

In 1997, Reuben noted that “The sensitive integration of constitutional norms into ADR should enhance the popular legitimacy of those processes by restoring to some degree forsaken elements of procedural fairness that have provided the basis for some of ADR's severest critics.” A simple, novel remedy: integrate ADR to the public system. This would provide all the benefits, while addressing most of the concerns surrounding the practice. Reuben goes further, illustrating examples where ADR can support the rule of law. He posits that smaller cases being subjected to ADR would free the judiciary branch to handle cases involving complex constitutional and
statutory questions, to establish important precedents, by cutting back on courtroom backlogs and inefficiencies. More on this in the next section, when we address the institutional context and the need to partner with state actors to ensure the legitimacy of the process.

This is why the pilot-project does not position itself as an alternative to formal judicial systems but rather as an integral part of them. The very motivation behind such a project being to strengthen — not undermine — the rule of law and the judicial institutions that exist. To this end, we have made great strides to ensuring the collaborations of local actors. If the people are not involved, then the people do not feel like they belong: they will reject the proposed reform, and the greatest technologies are not immune to obsolescence through disuse. This highlights the importance, nay the necessity, of an ODR platform that is made by the people, for the people, under the oversight of sound a sound judiciary branch and the sanction of a state authority.

That being said, with the advent of sophisticated information and communication technologies, ODR mechanisms are able to overcome most of these barriers, thereby facilitating access to, and optimization of, alternative dispute resolution processes. They are more accessible than traditional, physical justice mechanisms. Getting online has never been easier, and remains a far more suitable alternative to traditional justice offerings, be it courtroom litigation or ADR. ODR can be integrated to personal lifestyles, professional workflows and institutional procedures, making it an extremely versatile channel when compared to other justice offerings.

The ODR platform developed by the Laboratory, PARLe (Platform to Aid in Resolving Litigation Electronically), reduces these barriers for numerous types of conflicts. In light of previous research in the field, as well as our own, we’ve come to identify various scenarios where the platform shines, with many other uses still to be tested and discovered. While the type of dispute is never limited by a particular geographic context, following are a few application scenarios where ODR’s full potential is laid out within a Latin American context:

1. **Disputes between consumers and merchants**
Consumers are traditionally considered a vulnerable group due to the asymmetric nature of their relationships with merchants. They require specific protections and are not well served by the current system. While most Latin American countries are equipped with progressive regulations to this effect, the reality is that they prove themselves ineffective, since consumers lack appropriate fora to seek said protections9. In this regard, PARLe reduces costs and delays, making the resolution of consumer conflicts worthwhile. The challenges consumers faced offline are perpetuated on the Internet. The anonymous nature of online transactions stifles dialogue between parties. With the rise of eCommerce in Latin America, it is imperative that consumer trust in online institutions be established and trust in judiciary institutions restored. Adoption of digital
technology is associated with economic growth, but without trust, there can be no adoption. PARLe’s online nature will allow solving a dispute on the very medium where it occurred, providing an added layer of confidence when transacting with online businesses, all while increasing their accountability to society. PARLe puts a human face behind a credit card number.

2. Disputes involving low-income citizens, particularly in rural areas
“Poverty must be seen as the deprivation of basic capabilities rather than merely as lowness of incomes.” There are particularities to the rural context that contribute to disenfranchising the poor. Rural poverty in the region is associated with inadequate access to information and the poorest face the consequences of geographic isolation and limited public investment in education, health services and housing. This often translates to inadequate knowledge of their rights and puts them in an extremely vulnerable position when trying to seek redress as they lack both information and a forum. The formalism of the traditional justice system is not adapted to the reality of rural Latin America. PARLe incorporates an informative module, while its simple design makes it universally accessible and compatible with mobile devices.

3. Disputes involving tourists
ODR is best suited for this category of dispute. The problems previously identified are further exacerbated when claimants are local or foreign tourists, due to their unfamiliarity with local laws and customs, language barriers, physical presence requirements at proceedings and lack of knowledge about their rights when transacting with merchants. Tourism is at the heart of the Latin American economy, and with regional strategies aimed at ensuring their protection – such as the one elaborated by Mercosur in 2013 – becoming increasingly common, it is imperative that the situation be addressed. PARLe enables the resolution of disputes when oceans may separate parties and provides information about local regulations in multiple languages.

Some other types of disputes that lend themselves to effective resolution through ADR include (1) landlord-tenant or neighbourhood disputes, (2) tax mediation, (3) social services negotiation, (4) nuisance claims, (5) debt collections, (6) labor disputes, (7) health claims, (8) certain misdemeanours and regulatory offenses, etc.

These application scenarios are not novel. State and non-state actors around the globe have advocated the adoption of ADR methods using ICTs to promote accessibility to justice. Notable projects have stemmed from UNCITRAL Working Group 3, the European Parliament, the UK and some Canadian provinces. All signs indicate that with the impossibility of the traditional judicial system to provide adequate redress, ICT-based ADR methods must be explored in order to ensure efficient allocation of judiciary resources and access to justice for all. The following section will provide a brief overview of a number of past national and international initiatives.
1. **European Union’s ODR platform for consumer disputes:** In 2013 the European Union adopted a Regulation on online dispute resolution for consumer disputes, which entails setting up a dispatching platform that refers users to affordable third-party mediation platforms designed to resolve consumer disputes that arise online. Settlements are not final and can be appealed. This platform should be launched in 2016.

2. **HM Online Court (United Kingdom):** The Online Dispute Advisory Group of the Civil Justice Council recently issued a report advocating for the implementation of a public ODR system for low value civil claims. The HM Online Court would divide the dispute resolution process into three stages. In the first stage, it would provide an online evaluation of the problem where litigants receive information on various courses of action. The second stage would provide online facilitation of the dispute involving a third party—a facilitator—whose task is to help the litigants resolve their issue amicably by mediating, advising, or encouraging them to negotiate. If parties cannot come to an agreement, then the file would proceed to the third stage and the case would be sent to an online judge who will decide on the merits. The online judgment would be binding and enforceable. If the project is approved, HM Online Court could be launched as early as 2017.

3. **Civil Resolution Tribunal Act (British Columbia):** This act provides for the establishment of the Civil Resolution Tribunal, which will act online to resolve strata property disputes and small claims up to a maximum value of $25,000. The online tribunal will begin operation during the course of 2015.

4. **Online Court Project (United States, Michigan):** The Online Court Project is a pilot project launched in 2013 by the University of Michigan and Court Innovations, Inc. They developed online dispute resolution software that allows litigants charged with minor offenses, such as traffic violations, to resolve their case online through court supervised negotiation, mediation or case revision. The software is currently being tested in three jurisdictions: the 14A District Court of Washtenaw County that allows for online mediation, the 74th District Court of Bay County with an online case review possibility, and the 30th District of Highland Park’s online negotiation service.

5. **MyLawBC (British Columbia):** Developed by the Legal Services Society, in partnership with The Hague Institute for the Internationalisation of Law (HiIL), this interactive website will provide litigants with tools and information to identify, manage, and resolve their legal issues. By filling in an online questionnaire, litigants will be guided to a solution for their legal issues. Litigants will also have access to personal assistance via Internet or phone service.
6. **Pactanda:**

Co-developed and co-held privately by a leading Latin American expert on Online Dispute Resolution, Pactanda proposes happy endings for online shoppers through online mediation. Based out of Chile, it has already begun expansion to Argentina and has its eyes set on Brazil, Mexico and Colombia. It advocates simple procedures, impartiality and targets both consumers and merchants. It currently benefits from a strategic partnership with a local online Trustmark (eConfianza) and hopes to expand to other Trustmarks.

**C. Institutional Context**

For ICT initiatives to reflect the reality and needs of the legal field, judiciary stakeholders must be involved in the project early on in the implementation process. The legal field includes many different actors, and, to be faithful to their needs, their input should be taken into account when modelling the platform. Lawyers, judges, law clerks, Department of Justice professionals and court administrators, as well as civil society, all have different needs. Therefore, the participation of local partners is crucial to ensure the project’s success.

**Confirmed partners**

We have solicited the aid of many contacts in Latin America and chosen to rely on the support and participation of the CEJA and the CIDE to assist us in implementing the pilot-project. We have already established solid working relationships and they are enthusiastic to take part in such an initiative.

*Centro de Estudios de Justicia de las Américas (CEJA)*

Based in Santiago, Chile, the CEJA is an autonomous international entity and an established proponent of judicial reform processes in member countries of the Organization of American States, through the active promotion of innovation in all aspects related to legal training. CEJA was created by the OAS and bases its goals and strategies on resolutions elaborated during the REMJAs (see OAS). Previously, the CEJA has collaborated with the National Judicial Institute of Canada on projects promoting the ongoing exchange of experiences and best practices in the legal field. Their cooperation would be vital to ensuring that all relevant stakeholders at the local level are involved during every step of the implementation process. The pilot-project finds itself perfectly aligned with the local thought current. The CEJA has highlighted the need of ICT in Latin America and the benefits that such technologies would bring to the local justice systems:

ICT would bring a positive impact on improving levels of transparency in the operation of the institutions of the justice system, improving access to the justice system by the
citizenry, improving efficiency and efficacy in the performance of multiple tasks, enabling and enhancing innovation processes in the delivery of justice and at judicial management, enabling citizenry scrutiny over the justice system, facilitating accountability of the judicial authorities by the citizenry, among other scopes.22

Centro de Investigación y Docencia Económicas (CIDE)
CIDE is one of Mexico’s most important centres of higher education and research in the social sciences. Recognized both nationally and internationally, CIDE has been a non-profit public institution since its establishment in Mexico City in 1974.23 As a research centre with active links to decision makers, CIDE produces creative, methodologically sound interdisciplinary research designed both to advance scientific knowledge and improve decision making. Both as a teaching and a research centre, CIDE is a central point of reference in national academic debate and a key actor in efforts to improve public policy.

Satellite partners
We also entertain healthy relationships with the OAS and the COMJIB, having dealt with them in the past. We will be officially reaching out to them following the approval of the pilot project as they would prove themselves as valuable assets to further the pilot-project and concretize its implementation.

Organization of American States (OAS)
The Organization was established in order to achieve among its member states an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence. Justice and the rule of law are the two main pillars of a free state. Without a fair and impartial justice system, no State can deem itself to be truly free and democratic. In that regard, the OAS seeks to assist member states through the strengthening of these principles. To that effect, they consult with specialized units, such as the Laboratory, to assist in developing novel tools to meet their objects. Building on its involvement in the last workshop on access to justice of the OAS in Cartagena in Colombia (December 2014), the Laboratory intends to take part in the next Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas (REMJA) organized by the OAS in order to present its research related to the improvement of access to justice in developing countries through the use of ICTs. As the Laboratory’s role within the OAS expands, so will the network of potential partners that can assist with implementation and dissemination of the platform.

COMJIB
COMJIB is an international organization that groups the Ministries of Justice and peer institutions of 21 Countries of the Ibero American Community. COMJIB seeks the study and promotion of
juridical ways of cooperation between the member States. The Laboratory has been invited to present its findings to the COMIJB twice, at which times COMIJB members have expressed interest in collaborating to launch a pilot-project such as the one presented in this document. Access to justice is part of their 5 main priorities. Their work in this field consists in improving public policy in order to make public justice institutions as accessible as possible, with a particular focus on vulnerable groups of citizens. We believe that our collaboration can be particularly beneficial during the pilot-project, and even more so when comes the moment to expand the platform beyond national borders.

**Potential partners**
Additionally, we intend to develop relationships with the following organizations, who we consider to be potential partners that can assist us in a successful implementation of the pilot project:

*eInstituto – Instituto Latinoamericano de Comercio Electrónico*
The Latin American Institute of Electronic Commerce is a regional non-profit organization. It develops and supports the Digital Economy in various Latin American countries and promotes initiatives that change business structures through the use of ICTs. The eInstituto is constantly developing its continent-wide network of institutions sharing similar objectives and acting on a local level. Projects of note include the eResolución platform intended to solve consumer disputes arising in the digital space. The person in charge of the project, Gabriela R. Szlak, is a local expert on the integration and use of ICTs in ADR as well as the founder of Pactanda ODR platform. They also organize eCommerce days in various cities throughout the continent which gather together organizations interested in the pursuit of digital business models.

*Comisión Económica para América Latina y el Caribe (CEPAL)*
CEPAL, which is headquartered in Santiago, Chile, is one of the five regional commissions of the United Nations. It was founded with the purpose of contributing to the economic development of Latin America, coordinating actions directed towards this end, and reinforcing economic ties among countries and with other nations of the world. The promotion of the region’s social development was later included among its primary objectives. CEPAL acts as the Technical Secretariat of the eLAC regional action plan, monitoring advances, publishing information bulletins and exchanging information among the stakeholders to promote the use of ICTs as tools for economic development and social inclusion.

*Chambers of commerce*
Most chambers of commerce throughout the continent are actively promoting the use of ICTs, eCommerce and online initiatives as a vehicle for growth. For example, the Camara de comercio de Santiago participates in “eCommerce day” and “Cyber day” symposiums, gathering businesses throughout the city that want to take part in the digital revolution. The B2C industry will play a key role in the pilot-project as it often finds itself party to low-intensity disputes that can be easily resolved using an ODR platform. Other countries such as Argentina have a “Digital Chamber of Commerce” entirely dedicated to online business.

Local mediation associations
Mediators are often retired judges, experienced lawyers and other experts in dispute resolution. Most localities have an association regrouping these professionals and promoting the use of alternative dispute resolution methods. One such that we have identified is the Centro de Arbitraje y Mediation de Santiago which also has close ties with the local chamber of commerce and whose mandate has been expanded to cover all of the national territory. The Asociación Latinoamericana de Arbitraje is a nonprofit organization specializing in international arbitration that provides training for lawyers and jurists. The Fundación Mediadores en Red is another one based out of Argentina, associated with the CEJA and the OEA and promotes mediation as an alternative method of dispute resolution. Such associations will be key to train, prepare and provide neutral experts who will intervene during the platform’s second stage.

Core partners: state actors
Following on what was said in the previous section about the benefits of public ODR, we would like to draw attention to the fact that empirical studies have time and again demonstrated that successful ODR platforms require recognition and collaboration by a state authority. The public system offers impartiality and permanence, which in turn increases user confidence in the platform. This backing also ensures that settlements are binding, that judgments are enforceable, that mediators are not biased, and ultimately that the whole process remains legitimate.

In order to establish this foundation for a more sustainable rule of law, it is not sufficient to mainly utilize ADR as a means of providing access to justice for the poor. The implementation of ADR would have to be broadened to foster conflict resolution capacities for all citizens, and promote systemic inclusion and participation. If private conflict resolution were consistent with procedural justice values, it could create the social capital necessary for rule of law. If collaborative governance, through public conflict resolution and the design and implementation of policy, were to empower, engage, and ultimately include the traditionally marginalized, this majority would have a greater stake in the system and would therefore be more likely to uphold it.
This highlights the importance of working with local partners in the legal field when implementing an ODR platform. This is not to say that private ODR platforms are doomed to fail, eBay’s Resolution Centre being a living testament to that effect. However, we must take a closer look at the causes of eBay’s success. The Resolution Centre works because eBay members, merchants and consumers alike, would face exclusion from the community, should they refuse to participate. Beside specific captive market situations, incentives to take part in an ODR process plummet drastically.

Some of the potential countries for the pilot-project currently use an ADR model called casas de justicia, designed after the North-American multi-door courthouse system. It is a one stop shop to access justice: a dispatching service, a counselling service, a mediation service, etc. While the idea is sound, its shortcomings are explained by the thin shadow of law that presides over these institutions. Deprived from judicial connections, missing out on systemic inclusion into existing mechanisms, many casas de justicia initiatives (notably in Bolivia and Colombia) have fallen short of their objective, despite being an excellent step in the right direction.

One exception is the project piloted by the Centro de Estudios de Justicia de las Américas in Paraguay, where they departed from the USAID model that was used in previous iterations of such initiatives. They differed by entertaining extremely close relationships with the executive and judicial powers and focused on the inclusion of collaborative governance by fostering capacity building among community leaders, facilitators and mediators. These experiments are telling and reaffirm the need of integrating the ODR platform to existing institutions. One has to ensure that the graft is successful, or watch the host reject it.

II. Proposed Development Objectives and Expected Outcomes

A. Proposed Development Objectives
Our larger objective is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels. Specifically, we strive to achieve a quality justice system: fair, accessible and affordable.

1. Disputes resolved in the most appropriate forum, with processes and costs being commensurate with the complexity of the issues involved;

2. Citizens take responsibility for resolving their own disputes as much as possible, whilst the courts focus on adjudicating particularly complex legal issues;
3. Procedures are citizen and business friendly, with services focused upon the provision of timely justice;

4. Citizens are aware of the services available to them so that, where possible, they can take action early, make informed decisions and more readily access the most appropriate services.

5. Researchers and policymakers base future legal reforms on a long term study of the effects of online dispute resolution on a population’s trust in judicial institutions and overall accessibility to justice.

It is in this context that the pilot-project comes into play. The Laboratory upholds that an online dispute resolution platform for low intensity disputes, given the adequate promotion and adoption by the local population, would go to great lengths to achieve the goals it has set out. Furthermore, the study of long-term impacts of ODR use provides valuable information to align public policy with the universal right to access justice.

B. Expected outcomes

**Inputs:** Laboratory’s PARLe open-source Online Dispute Resolution platform, Non-Governmental Organisation and Governmental capital injections, local stakeholders’ reports and contact networks

**Activities:** Translate PARLe to Spanish, negotiate partnerships with local stakeholders, deliver training to local neutral-experts, judges, lawyers, legal clinics, etc., select modules of the PARLe platform to be retained for pilot-project based on reports and categories of disputes identified, launch awareness campaign in collaboration with ITC industry actors and state actors, identify key metrics to be published and used as control mechanisms to ensure neutral-experts’ neutrality, identify metrics to be used to report and evaluate impacts of ICT use in justice systems, develop informative module that simplifies complex legal notions to aid with self-representation.

**Outputs:** Approval of stakeholders confirmed, PARLe translated to Spanish, adapted to the local context and fully functional, training provided to local neutral-experts, population aware of existence of new forum for redress, developed section where local laws are explained in laymen’s terms, all reporting mechanisms are now in action.

**Immediate outcomes:** Greater number of low-intensity disputes being resolved, decreased caseload for local tribunals, reports generated on success of ICT use in justice systems of developing countries.
Intermediate outcomes: Increased transparency and accountability of businesses, citizens and judicial institutions, overall increased trust and confidence in the justice system, increased ICT adoption, increased foreign investments, and improved understanding of impact of ICT use in justice systems.

Ultimate outcomes: Increased social cohesion through an empowered citizenry, economic growth through increased confidence when transacting, and class equality when accessing justice through reduction of barriers.

III. Program Details

A. Concept

1. Description
The project aims to implement an online platform where citizens will be able to resolve their low-intensity disputes in a highly accessible and effective manner. The online platform will be based on the open source software known as Platform to Aid in Resolving Litigation Electronically (PARLe), which was developed by the Cyberjustice Laboratory of Université de Montréal in collaboration with different stakeholders in the legal field.

It is worth noting that PARLe’s conception in 2010 was the result of a close collaboration between the Laboratory, governmental actors, judges, lawyers, members of the public, and computer scientists. This collaboration led us to design PARLe on a modular basis and to use open-source programming, to allow for a better sharing of the platform with various partners, in accordance with open-software principles.

PARLe was developed using a modular and collaborative approach, which has been used by the Cyberjustice Laboratory in the development of all its software solutions. If ICT solutions respect and understand the human and socio-legal reasons for being apprehensive to using technologies, they will be successfully implemented. This is why it is important, when developing those modules, to make sure that they are compatible and complementary, to guarantee a smooth transition towards cyberjustice and avoid overlapping issues. Another important aspect of this approach is to involve stakeholders from the beginning to properly assess their needs and promote their understanding and appropriation of the project. The success of this pilot-project will rely on the use of a modular and collaborative approach.
The Laboratory's web platform is designed to provide the litigants with the capacity to resolve their consumer disputes, born online or offline, through ODR. The procedure it puts forwards comprises three steps:

1. First, there is the negotiation phase, where the claimant and the defendant are invited to submit viable solutions to their disputes. Both parties are guided by an online questionnaire designed to let them clarify what the facts and problems are, and to keep them on point. The results are then presented in a form of a table that sums up the facts and possible avenues of resolution.

2. If, after a set amount of days, the negotiation between the parties has not led to a resolution, they are invited to proceed to the next step: the mediation phase. Here, a third party joins in and works with the parties to iron down their differences. All the parties have access to the different online tools offered by the platform: secure email exchanges, private chatrooms, e-filing and indexing, etc.

3. Beyond being a standalone solution, PARLe is able to fully integrate with digital courtrooms. When cases are deferred to the traditional justice system, the presiding judge can immediately access all documents that have previously been uploaded, reducing delays associated with procedure and eliminating unnecessary formalisms of courtrooms. Previous experiments have showed that the majority of disputes will be solved consensually, during the first or second step of the resolution process. This approach creates a funnel, where only the most problematic cases end up being deferred to the traditional justice system, optimizing the allocation of judiciary resources.

It is therefore this idea that we wish to transpose to the Latin American context. The Laboratory will be working in close collaboration with local partners in order to model the platform according to their specific needs. It will put its technology and expertise at their disposal, in an attempt to set the gears in motion for a regional judicial reform. The idea is to never take away any of the progress that has already been done in this field, but to instead bring in new tools so that we may all work more efficiently towards common objectives.

Once we have obtained the blessings of local government agencies, we will begin testing the platform in a single locality, ensuring that all functions are fully operational and error free, ironing out any bugs that may come along the way. The project relies heavily on the digital revolution that is currently taking place in the region and will attempt to benefit as much as possible from the recent dissemination of mobile technologies. Through awareness campaigns seeking to actively promote the platform, the user base should attain a critical mass, making it a self sustainable success. A resounding success of the platform would be demonstrated by increased ICT adoption
in the locality where it is implemented. The results will then be presented to national government agencies to further a nationwide expansion.

2. **Key Risks/Issues and Mitigation measures**

**ICT readiness**
For ICT based initiatives to succeed, the local context must be favourable to the adoption of the proposed project. While ICTs have been spreading like wildfire across Latin America, it is imperative to conduct a rigorous analysis to determine the “ICT readiness” of the chosen country. Three sets of key indicators will examined during this process and guide our decision:

1. **Infrastructure indicators**
   Compute the number of personal computers, mainline and mobile subscribers, Internet users, and 3G subscribers. Analyze broadband usage, number of Internet hosts, and security of Internet servers available.

2. **Capacity indicators**
   Establish education level, analyzing illiteracy rate, public expenditure on education, and international Internet bandwidth.

3. **Financial indicators**
   Examine the economy of the country, analyzing its gross domestic product (GDP), foreign direct investment (FDI), and public and private investments in telecommunications.

High scores on all three sets of indicators would mean implementing a platform such as PARLe would be relatively simple, since everything is already in place to facilitate its adoption. That being said, we do expect to come across obstacles, even in the most ICT ready countries of Latin America. Fortunately, PARLe’s modular design will allow its gradual implementation, deploying the platform at a pace the country’s population and infrastructure can comfortably handle.

**Rejection of institutional change**
A potential risk is that courts and litigators will be reluctant to allow citizens to assume a more active role in their pursuit of redress or to circumvent traditional means of access to justice. Researching the laws in pilot countries to ensure that they allow for individual extra-judiciary action can mitigate this risk, as can effective relationship building with judges, lawyers and bar associations in pilot countries. While some resistance to this new method for conflict resolution is to be expected, the role of partners such as CEJA is to inform stakeholders about the benefits that
each party stands to gain through a successful implementation of the pilot project. As with any type of change management, it will be essential to identify and empower those who are receptive to the project while ensuring that all participants are informed about the project and its goals. Their involvement from the onset of the project will create a sense of both comfort and ownership, minimizing the possibility of resistance on the long run. PARLe’s own success in North America rests upon a similar collaboration with stakeholders early on.

**Rejection of social change**
The primary risk here is lack of adequate buy-in from the public. Even in “ICT ready” states, this remains a problem. If the local population isn’t aware of, refuses or is unable to adopt the platform, even the best of initiatives is doomed to fail. As such, it is imperative to garner the support of the beneficiaries of the pilot-project: Latin American citizens. Humans are creatures of habit; in order to instigate change, implementing agencies must run awareness campaigns, promoting the use of the new technology. Be it by offering free trials, launching ad campaigns, empowering local legal practitioners or adopting legislation prioritizing the use of judicial resources only to those who have exhausted extrajudicial means, a strategic effort by state and non-state actors is crucial to get such initiatives underway.

**Economic sustainability**
As with any technology, there are concerns related to maintenance and hosting costs. While these costs are unavoidable, the Laboratory has done everything in its power to mitigate them. The PARLe software is open-source, allowing anyone and everyone to make any adaptations they see fit. There are no licensing fees, which can often take up a large chunk of the budget. It also means that the survival of the platform is in no way linked to the survival of the Laboratory. The software has undergone testing, minimizing the occurrences of bugs and technical failures. In fact, the advantage of the open-source software environment is that each user belongs to a much wider network, benefiting from improvements made from other users.

**Corruption**
While the situation has displayed improvement in recent years, Latin American countries have consistently ranked at the bottom half of the Corruption Perception Index. We expect the platform to reduce the incidence of corruption in the dispute resolution process, seeing as software replaces humans in the process and computer software does not respond well to bribes. With that in mind, the Laboratory and its partners will display extreme vigilance and adopt a transparency policy to ensure sound governance. This means that all our dealings will be open to public scrutiny, reducing the risks of funds be misappropriated or repurposed.
B. Implementing Agency and Capacity Assessment

1. Assess existing legal, regulatory and policy framework of target country.
   a. Bilingual legal researchers at the Laboratory, working with university partners in target country will table all relevant regulatory frameworks in a report.
   b. Submit pilot-project with annexed report of its legal implications to local policy makers for their approval and input on the matter.

2. Identify and engage with key community leaders, government agencies, scientists and legal practitioners (lawyer, judges, law faculties, etc.) to champion the pilot project.
   a. The CEJA, one of our current partners, would be able to consult with legal practitioners to promote the pilot-project and obtain their feedback
   b. The Laboratory will validate the pilot-project in light of collected feedback and address any major concerns that were identified through the consultation process

3. Model and adapt the PARLe platform in collaboration with the identified local stakeholders. At this stage, a number of questions will need answering, following which the CEJA will develop a curriculum and provide training to legal practitioners. These are some of the considerations:
   1) Have the concerned parties agreed to resolve the matter through ODR?
   2) Is ODR appropriate for this particular dispute according to the circumstances of the case?

   A. Are parties represented by counsel or are they attempting to resolve the dispute themselves? If represented by counsel, what will be the counsel’s role?
   B. Are all directly interested parties (to the extent possible) participating in the process?
   C. Are the parties participating in the ODR process vested with settlement authority?
   D. Have the concerned parties selected an appropriate ODR provider? Does the agreement provide a default selection mechanism?
   E. Have all essential elements of the ODR agreement been considered, including:

   • the issues in dispute;
   • the procedure to be followed;
   • the mediator’s role/mandate;
   • a provision for agreement if the dispute is resolved;
   • the confidentiality of the process;
   • a provision for the remuneration of the mediator;
   • acknowledgements of responsibility of the mediator and the parties, respectively;
   • the language of the process;
   • the applicable law, particularly if the matter is international in scope?
• Is there a need for disclosure? Who will request it – the parties or the mediator?

F. Has any time limit been set for the duration of the procedure, if needed, as well as the time limits for parties to make their submissions?
G. Is it established who will draft any eventual agreement?
H. How will any eventual agreement be enforced?
I. If ODR is not successful in resolving the dispute, what is the next step?

4. Develop strategy for soft-launching the platform in a specific locality.
   a. Negotiate the support of large B2C corporations. These corporations will be pioneers and encourage their customers to submit disputes to the newly established platform;
   b. Partner with local ad agencies to launch informative ad campaigns;
   c. Engage with higher education institutions and law faculties to spread awareness among students, staff and any legal aid centres that might belong to them.

5. Gather quantitative and qualitative data following the launch
   The data collection process will be assigned to the agent best suited to conduct it.
   Some form of the relevant data may already be part of annual reports generated by local agencies.
   a. The Laboratory’s software will be able to generate quantitative data concerning the number of cases treated, the delays required for treatment, the rates of success at each step of the process (negotiation, mediation, and arbitration), etc. A survey will also be administered at various steps of the process to gather quantitative data in the form of user feedback from the beneficiaries.
   b. Local courts will be able to provide quantitative data concerning their own experiences regarding caseloads, as well as user feedback by court personnel.
   c. Government agencies cooperating with universities (ex: SubTel, Intelis, Facultad de economía y negocios de la Universidad de Chile), generate yearly reports on ICT use and adoption, allowing the monitoring of ICT use throughout the region/country. We would be able to track these figures to verify if a statistically significant increase in ICT use and adoption occurs in localities where the platform is implemented.
   d. Latinbarómetro provides metrics regarding trust in judicial institutions. We would be able to track these figures in order to verify if a statistically significant increase in trust occurs in localities where the platform is implemented.

6. Analyze gathered data to determine necessary adjustments to extend the platform
   The Laboratory will perform an analysis of the data gathered from all the aforementioned sources, generate an end-of-project report and make it available to both local stakeholders and agencies wishing to replicate the project in other developing countries or to extend it to other application scenarios.
7. Ongoing study of long-term impacts of ODR platforms in developing countries
Having primarily an academic vocation, the Laboratory will be analyzing the results of the pilot-project over years to come. The software’s embedded reporting module will continue to provide valuable insights, which will then be used to improve our understanding of what constitutes an ideal justice system, what is accessibility to justice, and most importantly, what is a successful ICT based judicial reform process.

C. Project Stakeholder Assessment

This assessment will take into account all potential stakeholders in the pilot-project. Their classification is dynamic and stakeholders can shift from one quadrant to the other during the implementation of the pilot-project. Project stakeholders include:

**Beneficiaries**
The beneficiary is the end user, meaning the citizen that connects himself to the ODR platform to seek redress. Users have very little say over how the project is conducted. During the launch phase of the pilot-project, we expect user interest to be low and increase steadily as the awareness campaigns are put in place. It is imperative to monitor for any major developments or changes during the launch phase and keep these users informed in order for them to embark in this process and make use of the platform once it is operational.
States
States have extremely high power, but their interest is limited to the success of the pilot-project. They effectively control the legislation that would make extrajudicial dispute resolution possible. As such, it is important to keep State actors satisfied by delivering the promised solution. For specific State actors that will develop an interest, such as the Minister of Justice, we would have to manage our relationship very closely, considering their needs of a judicial system and working hand in hand to implement the pilot-project at the present and other ICT-based justice initiatives in the future. Judicial reform rests on their shoulders.

Neutral experts
Neutral experts such as mediators will have to be directly implicated in the early stages of the project since the online platform’s second stage is mediation. In order to ensure that neutral experts will adopt the project and will want to use the platform, they will need to be managed closely, with frequent updates on the developments and two way communication channels wide open. This will be achieved by obtaining feedback to assess their needs as mediators. Our goal is to provide them with at least a similar, but ideally an improved, experience when using the platform.

Lawyers and Judges
Since the last stage of the online platform results in an electronic transfer of the case to the appropriate jurisdiction, it is important to verify that lawyers and judges are kept satisfied by the developments from the beginning, since their alliance and support is crucial. We do not want to antagonize them. Their interactions with the beneficiaries are currently few and far between (which is part of the problem), therefore their interest would be on the lower end. Nonetheless, we would go out of our way to ensure that they are informed, since a successful implementation would promote them to key actors in the pilot-project and their involvement and interest would increase steadily as the project advances. Ultimately, they will need to feel at ease with the change the project brings forth. To make sure that they are satisfied with the end result, their needs with regards to the last step of the online platform i.e. the electronic transmission of files, will have to be assessed and accounted for.

Courtroom staff
The courtroom staff will most likely be in charge of directly receiving the electronic file transmitted from the platform to the court registry. As such, it is important that they receive the appropriate training and information on how to handle the electronic documents that will be transmitted from the early stages of the project. Once that training is completed, courtroom staff will only need to be monitored to ensure that everything is in order and functions properly.
### D. Financial Details and Eligible Expenses

#### IMPLEMENTATION BUDGET FOR PROJECT

<table>
<thead>
<tr>
<th>Technological investments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Updating forms</td>
<td>45 000 $</td>
</tr>
<tr>
<td>Adaptations</td>
<td>165 000 $</td>
</tr>
<tr>
<td>Installation and testing</td>
<td>29 000 $</td>
</tr>
<tr>
<td>Translation fees</td>
<td>9 000 $</td>
</tr>
<tr>
<td>IT training and support</td>
<td>TBD</td>
</tr>
<tr>
<td><strong>Total TI</strong></td>
<td><strong>248 000 $</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Human Investments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal training</td>
<td>40 000 $</td>
</tr>
<tr>
<td>Knowledge mobilization</td>
<td>70 000 $</td>
</tr>
<tr>
<td>e-Learning</td>
<td>80 000 $</td>
</tr>
<tr>
<td>End user guide</td>
<td>40 000 $</td>
</tr>
<tr>
<td>Promotion, advertising</td>
<td>60 000 $</td>
</tr>
<tr>
<td>Travel</td>
<td>18 000 $</td>
</tr>
<tr>
<td>Data reporting, collection and analysis</td>
<td>20 000 $</td>
</tr>
<tr>
<td><strong>Total HI</strong></td>
<td><strong>328 000 $</strong></td>
</tr>
</tbody>
</table>

| **Subtotal project**                      | **576 000 $**  |
| Overhead (20%)                            | 115 200 $      |
| Contingency (8.5%)                         | 48 960 $       |

| **TOTAL project**                          | **740 160 $**  |

There are too many variables to account for to accurately evaluate final project cost at these early stages, notably ongoing maintenance costs and local human capital costs. Here is a short list of factors to be considered:
- Required bandwidth
- Required response time to solve periodic, intermittent and recurrent issues
• Desired maintenance level for applications, systems, networks, help desk
• Availability and reliability of services locally
• Available network conditions
• Available hosting providers

E. Sustainability and Impact

The platform’s entirely digital nature requires little to no ongoing support once implemented. That being said, as the user base continues to grow, it will become necessary to update the computer architecture to ensure adequate quality of service. These updates are routine procedures and our scalable platform has been designed to accommodate them. Any bugs that should come up will initially be resolved through our technical team in Montreal. The team will be working in conjunction with IT technicians in the target country to transfer specific expertise and ensure a smooth transition.

In regards to impacts, the pilot-project is looking at the greater picture. What will such a judicial reform bring to developing countries in Latin America and elsewhere?

The most direct impact we hope to achieve is reducing discrepancy between the rich and the poor when dealing with the justice system. The driving force is that more people are able to afford an Internet connection than afford a lawyer. The analysis of key metrics, such as the number of cases resolved, correlated with parties’ incomes should be indicative of the divide around access to the justice system. We should also see a number of claims of lower monetary value surface and see resolution.

A second impact is greater economic growth. A strong justice system is directly associated with increased economic growth. When people can engage into transactions with the confidence that, should something go wrong, they have a forum to obtain redress, they are more likely to transact. Here we would look at metrics such as the number of transactions reported by businesses. eCommerce is particularly susceptible to see growth following the emergence of a more stable market as people are currently skeptical of internet transactions due to a lack of recourse. We will also examine increases in foreign direct investment, as international trust in the judiciary improves.

A final impact is greater social cohesion through increased trust in justice institutions. The pilot-project not only aims to create a suitable alternative to the justice system, but by doing so increase accountability, transparency and accessibility to the justice system as a whole. Published facts and figures by the pilot-project would encourage the population to hold traditional courts to similar standards. The legal education module would improve citizen knowledge about
keg rights and obligations, allowing for better interactions with the justice system on the long term. These impacts can be verified by observing nationwide justice reforms following the success of the pilot project.

The Community of Practice is firmly committed to ensuring that the knowledge, expertise, and experience generated through the project are sustainable and have the highest possible impact, both locally and internationally.
<table>
<thead>
<tr>
<th>Restore confidence in the justice system through a successful implementation of an online alternative dispute resolution platform in a Latin American country.</th>
<th>PDO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary beneficiary is the Latin American claimant. Secondary beneficiaries include legal practitioners, local businesses and the State.</td>
<td>Beneficiaries</td>
</tr>
<tr>
<td>(1) ODR platform preferred method for resolution of low-intensity disputes. (2) Increased confidence in justice system. (3) Increased ICT adoption rate.</td>
<td>Expected outcomes</td>
</tr>
<tr>
<td>By 2018, platform sees widespread, nationwide adoption and on its way to becoming the preferred method to solve low-intensity disputes. People trust the system. Currently, only a third of Latin Americans have confidence in their judiciary branch. ICT and eCommerce adoption rates are low, but constantly increasing.</td>
<td>Intermediate results/Indicators</td>
</tr>
<tr>
<td>(1) Negotiating partnerships with State and businesses. (2) Modelling platform. (3) Promoting platform to public and stakeholders. (4) Supporting local IT teams for successful transition.</td>
<td>Baseline</td>
</tr>
<tr>
<td>LatinBarometric provides data regarding confidence levels in institutions. Platform auto-generates periodic data on usage statistics. Surveys are also an option.</td>
<td>Activities/Outputs</td>
</tr>
<tr>
<td>Laboratory will be responsible for platform modelling and some partnership negotiation. CEJA will be responsible for platform promotion and ensuring adequate training for transition.</td>
<td>Data source</td>
</tr>
<tr>
<td>Reporting by external partners will be done quarterly. Some external sources are only available yearly. The software will generate automatic reports to evaluate week-to-week progression.</td>
<td>Responsibility</td>
</tr>
<tr>
<td>The Laboratory is able to monitor usage statistics reported by the software. The Laboratory will prepare mid and end of project reports, taking into account all available data.</td>
<td>Reporting arrangement</td>
</tr>
<tr>
<td>To be determined.</td>
<td>Self</td>
</tr>
<tr>
<td>To be determined.</td>
<td>Targeted clients</td>
</tr>
<tr>
<td>To be determined.</td>
<td>Online</td>
</tr>
<tr>
<td>Marco Nicol</td>
<td>Independant</td>
</tr>
<tr>
<td>(1) Head of GFJLD Secretariat Legal Vice Presidency; (2) Epineus, Institut des hautes études sur la Justice; (3) Luciano Klein Vieira, International Law Professor - FACAMP/RUC/UBA</td>
<td>At design or completion</td>
</tr>
<tr>
<td>Total project cost is evaluated at 1,440,160 USD, Laboratory provides core PARLe software, valued at 700,000 USD. The project requests 740,160 USD in financing</td>
<td>Peer reviewers</td>
</tr>
<tr>
<td></td>
<td>Total cost</td>
</tr>
<tr>
<td></td>
<td>Partner’s contribution</td>
</tr>
<tr>
<td></td>
<td>Requested financing</td>
</tr>
</tbody>
</table>
### Annex: Legend

**Proposed Development Objective(s)**

1. Disputes resolved in the most appropriate forum, with processes and costs being commensurate with the complexity of the issues involved;
2. Citizens take responsibility for resolving their own disputes as much as possible, whilst the courts focus on adjudicating particularly complex legal issues;
3. Procedures are citizen and business friendly, with services focused upon the provision of timely justice;
4. Citizens are aware of the services available to them so that, where possible, they can take action early, make informed decisions and more readily access the most appropriate services.
5. Researchers and policymakers base future legal reforms on a long term study of the effects of online dispute resolution on a population’s trust in judicial institutions and overall accessibility to justice.

**Audience/Beneficiaries**
The primary audience is the Latin American claimant. The secondary audience is composed of legal practitioners, be it lawyers, neutral-experts, judges or courtroom staff as well as local businesses and the State.

**Expected outcomes**

1. ODR platform preferred method for resolution of low-intensity disputes.
2. Increased confidence in justice system.
3. Increased ICT adoption rate

**Intermediate results**

2015 ends with ground research. Key partners are identified, legal framework is analyzed, and platform is modelled accordingly and ready to be launched.
2016 begins with heavy promotion. The year will be spent ensuring adequate promotion of platform and transition of knowledge to IT staff and legal professionals. Partnership negotiations with businesses will be an ongoing task.
2017 begins with platform implanted in a specific locality. The year will be spent scaling the project at a national level, ensuring all technical elements are ready for when the expansion is set in motion. At this point we should be able to notice significant increases of confidence in the justice system and ICT adoption in the locality where project was soft launched.
2018 begins by providing support to local partners ensuring the nationwide expansion of the platform. Enough data will have been gathered at this point to validate the popular theory that ICT based dispute resolution systems are particularly effective in developing countries. This will create a base for other countries to replicate the experiment down the road and see their own citizens’ trust in institutions restored.

**Baseline**
The baseline confidence in the judiciary institutions is around 30% for Latin America as whole, with data available for individual countries through Latinbarometro. The baseline for low-monetary value disputes varies from country to country, but at the moment, across the continent, very few see resolution.

**Activities or Outputs**
Preparation of a user guide and a curriculum with CEJA. Modelling of the PARLe platform by the Laboratory. Adequate promotion of the platform through partners.
| Data source | Latinbarometro regularly compiles data on confidence in institutions. Universities regularly compile data on ICT use. ITU also provides metrics to that effect. PARLe software automatically generates quantitative data regarding number of cases, delays required, % of cases resolved consensually, etc. Working with partner academic institutions in the chosen locality, we will commission a survey to collect local data on confidence in judicial institutions. Working with partners in the telecommunication industry, we will request data on mobile and broadband internet use in the chosen locality. |
| Responsibility | CEJA will be in charge of providing adequate training and promoting the platform to jurists and legal professionals. André Saint-Onge of the Laboratory of Cyberjustice will supervise the technical aspects such as modelling and implementing the various modules. Karim Benyekhlef, prominent expert on online dispute resolution and director of the Cyberjustice Laboratory will supervise the social modeling of the platform and compliance with local legislation. Valentin Callipe, co-leader of the CoP, will build, reinforce and maintain our partnerships with local institutions. Large B2C corporations will be delegated part of the task of promotion as well, since their customers and their business will both benefit from the success of the platform. Local government agencies will actively take part in promoting a platform that reduces courtroom caseloads and increases access to justice. |
| Reporting arrangement | Reporting by external partners will be done quarterly. Some external reports are only generate yearly. The software will generate automatic reports to evaluate week-to-week progression. |
| Monitoring and evaluation | Increases of confidence in justice system will be measured replicating Latinbarometro’s methodology in the locality where the platform is implemented and testing for statistically significant difference with national data gathered by the organization. Increases of low-monetary value claims seeing resolution will be measured by comparing data generated by the platform with baseline indicators collected pre-launch from courthouses in targeted localities. Auto-evaluation tools embedded in the platform will allow users to provide qualitative and quantitative feedback about their experience. Results will be shared throughout the academic community and notably with members of Social Sciences and Humanities Research Council’s Major Collaborative Research Initiatives project: “Towards a Cyberjustice” |
| Peer reviewer | Marco Nicoli, Head of GFLJD Secretariat Legal Vice Presidency Harold Epineuse, Institut des hautes études sur la Justice (France) Luciane Klein Vieira, International Law Professor — FACAMP/PUCC/UBA |
| Budget | Estimated total cost: 1,440,160 USD Estimated value of in-kind contribution from intellectual partners: 700,000 USD Requested financing: 740,160 USD |
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8 Richard C. Reuben, ADR and the Rule of Law, 16 No. 4 DISP. RESOL. MAG. 4, 4 (2010)
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C. Hernández & R. Adelardi, Perspectivas de uso e impacto de las TIC en la Administración de Justicia en América Latina 5 (working paper, CEJIA & Microsoft n.d.). Original text in Spanish: “Las TIC podrían tener un alto impacto en mejorar los niveles de transparencia en la operación de las instituciones del sistema de justicia, en mejorar el acceso de la ciudadanía al sistema de justicia, en aumentar los grados de eficiencia y eficacia en el desempeño de múltiples labores, en posibilitar y potenciar los procesos de innovación en la impartición de justicia y en la gestión judicial, en posibilitar la auditoría ciudadana sobre el sistema de justicia, en facilitar la rendición de cuentas de las autoridades judiciales a la ciudadanía, entre otros ámbitos.” Cited in Gabriela R. Szkak, Online Dispute Resolution in Latin America, in Online Dispute Resolution: Theory and Practice, A Treatise on Technology and Dispute Resolution, 534 (Mohamed S. Abdel Wahab, Ethan Katz, & Daniel Rainey eds., Eleven Intl. 2012).

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September, 2015

TO THE STEERING COMMITTEE
General Information

Community of Practice co-leaders

- Auschwitz Institute for Peace and Reconciliation (AIPR)
- Budapest Centre for the International Prevention of Genocide and Mass Atrocities
- International Criminal Court (ICC), Trust Fund for Victims

Leading Partners for the present proposal:

United Nations Interregional Crime and Justice Research Institute (UNICRI)
Marco Musumeci, Program Coordinator
Telephone: +41-229-175995
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The World Bank, Legal Vice-Presidency
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Other potential partner organisations to be invited to join the project (non-GFLJD Members)

Legal Side:
US Department of State, Office of Global Criminal Justice
Contact: Ari Bassin

Handa Center for Human Rights and International Justice
Contact: Dr. David Cohen

University of Stanford Law School
Contact: Beth Van Schaack

International Criminal Tribunal for Yugoslavia (ICTY)
Contact: Oliver Windridge

International Criminal Tribunal for Rwanda (ICTR)
Contact: James Arguin
Program Implementation Period:

    Start-up, testing and outreach phase 24 months
    Implementation and dissemination phase 12 to 24 months

Total Program Cost (first 24 months): US$ 1,593,300

Requested Financing:

US$ 1,593,300 for first 24 months

Executive Summary

The project aims to deter war criminals and facilitate the work of investigators and criminal
courts by supporting the collection and preservation of critical evidence of atrocity crimes.
It is an initiative developed within the Global Forum on Law, Justice and Development,
co-led by UNICRI and the World Bank, with the initial participation of the International
Criminal Court, the Auschwitz Institute for Peace and Reconciliation, and the Budapest
Centre for the International Prevention of Genocide and Mass Atrocities.

I. Introduction and context

The international legal and political framework addressing “atrocity crimes”, established that
member states have a “Responsibility to Protect” (R2P) their citizens from genocide, war crimes,
ethnic cleansing and crimes against humanity.

This development has deepened the collective responsibility of the international community and
also created specific responsibilities in this regard.25 Namely, these responsibilities involve: the
responsibility to encourage and assist states in fulfilling their own responsibility towards R2P and
to use appropriate diplomatic, humanitarian and other means to protect populations from these
crimes.26

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25 “Fulfilling our collective responsibility: international assistance and the responsibility to protect”, report of the
Secretary-General (A/68/947/S/2014/449
26 For more information on these aspects, refer to the Outcome Document of the 2005 United Nations World
Summit (A/RES/60/1 para 138-140) and the Secretary-General’s 2009 Report (A/63/677) on Implementing the
Responsibility to Protect
The international community has also used specific means to ensure that criminals responsible for atrocity crimes stand trial and future criminals are deterred from committing similar acts.

However, investigations of atrocities often occur years after a crime has taken place. Due to legal, political, and resource-related obstacles that exist in organizing criminal trials for atrocities, certain crimes are investigated more than 30 years after they were committed (e.g. Extraordinary Chambers in the Courts of Cambodia (ECCC)). This delay in investigating crimes creates a risk of losing evidence or having witnesses inaccurately recollect events. Indeed, with the passing of time, witnesses may not remember important details regarding a crime (e.g. location, the type of uniform a soldier may have been wearing, the gun carried, or any insignia identifying the perpetrators). The witness may only remember a blur of images – a blur that would be insufficient to lead to the conviction of a defendant in a court of law.

A number of these problems could be solved with a documentation and storage system that allows individuals to immediately report any atrocity crimes that they witness by using a smart phone application, a website, or a text messaging service. World Bank indicators show a steady increase in the use of mobile devices and smartphones and an increasing access to the internet. The increase in use of such technologies gives them the capability to be used as powerful tools for collecting evidence of atrocity crimes and fostering accountability.

II. Proposed Project Development Objective/Expected Outcome

A. Proposed Development Objective

The project aims at creating an independently operating system that would, in a neutral way, guide individuals in reporting information about atrocity crimes. Information submitted through the website, smartphone application, or text-messaging system, will be sent to a central server, and will – at the conclusion of a conflict – assist investigators and courts in investigating atrocity crimes that have taken place. The hope is that this evidence would facilitate the work of investigators and criminal courts, working either at the domestic or international level.

Specific objectives include:

27 For more information, see indicators on use of mobile phones, at http://data.worldbank.org/indicator/IT.CEL.SETS.P2; and internet access at http://data.worldbank.org/indicator/IT.NET.USER.P2; See also World Bank / AfDB (2012), The Transformational Use of Information and Communication Technologies in Africa; World Bank, World Development Report, forthcoming.
1) Assessing and identifying ways in which the technology can facilitate the collection of evidence for investigations and improve the reliability of witnesses in international criminal trials.
2) Developing, testing and finalizing a system that can be used on several platforms (computers, ordinary phones, and smartphones) to collect and transmit evidence of atrocity crimes.
3) Establishing a secure reference database to safely store the evidence that has been submitted by witnesses. Investigative bodies from national courts and international courts will be able to request access to review evidence that has been submitted.

B. Intermediate Results and Final outputs

The intermediate results will be the different versions of the system (the website, smartphone application, and the text-messaging service).

January – June 2016: The first version of the system (smartphone application, website, and text-messaging system) will take roughly six months to design. At the same time, the database will be established to properly store relevant evidence.

June – December 2016: After the database is established and is ready to receive submissions, a pilot project will be conducted. Possible locations for the pilot project include: Mexico, Ukraine, and Syria.

2017: The project will then be marketed among NGOs and ordinary citizens within the first test region (either Syria or Ukraine). In addition, speech-recognition versions of the system will be created to give access to illiterate, blind, and paraplegic/quadriplegic users. Further modifications will be made to the system to ensure maximum accessibility in the targeted communities.

2018 - Onwards: Further on, if the documentation system works well in one region, it will be marketed to other locations. Later versions will modify problems reported by users.

Final outputs will also include:

1) Awareness Raising Actions: Raising awareness about the system among relevant actors inside and outside of conflict zones.
2) Secure Storage: Secure database for the storage of electronically collected evidence.
4) Documentation System: Complete system that allows for the reporting, collection, management, and transmission of evidence, in situations where atrocities are occurring.

III. Project details
A. Concept

1) Development of electronic tools for reporting atrocity crimes; testing of the process and the security features of the tools; language translation of the tools and testing the tools with a select number of development partners.
2) Implementation of criteria and protocols for having a secure database for the storage of submitted evidence.
3) The creation of such a database with appropriate security protocols to protect the evidence.
4) Forging partnerships with international courts to support the project and provide feedback on the system, its security features, and the quality of the evidence.
5) Implementing suggestions provided by courts and other relevant bodies.
6) Developing contacts and presenting the project to the United Nations and relevant international organizations.
7) Setting up a pilot initiative to test evidence collection mechanisms, database security protocols and transmission of evidence to Court (in cooperation with AIPR and the Budapest Centre).
8) Communication, raising awareness of the system, and visibility activities (done in cooperation with the AIPR and the Budapest Centre).
9) Finalization of security protocols concerning evidence storage and transmission.

Building on proposals submitted by partners of the Global Forum on Law, Justice and Development to develop tools for capturing and storing evidence of atrocity crimes, the Global Forum’s Secretariat has initiated a process aimed at identifying how to best implement an overall system for the collection of critical evidence related to atrocity crimes. The focus of the GFLJD Secretariat has been aimed at validating the usefulness of the initiative, examining aspects related to witness protection, reviewing the technical aspects of the tools, and determining the requirements for such submitted evidence to be used in court.

The project has now identified most of the above mentioned aspects and needs to move to the development of the system’s components: the website, smartphone application, and text-messaging service.

The different means of reporting crimes (computer, smartphone application, and text-messaging system) allows for a variety of ways for different segments of the population to transmit evidence. Among the relevant target users are NGOs activists, who readily have the most access to such technologies, locals affected by violence, and soldiers on the battlefield.

Considering the potential of the project in assisting the prosecution of atrocity crimes, the World Bank will lead activities in this project aimed at developing and testing a pilot version of the project.
Given how sensitive the information transmitted is, an impartial body will supervise the database that stores the data sent from witnesses. This body will be responsible for giving appropriate access to relevant courts that are conducting investigations of crimes. It will ensure that there is security at the two key stages of the transmission process. First, it will ensure the security of information sent by witnesses to the database. Second, it will ensure the security of information sent from the database to relevant bodies conducting investigations. Relevant encryption methods will guard against interference from third parties.

The information will then be analysed and catalogued for the use of investigation teams. To ensure greater security, a list of verified investigators, prosecutors and prosecuting teams authorized to receive the data, will be established, by agreement, between the database authority and the relevant investigating party. Also, appropriate ways of using this kind of evidence in court will need to be discussed and agreed upon, even, if needed, on an ad hoc basis. UNICRI will be responsible for this part of the project.

In particular, UNICRI HQ in Turin will physically store the database and maintain its general operation. The UNICRI Office in Geneva will be responsible for the management of activities, keeping relationships with the other relevant UN Organizations in Geneva and different international criminal courts.

B. Implementing agency and Capacity assessment:

Legal Expertise: The project will be managed by UNICRI and the World Bank. The activities will be carried out in collaboration with a broad international network of international organizations, international courts, practitioners and experts.

Technical Expertise: The technical expertise for the design of the system will be handled by the World Bank.

C. Specific Division of Roles and Responsibilities:

1) Fundraising: UNICRI and GJFLD will work to ensure the documentation system has sufficient funds to successfully operate. They will fundraise by: seeking out grants from organizations, obtaining funding from private corporations, and developing partnerships with organizations that could loan personnel and resources. Through these methods, UNICRI and GJFLD will both use their respective contacts in order to gather the necessary funds.

2) Building Strategic alliances with key international partners: The GFLJD Secretariat will develop key alliances with international partners to maximize the impact of the system. It already
has an extensive membership among different organizations with an expertise in law, world regions, disability rights, rule of law reform, empowerment of diverse communities, and many others. The GFLJD Secretariat will draw on this network of exports in establishing the necessary parts of the documentation system – whether this is the creation of the system itself, fundraising, marketing, or language translation.

3) **Project document finalization**: Both UNICRI and GJFLD will be responsible for creating the necessary documents for managing this proposal as well as other proposals to cooperate with other organizations. It will also update documents that accurately describe how the documentation system operates, the current partners of the project, and plans for future action.

4) **Development of the technology; and security features; test phase begins**: The World Bank will be in charge of developing the technology, creating the relevant security features, and organizing the initial phase of testing. The World Bank will primarily be responsible for the creation of the technologies themselves while UNICRI – the collector of such information – will verify whether such information is being properly stored into the database. Specifically, the World Bank will rely on the contracting organization Llobe Design to make the necessary website and CloudXtension to make the necessary mobile phone app. Moreover, UNICRI will organize the use of the FrontLineSMS Cloud system to collect evidence submitted by text-messaging system.

5) **Language translation of the system and testing with a selected number of development partners**: The language translation of the system will be achieved through a number of partners. AIPR and The Budapest Center will work together to translate to create an initial translation of the relevant technologies. Specifically, AIPR has contacts with individuals who will be able to translate the system into: Arabic, French, Russian, Ukrainian, and Spanish. With time, these two organizations will also create translations for users in other conflict zones that speak different languages. The ICC will verify whether these versions of the system and the evidence they collect could be modified to solicit better information from users.

6) **Establishment of criteria for the setting up of a secured database to store electronically collected evidence; Creation of the database and security protocols**: UNICRI will be responsible for setting up a secure database, storing evidence, creating security protocol, and managing the information. Upon collecting the information, it will work to make agreements in providing access to relevant and qualified investigation teams.

7) **Development of an awareness raising campaign on the importance of evidentiary data**: UNICRI, AIPR, and the Budapest Center will work together in making an awareness campaign to ensure that this system is noticed by witnesses of atrocity crimes. The three organizations would work to: organize marketing campaigns through newspapers, make online advertisements,
establish seminars in specific region to teach people how to use the technology, and distribute fliers in the relevant conflict zones. The distribution of work surrounding the marketing campaigns will be made on a case to case basis – depending on the location of the conflict zone being targeted and which organization has the greatest capacity to market the system there.

D. Sustainability and Impact

This project which supports the collection and preservation of evidentiary data in atrocity crimes, like others, is not without risks. However, risks can always be minimized. One of the key risks is that electronic evidence is subject to the exact same rules of evidence as paper documents. However, because e-evidence is subject to manipulation and questions of ownership are often hotly contested, the need to authenticate is usually the most difficult to overcome and with the demand for more e-evidence, courts will continue to grapple with the new electronic frontier.

In terms of sustainability, after the database is placed on the server, the system will be able to be used indefinitely. The only cost in the future will be server maintenance costs and cost of personnel who will work to manage the relevant functioning of the system. Moreover, in terms of impact, the system will not aim to entirely replace how evidence is collected. It is aimed at complementing traditional approaches and helping in triangulating information. Ideally, this information will be used by the ICC, hybrid courts, or local courts, in better conducting criminal investigations.

E. Financial details / Eligible expenses

Budget in USD for 24 months of activity

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel costs</td>
<td></td>
<td>1,280,000</td>
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<tr>
<td>World Bank/GFLJD staff</td>
<td>100,000</td>
<td></td>
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<tr>
<td>Development of the documentation system, testing, and refining the system.</td>
<td>140,000</td>
<td></td>
</tr>
<tr>
<td>UNICRI database manager in Turin</td>
<td>140,000</td>
<td></td>
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<tr>
<td>UNICRI staff in Geneva</td>
<td>400,000</td>
<td></td>
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<tr>
<td>Auschwitz Institute for Peace and Reconciliation</td>
<td>250,000</td>
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<tr>
<td>Budapest Centre for the International Prevention of Genocide and Mass Atrocities</td>
<td>250,000</td>
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F. Monitoring / Evaluation:

Monitoring and evaluation will happen through three methods. First, online surveys will be available for users. Moreover, when a specific NGO is actively using the system, they will receive regular surveys asking for how the documentation system is functioning. Second, contracted tech consulting agencies will periodically review the system and provide suggestions on how to improve the design. Third, the relevant implementing partners (e.g. World Bank, UNICRI) will also submit periodic self-evaluations to be shared between the other implementing partners. Through all three methods, the relevant parties will provide information on whether there are issues (e.g. technical, security, design) with the system that need to be resolved.

IV. Results framework

Please find the results framework attached in the Annex.
Title: Collecting and Preserving Evidence on Atrocity Crimes: International Assistance Contribution to the States’ Responsibility to Protect (Pillar 2)

Executive Summary: The project is an initiative developed within the Global Forum on Law, Justice and Development, co-led by UNICRI and the World Bank, with the initial participation of the International Criminal Court, the Auschwitz Institute for Peace and Reconciliation, the Budapest Centre for the International Prevention of Genocide and Mass Atrocities. It is aimed at supporting the collection and preservation of critical evidence in atrocity crimes and creating a deterrent to crime perpetrators by facilitating the work of National and International Criminal Law Tribunals.

<table>
<thead>
<tr>
<th>Proposed Development Objective</th>
<th>Audience &amp; Markets</th>
<th>Expected Outcome(s)</th>
<th>Intermediate Results Indicators</th>
<th>Baseline</th>
<th>Activities or Outputs</th>
<th>Data Source</th>
<th>Responsibility for Implementation</th>
<th>Repayment &amp; Evaluation</th>
<th>Peer Evaluation</th>
<th>Budget $,000</th>
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<tbody>
<tr>
<td>Funding</td>
<td>Fundraising</td>
<td>UNICRI FLJD</td>
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<tr>
<th>Project Objective</th>
<th>Expected Results</th>
<th>Activities or Outputs</th>
<th>Data Source</th>
<th>Responsibility for Implementation</th>
<th>Repayment &amp; Evaluation</th>
<th>Peer Evaluation</th>
<th>Budget $,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>A database populated with evidentiary data</td>
<td>Building strategic alliances with key international partners</td>
<td>GPLJD, Secretariat</td>
<td>Self</td>
<td>All project partners</td>
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<tr>
<td>Project document finalization</td>
<td>UNICRI, GPLJD, Secretariat</td>
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<tr>
<td>Development of the technology-based application including database and security features; test phase begins</td>
<td>WB</td>
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<tr>
<td>Language translation of the “app” and testing with a selected number of development partners</td>
<td>WBI</td>
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<tr>
<td>Identification and creation of electronic reporting tools (application, website, text messaging service)</td>
<td>UNICRI</td>
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<tr>
<td>Establishment of criteria for the setting up of a secured database to store electronically-collected evidence</td>
<td>UNICRI</td>
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<td>Creation of the database and security protocols</td>
<td>UNICRI</td>
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<tr>
<td>Knowledge of the availability and importance of evidentiary data in atrocity crimes</td>
<td>Development of an awareness raising campaign on the importance of evidentiary data</td>
<td>UNICRI, Auschwitz Inst, Budapest Centre</td>
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<td>ICC</td>
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Enabling Access to Justice, Decision-making and E-governance for Persons with Disabilities

Thematic Working Group Work (TWG) Program on
“Empowerment and Equity for Diverse Communities”
July 30, 2015

TO THE STEERING COMMITTEE
General Information

**Project Team:** The proposed team for the project are: Marco Nicoli (Legal VP), Charlotte McClain-Nhlapo (GP SURR), TBD Governance Expert (World Bank), Janet Lord (Technical Director), Burton Blatt Institute; Deepti Samant Raja (Project Coordinator, Consultant, World Bank); Axel Leblois & G3ict team; Professor Jae-Won; Francis Kollie (Prison Fellowship Liberia, Liberia).

**Partners:** Burton Blatt Institute, Syracuse University, USA (GF Partner); G3ict (GF Partner); Hangdong University, Faculty of Law, South Korea; Namibian Law Commission, Namibia.

**Budget and funding:** Proposed funding for the project is USD $325,000.

I. Introduction and Context

**Program Context and Background**
It is well established that poverty and disability are inextricably linked and both have a direct impact on health, well-being and development outcomes.¹ The Convention on the Rights of Persons with Disabilities (CRPD or Convention) is one of the most rapidly – and widely – ratified human rights treaties. Its legal requirements present significant challenges for developing countries given that, prior to the CRPD’s adoption in 2006, only a handful of countries had more than a rudimentary disability rights framework. Law schools, legal assistance organizations and governments are largely ill-equipped to effectively provide legal support in the broad spectrum of issue areas covered by the Convention. Few lawyers and judges understand disability law and disability law - to the extent the law does address individuals with disabilities - is still not adequately covered in legal education in developed or developing countries. Legal professionals are important stakeholders in disability law reform and implementation, as are national law commissions, but require support to attain relevant expertise. Furthermore, disabled peoples organizations (DPOs) have a relatively short history of participation in law and policy advocacy. DPOs are eager to support disability law reform, but require specific training in order to be effective advocates. As a consequence, there are significant gaps in CRPD implementation for ratifying states. The proposed project seeks to address one aspect of this gap, namely, the provision of high quality and practical legal technical assistance tools, together with web-based and fully accessible accompanying webinar modules, on discrete topics. These knowledge tools will help

disability law reform and development efforts gain significant traction and pave the way for more extensive legal reform and effective monitoring and implementation. Addressing the lacunae in high quality legal assistance tools to advance the implementation of international standards on disability is part and parcel of the recognition that all segments of society must be empowered to participate in and benefit from development. As recognized by the World Bank, United Nations and international community generally, this requires concerted efforts to reduce entrenched inequality and discrimination that persons with disabilities experience around the world. The post-2015 development agenda must accommodate the voices of women, men and children with disabilities and approaches in law, policy and practice to improve government service delivery in a number of areas is essential in this context. One dimension of removing the obstacles to their full participation in development by persons with disabilities is to create user-friendly, evidence-based knowledge tools that are disability-specific in focus, and oriented to facilitating law and policy development in discrete areas in alignment with the CRPD. This will enable persons with disabilities to be participants in development and to enjoy equal access to justice (in all spheres) and decision making processes (such as elections) and ICTs (government websites and online services) among others.²

Too often resources that attempt to have regional and global reach are inaccessible, outdated, piecemeal, or of dubious quality in terms of providing operational guidance on disability rights implementation. Additionally, they are heavily reliant upon inherently unreliable URLs; pose significant access barriers to persons with visual, print and cognitive disabilities; are limited in their depth of coverage for advancing the effective implementation of disability legislation; or are cumbersome to navigate. The tools proposed herein will be of high quality and yet will be navigable; accessible and user-friendly; and tied to practitioner needs. The role and success of technology in advancing access to justice and governance systems through e-governance, ICT-enabled access to benefits and welfare resources, access to legal aid, and overall participation in citizenship and social inclusion is evident in development programming. However, to ensure that technology-enabled governance and legal systems can equally benefit persons with disabilities, appropriate policies, technical standards, and processes have to be in place to ensure accessibility of ICT.³ The project deliverables will include technical assistance on ensuring accessible technology-enabled governance and legal systems including developing procurement policies for accessible ICT, technical guidance, and case studies.

Objective 1: To increase the capacity of law schools, legal aid clinics and governmental justice sector actors to identify and remove barriers that inhibit equal access to justice for persons with disabilities.

Numerous barriers exist for persons with disabilities in seeking access to justice and legal remedies. Some of these barriers parallel those that all marginalized groups experience and that contribute toward disempowerment, while others are more specific to disability. The project will put into place a framework for the provision of contextually tailored technical assistance to civil society and government, and for reaching achievable, measureable and sustainable outcomes. Possessing the breadth and depth required to design, implement and evaluate disability inclusive interventions as stand-alone or integrated legal assistance programming, our approach can respond to a broad range of technical assistance needs expressed through the LDJ’s Community of Practice focusing on disability law. Our team possesses a wealth of experience in creating disability law tools and adapting them for local contexts in partnership with local DPOs and governments. We will establish a coherent implementation schema through the following activities which are integrally linked to piloting toolkit components in Namibia, Liberia and Myanmar under Objective 2 Activities.

Activity 1. 1. Develop Disability Legal Practice Series. Drawing from consultations with local partners in West Africa, Southern Africa and Myanmar, we will develop and publish a Legal Practice Series to fill substantial gaps in existing resources for NGOs, DPOs, attorneys and government legislators and civil servants. The series will address discreet topics of need and at least two will be placed in the African Disability Rights Yearbook (published by the University of Pretoria). The complete Practice Series will be (open-sourced) on the Project website, thereby creating a multiplier effect. Partners will contribute a minimum of 8 publications over the 18 month program. Anticipated topics based on preliminary discussions with local partners are set forth in Box 1 below.

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5 The first volume of the African Disability Rights Y.B. is at: http://www.pulp.up.ac.za/pdf/2013_07/2013_07.pdf
Activity 1.2. Develop roadmaps to remove barriers in accessing justice mechanisms to redress discrimination on the basis of disability. Inflexible court policies, practices, and procedures and inaccessible public information about courts and court services limit access to justice for persons with disabilities. ICT barriers – ubiquitous given the rapid move to e-government mechanisms under court administrative reform projects in developing countries – create additional, often insurmountable barriers. Given recognition that access to justice programs for marginalized groups is essential and must be pursued in conjunction with top-down justice sector reform strategies, there is a great need, including through existing platforms for continuing legal education, law school clinics, legal aid programming, judicial training institutes, to enhance disability inclusion. This activity will develop two roadmaps for removing such barriers through (1) the development of legal assistance tools to make legal assistance programs accessible to persons with disabilities, identifying barriers and solutions in accessing court facilities, procedures and policies, incorporating disability law training into judicial training institute curricula and ensuring accessibility of legal education to students with disabilities. The second roadmap will focus on (2) the development of curriculum contents for law studies on ICT Accessibility obligations including, analysis of the obligations of States Parties in relation to ICT accessibility and assistive technologies; identifying a typology of ICT policies and implementation processes; Accessibility standards and guidelines; Public procurement; relevant case studies based on existing jurisprudence; and specific considerations regarding e-government and justice. These and other aspects of improving access to justice for persons with disabilities is essential to create well-trodden pathways for the enforcement of legal rights.

Activity 1.3. Design online training and continuous learning modules. The project will develop, as companion resources, a series of short online webinars, on topic covered in the practice series. Drawing on our training materials and Practice Series (and the team’s extensive experience in interactive and accessible curricula design and delivery), we will develop content for a series of interactive, self-paced online modules. All online modules will include a request for general feedback on the module and anonymous evaluation by participants who complete modules.

Objective 2: To offer customized advice and guidance to governments and civil society.
**Activity 2.1. Design and develop Virtual Disability Law & Development Think Tank.** We will develop a content management and communication platform – creating in the process a virtual Disability Law & Development Think Tank - for the knowledge tools we develop and for interactive dialogue and webinar hosting. This will offer an integrated Content Management System (CMS) platform and Web 2.0 social networking tools (e.g., Twitter, Facebook, Instagram, Skype, RSS feeds), based on consumer needs and preferences that are compatible with multiple ICT user interfaces, including web-enabled mobile phones, different hardware, software, bandwidth, diversity of locations, education and literacy levels, as well as physical (vision, hearing, dexterity etc.) and cognitive differences. It will include a mobile optimized website for web-enabled mobile phones. The Disability Law & Development Think Tank platform will be open to the general public, but provide password protected access to project partners responsible for content updates and maintenance. The CMS platform and Web 2.0 tools will provide the means and support by which disability law and development experts can work to facilitate the work of the Global Forum on Law, Justice and Development emerging network under the disability sub-community of practice, and registered users will build networking and collaboration.

**Activity 2.2. Customize content for technical support.** We will customize the contents developed under Activity 1.1, 1.2 and 1.3 to roll out technical assistance, specifically tailored to country needs. We anticipate content customized for in-person and web-based learning. Using the Disability Law & Development Think Tank platform supported by the technical assistance tools developed under Activity 1, we will, in close consultation with developing country local partners, select topics for training and assistance, to be implemented via webinar and three in-person sessions. For illustrative topics, see Box 2.

**Activity 2.3. Implement Small Scale Pilots.** We aim to provide technical assistance to advance implementation objectives in three pilot countries (Liberia, Namibia, and Myanmar) and thus test our resources with governments, DPOs/NGOs, and legal professionals. Drawing on our partners’ ability to contribute virtual training, we anticipate being able to test drive our training modules beyond our pilot countries to expand our reach.

**Objective 3: Ensure widespread dissemination of knowledge products and engage in outreach to stakeholders.**
Activity 3.1. **Launch knowledge products and dissemination events.** Our launch activities will be designed to show how knowledge products may be used in technical assistance activities to support government institutions, skills-building for disability rights legal advocacy among DPOs/NGOs, and legal practitioner training, whether for those in government (e-government focal points) on the bench (judges), in daily practice (lawyers) or in teaching (law schools). Our M&E plan will capture evidence-based results and impact, accommodating program modification as needed.

Activity 3.2. **Promote dissemination of technical resources through e-Networks.** Project partners will promote technical resources on the G3ict web site, partner websites and social media among policy makers, DPOs and other relevant stakeholders such as justice officials and personnel, administrators, web developers or service providers. Moreover, with G3ict taking the lead, we will promote the use of technical resources developed among international organizations and national governments, both through GFLJD and through the G3ict network, including national designated agencies responsible to implement the CRPD (e.g., national human rights commissions, disability commissions, law commissions, and election management bodies).

**II. Proposed PDO/Expected Outcome**

**Development Objective (DO):** The proposed project will develop knowledge and technical assistance products aimed at reducing the disparities in access to governance, civic decision making, and justice systems for persons with disabilities. Little to no attention has been given to law, policy and practice to improve service delivery in these discrete areas (e.g., court systems and facilities; e-government; electoral access; legal assistance). Today, there are effective practices, including law and policy approaches and the use of information and communication technologies (ICTs) that can ensure equal opportunities for persons with disabilities in access to justice and governance processes. This project will serve governments, academics, and legal practitioners by offering roadmaps and guides to operationalize different effective elements. Moreover, the project is directly responsive to the (proposed) Sustainable Development Goal 10, *Reduce inequality within and among countries*, targets 6.10.2 and 10.3. It also directly addresses SDG Goal 16, *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*, target 16.b,7 *Promote and enforce non-discriminatory laws and policies for sustainable development*. Additionally, the project responds to the World Bank Group’s overarching goal of ending extreme poverty and

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6 SDG 10, target 10.2: By 2030 empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status; SDG 10, target 10.3: Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and actions in this regard.

7 Target 16.b aims to “Promote and enforce non-discriminatory laws and policies for sustainable development.”
shared prosperity, improving service delivery in the context of enhancing access to justice for persons with disabilities who represent 15% of the world’s population and who live among the poorest of the poor.

**Geographic focus:** (global, regional, country) The materials to be developed during the course of the proposed project are expected to have global relevance insofar as they will develop technical assistance tools that provide beneficiaries with roadmaps and guides for identifying and breaking down barriers in accessing the legal and governance systems and expanding participation in legal process for persons with disabilities. The tools will be specifically piloted at the regional level, in West Africa (Sierra Leone and Liberia) and Southern Africa (Namibia). They will be piloted as well in Myanmar and South Korea.

**Audiences/Beneficiaries:** Anticipated beneficiaries are: (1) government departments tasked with implementing access to justice and access to decision-making obligations, especially focal points for persons with disabilities; (2) university partners seeking to integrate disability into their curriculum and legal clinic and assistance work; and (3) legal advocates representing persons with disabilities in civil society.

**Results Framework:** Detailed outputs, project components & accountability mechanisms are set forth in detail in the template provided in Annex 1.

**Dissemination Plan:** The primary deliverable will be an online, accessible clearinghouse with knowledge and technical assistance materials. We will roll out project deliverables in multiple venues over the course of the project, including: (1) Law, Justice and Development Week events at the World Bank; (2) Conference of States Parties to the Convention on the Rights of Persons with Disabilities in New York side event to be co-hosted by partners and either the Government of Korea or Government of Ecuador Permanent Missions to the UN; (3) National University of Ireland (Galway) Summer School on Disability Law; (4) 2 pilot country venues; (5) African Disability Rights Yearbook annual launch and conference; and (6) online, through the G3ict network and via webinar launch and pilots.

III. Program Details

**Risk management:** We foresee limited risk in the implementation of our project, however, we will put into place a rigorous monitoring and evaluation plan which will include continue monitoring and adjustments in order to address risk. In addition, recognizing that travel to pilot countries may at times be restricted, we have in place contingency plans in case that partners are unable to travel to pilot venues. Likewise, launch events will have back-up plans.
<table>
<thead>
<tr>
<th>Proposed Development Objective</th>
<th>Audience / Beneficiaries</th>
<th>Expected Outcomes</th>
<th>Intermediate Results / Indicators</th>
<th>Baseline</th>
<th>Activities or Outputs</th>
<th>Data Source</th>
<th>Responsibility</th>
<th>Reporting Arrangements</th>
<th>Monitoring and Evaluation</th>
<th>Poor Risk Factors</th>
<th>Budget</th>
</tr>
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<tbody>
<tr>
<td>Increase the capacity of law schools, legal aid clinics and governmental justice sector actors to identify and remove barriers that inhibit equal access to justice for persons with disabilities.</td>
<td>Legal sector personnel, DPO rights advocates and other civil society law students, legislators, civil servants, development practitioners</td>
<td>1. Availability of technical assistance resources 2. Trained legal sector personnel to handle disability rights case law</td>
<td>Improved knowledge on disability rights legal framework Demonstrated increased skills Number of downloads of practice series materials</td>
<td>Assessed through pre-test before using materials Activity 1.1 Develop Disability Legal Practice Series Pre and post test surveys for users of data series Website analytics tools for number of downloads data</td>
<td>EBIL, G3ict &amp; local partners</td>
<td>Quarterly Reporting, managed by Project Coordinator. We report on progress towards our project objectives and changes from baseline in Quarterly Reports. Each report will include data on Number of beneficiaries targeted during the reporting period; Number of beneficiaries reached during the reporting period; Cumulative number of beneficiaries targeted to date; Cumulative number of beneficiaries reached to date; A description of assessments used to measure results; and Success stories and an explanation of successes achieved, constraints encountered, and adjustments made for achieving program objectives.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Completion</td>
<td>35,000</td>
</tr>
</tbody>
</table>
| Policy makers, legislators, governace personnel, legal system personnel, law schools | 1. Roadmap and legal assistance tools  
2. Improvements in legal system accessibiliy  
3. Increase in disability rights and accessibility curricula in legal training programs | Use and uptake of roadmaps and legal assistance tools  
Demonstrated improvements in knowledge  
Perception of confidence in developing accessible legal systems  
Evidence of improvements in legal system accessibility | Activity 1.2: Develop roadmaps to remove barriers in accessing justice mechanisms to redress discrimination on the basis of disability | User surveys and interviews  
Website analytics to assess downloads  
Review of changes in country’s governance and legal systems | Project Director, Coordinator | Quarterly progress reports | X | X | X | Both | 35,000 | 35,000 |

| Legal sector personnel, DPO rights advocates and other civil society, law students, regulators | Resource for continuing education  
Self-paced technical assistance for stakeholders | Number of knowledge materials developed  
Number of visits to online materials  
Number of users | Activity 1.3: Design online training and continuous learning modules | User feedback  
Website analytics tool | External experts  
Global Civil Society & local partners | Quarterly progress reports | X | X | X | Both | 40,000 | 40,000 |
| Legal sector personnel, DPO rights advocates and other civil society, law students, legislators, civil servants, development practitioners | Tailored knowledge products for users in different target countries | Number of knowledge materials developed | Number of in-person and online learning sessions | User satisfaction | Improved knowledge and capacity | Activity 2.2. Customize content for technical support | User feedback | Website analytics tools | Counter for number of materials developed, number of learning sessions | BBI (primary) and local partners | Quarterly progress reports | X | X | X | X | Both | 45,000 | 45,000 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Governments, DPOs, NGOs, legal professionals | Tested and validated training modules and models for technical assistance for widespread dissemination | Participant feedback, satisfaction | Improved capacity to address disability law issues | Improved knowledge and awareness | Activity 2.3. Implement Small Scale Pilots | Pre and post test surveys for users of data series | Surveys and interviews with users | Surveys and feedback from persons with disabilities | BBI (primary) and local partners | Quarterly progress reports | X | X | X | At completion | 45,000 | 45,000 |
| Ensure widespread dissemination of knowledge products and engage in outreach to stakeholders | Increased awareness of access to justice and decision-making for persons with disabilities through strategic dissemination of knowledge products (knowledge building) | Increased access to information | Activity 3.1. Launch knowledge products and dissemination events | User feedback Website analytics tools | BBL G3ict & local partners | Quarterly progress reports | X | X| X | At completion and during revisions | 25,000 | 25,000 |
| DPOs/NGOs, legal and justice sector practitioners, government (government focal points) on the bench (judges), in daily practice (lawyers) or in teaching (law schools) | Increased awareness of disability rights through strategic dissemination of | | | | | | |
| DPOs/NGOs, and legal practitioner training, whether for those in government | Increased awareness of disability rights through strategic dissemination of | | | | | | |
| OPBs/NGOs, and legal practitioner training, whether for those in government (e-government focal points) on the bench (judges), in daily practice (lawyers) or in teaching (law schools) | Increased awareness of disability rights through strategic dissemination of knowledge products (Knowledge building) | Increased access to information | Number of tools uploaded | Number of launch events held | Number of participants attending launch event | Number of hard copies and electronic versions disseminated | Activity 3.2. Promote dissemination of technical resources through e-Networks. | User feedback | Website analytics tools | Event registration sheets | Counter for number of materials developed, number of events | Quarterly progress reports | X | X | X | X | At time of launch (via Monkey Survey and launch event evaluation) | 20,000 | 20,000 |
Tool Kit on Strengthening Rule of Law Leadership and Advisory Capacity ("ROLLAC")

Thematic Working Group Work (TWG) Program on “Justice and Rule of Law Reform”
May, 2015

TO THE STEERING COMMITTEE
General Information

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  Contact: N/A
Executive Summary

The Sub-Thematic Working Group on Building Trans-border and Local Competencies to Lead Rule of Law Reforms (“Local Competencies Group” or “Group”) has identified the need of developing countries to ensure the availability of local legal and other professionals to provide leadership in relation to legal, justice sector and rule of law reform. It views national leadership in the structuring and management of legal and justice sector reform as essential to ensuring national ownership and accountability. This goal would further both the Global Forum’s stated strategic objective of “building capacity of local leadership to tackle legal impediments and implement solutions” and draft Sustainable Development Goal 16.

The Local Competencies Group further notes that in all countries, the process of establishment, maintenance and improvement of the rule of law is a core governance function, which involves the interaction of multiple institutions and the permanent availability of professionals to manage these processes. This is required so that a country is able to establish and maintain a legal environment favorable to the realization of rights and development, suitable for its present and future needs.

The Group further notes the positive and increasingly effective engagement by the international community with countries wishing to undertake reforms and strengthen the rule of law and the positive impact such engagement is having on many fronts. At the same time, it feels that more can be done to ensure that beyond the focus of individual initiatives and programs, more needs to be done to help assisted countries build the specific knowledge and skills required to define and lead such reforms and innovations themselves.

1) Based on these observations the Local Competencies Group proposes to produce a Tool Kit on Strengthening Rule of Law Leadership and Advisory Capacity (“ROLLAC”) for use by all rule of law community actors (assisted countries, providers, donors, academics, etc.) which will offer practical tools which may be employed as an adjunct to all types of rule of law initiatives, in order to build the level of capacity required by countries to be able to lead subsequent waves of rule of law improvement and reform on their own.

2) The Tool Kit will seek to act upon the following priorities:

a. Developing country governments, rule of law assistance providers and the international development community should adopt measures designed to ensure that the development of national rule of law leadership is pursued in every rule of law and justice reform initiative. To this
end, the Tool Kit will provide specific guidance on what leadership means in the context of rule of law and how domestic actors can cultivate and apply it.

b. Strengthening rule of law leadership and advisory capacity should be included as a goal in key national level strategies such as poverty reduction development strategies (PRSPs) and justice sector strategies. By articulating ROLLAC as a national high-level goal, law reform efforts can be tailored to respond to nationally owned development frameworks, that donors or implementing agencies can refer to when designing rule of law reform initiatives in the future. To facilitate these processes, the Tool Kit will provide accessible information on strategic management techniques as applied to the justice sector.

c. It will also provide guidance on how international assistance efforts can gradually shift to technical support to initiatives designed and managed by local partners and support to peer-to-peer collaboration and exchange which is now commonplace between advanced professional communities, for example between legal and social science professionals from the various countries belonging to the OECD.

d. It will also provide guidance on comparative law analysis and the application of comparative law expertise for ROLLAC.

This project draws on the expertise of the various partners in building local capacity for justice reform and implementing justice sector reform projects. The main structure for the tool kit is based on the curriculum developed for the PROLAW Rule of Law for Development Masters Program at Loyola University of Chicago School of Law. The curriculum is designed to provide legal professionals with the capacity to design, lead, and manage rule of law reforms at the national level. The project further draws on case studies and the experience of GIZ in carrying out justice sector reform projects internationally, including its recent project with the World Bank Global Delivery Initiative on “Introduction of Administrative Justice in the South Caucasus”). Finally, the project will receive contributions on comparative law from University of Cape Town.

\[35\text{ In this regard see clause 35 (1) in Busan Partnership for Effective Development Co-operation, Fourth High Level Forum on Aid Effectiveness, Busan, Republic of Korea, 29 November – 1 December 2011, which states that: “Developing countries will lead in the elaboration of such frameworks which together with any indicators and targets agreed, will respond to their specific needs and will be grounded in their aid and development policies,” in the final chapter, ‘The Road Ahead: Partnering for progress towards and beyond the MDGs’ (2011).}\]
I. Introduction and Context

A. Context (global, regional, national)

The establishment, maintenance, adjustment and improvement of the rule of law constitute an ongoing core governance process in any well-governed country. Core governance processes are best managed by each country in order that the outcome of such processes are nationally owned and sustainable.

Many developing countries attempting rule-of-law reform are not doing so on their own. Development assistance aimed at improving justice and the rule of law is being provided by most bilateral and multilateral assistance agencies. These interventions and programs have greatly multiplied and are having a positive impact in recipient countries. One characteristic of such assistance, however, is that much of the leadership and management of resulting reforms is handled by external advisors.

All successful legal systems have profited from a healthy amount of borrowing from the examples and experience of other systems. However, there is a limit to what external assistance providers can contribute to national reform processes. The prospect for success of countries in establishing their own successful legal systems is closely related to whether such systems reflect the beliefs, culture, expectations and priorities of the people in the country concerned.

It is common and desirable for countries to learn about and evaluate best practices and examples from other countries and essential that all emerging legal systems incorporate accepted international norms such as human rights. But, prospects for achieving real and lasting change also depends upon the extent to which reform is rooted in slow and sustained domestic processes and led by domestic actors, including domestic legal professionals.

There are several limitations which initiatives largely designed by and managed by external partners may suffer. First, while many reforms require substantial time to be fully implemented, external partners typically need to show results in relatively short timeframes. The continuing support of external partners is also problematic. Most donors need to shift priorities to respond to the needs of their stakeholders and the donors themselves are subject to the continuing availability of resources. The limitations of external advisors themselves may have an effect. Successive waves of external advisors may provide conflicting advice or external advisors may provide advice that is not wellrooted in the priorities, domestic circumstances and processes of the countries being assisted. Recognizing these limitations, it is logical that resort to well-trained nationally-based advisors would be an attractive alternative.
Implicit within each request for rule of law technical assistance and often reflected in the authorization processes of the donors which support such requests is the hope and expectation that the time will come when the assisted countries will be able to design and implement rule of law initiatives on their own. In this context, the building of sustainable local rule of law leadership is critical to ensuring that future rule of law reform initiatives build on international experience, but are organically developed by local actors who understand respond to actual needs on the ground.

Fortunately, this line of thinking coincides with a consistent message from developing and emerging countries and the need for greater social agency. Citizens want greater control and a democratic voice to shape their own legal systems and institutions and wish to be recognized as invested actors in the governing process.\(^\text{36}\)

The idea of increasing national ownership is consistent with the commitments made by the development community in 2005 under the Paris Declaration on Aid Effectiveness favoring greater national ownership.\(^\text{37}\) This was emphatically reaffirmed in the Busan Partnership for Effective Development Co-operation, Fourth High Level Forum on Aid Effectiveness, Busan, Republic of Korea, 29 November – 1 December 2011 in clause 11 (a) which affirms that:

"Ownership of development priorities by developing countries - Partnerships for development can only succeed if they are led by developing countries, implementing approaches that are tailored to country specific situations and needs."\(^\text{38}\)

The Busan Forum clarified the development community’s intention to move away from an aid framework to one of effective development, with a greater focus on country-driven reform agendas and local ownership. Recognizing the importance of core governing functions vested within domestic institutions, signatories to the Final Busan Partnership Agreement called for a framework where, “effective state and non-state institutions design and implement their own reforms and hold each other to account.”\(^\text{5}\)

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\(^\text{36}\) D Green, (2\text{nd} edition) From Poverty to Power (2012).

\(^\text{37}\) The Paris Declaration on Aid Effectiveness and the Accra Agenda for Action (2005), See clauses 14 and 15 where the signatories agreed that “Partner countries exercise effective leadership over their development policies, and strategies and coordinate development actions.”

They further agreed that: ‘‘29. Effective institutions and policies are essential for sustainable development. Institutions fulfilling core state functions should, where necessary, be further strengthened, alongside the policies and practices of providers of development co-operation, to facilitate the leveraging of resources by developing countries. Developing countries will lead in efforts to strengthen these institutions, adapting to local context and differing stages of development.”39 (Italics and underlining are the author’s).40

Hence, Busan recognized institutions fulfilling core state functions as a fundamental key to effective development reform in the future. The Final Outcome Document is a serious commitment made by signatories, and that formal commitment requires practical follow-up by way of better programming. More recently, states unanimously affirmed the above commitments at another forum - High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels held on 24 September 2012. The Declaration following the Meeting highlights the focus towards rule of law advisory capacity.

- **Clause 11:** We recognize the importance of *national ownership* in rule of law activities, strengthening justice and security institutions that are accessible and responsive to the needs and rights of all individuals and which build trust and promote social cohesion and economic prosperity.

- **Clause 19:** We stress the importance of supporting national civilian *capacity development and institutionbuilding* in the aftermath of conflict, including through peacekeeping operations in accordance with their

- **Clause 38:** We stress the importance of international cooperation and invite donors, regional, sub regional and other intergovernmental organizations, as well as relevant civil society actors, including nongovernmental organizations, to provide, at the request of States, *technical assistance and capacity-building, including education and training on rule of law-related issues, as well as to share practices and lessons learned on the rule of law at the international and national levels.*41

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39 See note 5 above.
40 See note 5 above, clause 29 and 19.
Despite the strong international commitment to make country ownership a reality the members of the LJD subthematic working group feel that an adjustment in strategy is required if real national ownership is going to be achieved. Our Members observe that while the international rule of law community (donors, recipient countries, implementing agencies, intergovernmental organizations, CSOs and NGOs) have done much to improve targeted aspects of the rule of law in recipient countries, rule of law providers have not directed their focus to ensuring that assisted countries become fully capable of generating and implementing successive waves of reform by themselves. That is, there has been an insufficient focus on building national level strategic rule of law leadership capacity, in a systematic and sustainable manner.

The members of the LJD Sub-Thematic Working Group on Building Trans-border and Local Competencies to Lead Rule of Law Reforms has decided that to address this shortcoming they should make a joint effort to create a tool that would be available across the rule of law community and would help to operationalize a systematic effort to support the building of sustainable rule of law advisory capacity in the developing countries. Such a tool would have the additional benefit of leveraging individual knowledge, experience and cumulative learning between various Members in a way that is synergistic, current and relevant to the needs of rule of law reform today.

B. Sectoral Context

Rule of law is a crosscutting concept, and thus reform initiatives in one area will inevitably lead to positive results and effects in another area. For example justice sector reforms almost always have an impact on economic development, and over time also affect social reforms within a country. Recently the importance of the rule of law was recognized as “the foundation of friendly and equitable relations between States and the basis on which just and fair societies are built.”

A country that has been relatively successful at achieving and maintaining a stable rule of law over time experiences a constant state of interaction between its administrative, political, economic, social, religious, ethnic, intellectual, civil and security communities. New issues are formulated by interested proponents who urge corrections in the system to take into account new values, new developments, and new crises, perceived injustices or imbalances or simply to skew the system towards different actors.

The demands that emerge from this free but unpredictable interchange are channeled into institutions that manage the process of contest, compromise, eventual accommodation and reform.

Reforms are then implemented and managed by the relevant institutions. The skills required to undertake these processes are inter-disciplinary. They include, for example, research, analysis, writing, advocacy, negotiation and mediation as well as management skills such as strategic planning, project management, communication, consultation and change management. So it is this composite skill set that provides rule of law advisors with the technical competence, know-how and confidence to do his or her work. It is this cumulative learning that allows the development of ROLLAC at the domestic level over time. Unfortunately, this vital skill set currently resides mainly with international experts who only provide assistance upon request.

No country experiences the rule of law in a final, settled state. Nor can a country formulate a set of laws and arrangements under which the rules will be applied and enforced to accommodate all possibilities in a future that is largely unknown. What a country can do, however, is to make sure that it has workable institutions with mandates and advisors with the required skills to be available to conceive of and manage change processes as the need for change occurs. Such advisors need the requisite skills to undertake the specific tasks required to achieve concrete reforms that are demanded and supported by the public. Solutions will need to be crafted so that they are both legally sound and consistent with national and international legal obligations and standards. A country that is able to manage this process on its own, without resort to international assistance may be referred to as having sustainable rule of law capacity. It is a country that has control over its core governing processes.

C. Institutional Context

A country that lacks extensive and sustainable rule of law capacity in its key institutions faces difficult choices when changes in the laws, regulations or implementing institutions and arrangements are needed.

If the country goes it alone, without international assistance, a series of things may go wrong. To name a few, a given reform:

- may not be well coordinated with other related reform efforts;
- may be adopted without being based on or consistent with strategic frameworks;
- may be conceived on the basis of inaccurate or incomplete assessments;
- may not be well suited to the intended purpose;
- may not take into account experience in other jurisdictions;
may not meet constitutional or international standards;
may not have been properly consulted with and supported by interested communities and actors;
may be incomplete;
may not be underpinned by resources required for its implementation;
may perpetuate undesirable practices or protect illegitimate actors; or
may bring about unforeseen and undesirable results.

A country that does decide to seek outside technical assistance for its reforms may also face a number of undesirable problems. These often include:

- perceived interference in sovereign affairs by foreign advisors and the institutions which finance them;
- political opposition to the reform on the basis of the presence of foreign advisors;
- a lack of control over the foreign advisors;
- incorrect understanding of foreign advisors of local languages, problems, situations, values or legal systems;
- co-option of foreign advisors by local elites;
- an inability of foreign advisors to refrain from decision-making, taking over the drafting of legal texts or arguing for their preferred solutions (often reflecting an inability or unwillingness of foreign advisors to recognize that control of decision-making on all matters in the process rests with the country/government);
- the importation of inappropriate and unworkable models;
- a lack of understanding or distrust of the reform: or
- a lack of accountability for the advice provided.

Despite the potential problems, most developing countries and countries in political or economic transition do seek, or accept, offers of such technical assistance. At present it appears that the
perception of risks in doing so outweighs the risks of going it alone or doing nothing. This means that a high percentage of rule of law or justice reform projects are designed and driven using international legal expertise.

Fortunately, there are a number of practices that are common in well-conceived and well-executed rule of law projects that can reduce some of the dangers associated with cross-border rule of law advising. These include, but are not limited to:

- participatory research, including socio-economic analysis of recipient countries, that allows interventions to be grounded in solid socio-economic data, with a focus on key beneficiary groups;
- disciplined design of rule of law initiatives to ensure that they fit within the framework of national strategies, laws, institutions and cultural fabric;
- competitive selection of rule of law providers and more rigorous selection of individual advisors by such providers;
- robust monitoring and evaluation arrangements in the relevant grants and contracts; and
- more frequent reference to the extensive guidance and “lessons learned” literature now available to the development and academic communities.

Despite the dangers, the willingness to accept external rule of law technical assistance may be critical to the country’s attainment of its broader development objectives. Rule of law assistance providers are making a tangible difference across the developing world and their expertise and sophistication in its delivery is growing. They can bring real and added value to the table because of the unmatched experience in legal reform they have acquired through experience in many rule of law initiatives. Indeed, having such expertise available would be of value to any country, if only for the value that comparative law experience would bring to national reform processes and the creativity that follows.

Further, despite its limitations cross-border rule of law assistance seems firmly embedded in international development practice. This represents a significant change. In just three decades, rule of law ideology and rule of law assistance has moved from being a marginal aspect of international development cooperation to center stage. Rule of law is now regarded as a specific sector with its own body of literature, learning and development program initiatives. This development is laudable and timely given the relevance that the rule of law has in any country’s general development process. Many improvements in areas such as human rights, health,
environment, trade and business have come about through, or at least been accompanied by, a significant level of internationally-backed rule of law assistance.

These measures will also assist in increasing the sustainability and impact of internationally backed and resourced rule of law reform initiatives, due to higher synergies, economies of scale and greater opportunities for learning between national and international counterparts. Thus, a higher degree of national ROLLAC can yield higher returns for donor funds, and is a smart investment in the whole sector.

II. Proposed PDO/Results

A. Proposed Development Objective(s)
The creation and use of a ROLLAC Toolkit would address the following development objectives:

i. The strategic objectives of the GFLJD “building capacity of local leadership to tackle legal impediments and implement solutions”
ii. draft Sustainable Development Goal 16
iii. Paris Declaration on Aid Effectiveness favoring greater national ownership – Clauses 14 and 15
iv. Busan Partnership for Effective Development Co-operation, Fourth High Level Forum on Aid Effectiveness, Busan, Republic of Korea, 29 November – 1 December 2011 in clauses 11 (a), 19, 28 (c) and 29;

B. Intermediate Results (measurable)
The key results for this project would be the creation and pilot use of Toolkit on building sustainable Rule of Law Leadership and Advisory Capacity (“ROLLAC Toolkit”). Measurable

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43 See note 4, above.
44 See note 5, above.
45 See note 9, above.
activities which will serve as measurable intermediate deliverables under the project will be as follows:

i. Completion of research on modalities for building sustainable ROLLAC;

ii. Report on results of stakeholder consultation (within LJD and external);

iii. Production of first draft of ROLLAC Toolkit;

iv. Report on stakeholder feedback on draft ROLLAC Toolkit;

v. Electronic publication of ROLLAC Toolkit;

vi. Publication of limited number hard copies of ROLLAC Toolkit.

vii. Translation into other widely used languages and addition to initial electronic publication;

viii. Design and deliver promotion initiative of ROLLAC Toolkit;

ix. Creation of an e-learning module based on the ROLLAC Toolkit;

x. Pilot use of ROLLAC Toolkit in ongoing rule of law initiative to pilot use of ROLLAC Toolkit; and

xi. Gather stakeholder feedback for future editions.

III. Program Details

A. Concept

Development is a continually evolving field, and the last sixty years have allowed the introduction of new concepts that were previously disconnected from traditional discourse. For example gender was first considered to only fall within social development reform or the purview of human rights work, but now gender mainstreaming is routine and forms part of almost every development initiative. This “normalization” of gender within development took time after the legal norms for gender justice were first articulated in CEDAW, and were adopted by the UN General Assembly
in 1979. Some implementing agencies now have a specific criterion for gender during project design where the programmer must detail how the program or project will contribute towards achieving benefits for women and girls in a country. This is carried out through all phases of the project cycle including project implementation, where individual project activities must also show real benefits towards gender norms and ultimately in the monitoring and evaluation process.

This proposal submits that a similar approach can be used to mainstream ROLLAC into development interventions at all levels. There is sufficient consensus on key concepts (such as national ownership, capacity building for core governance processes and the need for increased sustainability of reform) that makes this project timely and necessary to assist in building future national rule of law capacity. It remains a matter of harnessing this consensus into practical tools and strategies that will operationalize the work.

The involvement of all key stakeholders in the project will strengthen the final product. Greater consensus on key issues (such as definitions, guiding principles and methodologies) would support development of second-generation projects that use the intellectual capacity of the ROLLAC Toolkit.

1. **Project Description: Toolkit Content and approaches**

The ROLLAC Toolkit will include indicative chapters such as the following:

1. Key definitions and concepts

2. Guiding principles. This chapter will provide an overview of relevant elements of the Sustainable Development Goals, particularly in relation to SDG 16 on rule of law and governance. It will relate these items to rule of law guidance issued by the United Nations in recent years to provide the normative framework in which rule of law reform should be undertaken.

3. Methodologies to assist countries, donors, implementing agencies and other actors to build ROLLAC nationally; each chapter will begin with background, a description of what would be a desirable situation (a specific skill set and competency level in X, Y or Z), and a detailed checklist and road map as to how to get to that situation using real case examples and studies.

4. Strategic management: With the advent of the aid effectiveness agenda, national development activities are increasingly oriented around national development strategies as the basis upon which those activities are carried out. These strategies operate at both
the national and sectoral levels. Legal professionals need to understand strategic management techniques and the ways it can be applied to planning and executing development activities. This chapter will identify key principles of strategic management applicable to rule of law development projects and illustrate their application through examples of national and sectoral development strategies involving rule of law.

5. Development projects: Using an actual project, a chapter will focus on how to build national ROLLAC within the context of national development strategies. The example can analyze the project using this "double track" mode of delivering technical assistance to focus on both the technical area and managerial aspect of the reform. For example, a project designed to enhance court’s case management capacity would not only focus on case management issues, but also on other non-legal issues needed to prepare the recipient country to be able to lead similar reforms in the future by itself.

6. ROLLAC Projects: A chapter could discuss how to design, implement and monitor standalone rule of law and justice sector reform projects aimed at enhancing or building national ROLLAC. Examples include approaches to developing draft laws in local working groups with local experts, ways of cooperating with local NGOs to develop their capacity for rule of law work, and approaches to building capacity of local persons to take positions as international experts in other regions.

7. ROLLAC sensitive documentation: Provide guidance and examples for documents such as –

A. Sample documentation such as draft provisions for consultant engagement contracts, TORs and RFPs that focus on the procurement process for a typical project.

B. Project documentation – Project design (pre-feasibility studies and feasibility studies), project proposals, project implementation documents, project review criteria documents, monitoring and evaluations checklists and logframes.

C. Financial documents – Loan agreements, multi-donor trust fund agreements, and social covenants in other binding agreements can be revised to include ROLLAC standards.

D. International policies and guidance documents – For example some implementing institutions have a gender policy that outlines that institution’s vision and mission to achieve gender specific outcomes in its work. This could be
replicated for ROLLAC work, in the form of a policy or a guidance note to drive its programming.

E. Defining how action-oriented research universities and community-based organizations can develop their capacity to provide rule of law advisory assistance and how they can help other organizations and individuals to develop their own rule of law advisory capacity.

8. Leadership

The ROLLAC Toolkit will also contain sections advocating shifts in rule of law work such as:

e. developing country governments, rule of law assistance providers and the international development community should adopt measures designed to ensure that the development of sustained rule of law advisory capacity is pursued in every rule of law and justice reform initiative at the local and national levels; and that

f. strengthening rule of law advisory capacity should be included as a goal in key national level strategies such as poverty reduction development strategies (PRSPs) and justice sector strategies. By articulating ROLLAC as a national high-level goal, law reform efforts can be tailored to respond to nationally owned development frameworks, that donors/ implementing agencies can refer to when designing rule of law reform initiatives in the future.\(^\text{46}\)

g. cultivating and supporting national rule of law leaders, those include, members of the legal profession, government officials, civil society actors, academics, who can catalyze and lead rule of law reform.

On an ongoing basis, the ROLLAC Toolkit could benefit from input from academic institutions, and be expanded to also include substantive areas such as transitional justice, human rights, investment and trade and other specific law related modules necessary or synergistic to rule of law reform work.

\(^{46}\) In this regard see clause 35 (1) in *Busan Partnership for Effective Development Co-operation, Fourth High Level Forum on Aid Effectiveness, Busan, Republic of Korea, 29 November – 1 December 2011*, which states that: “Developing countries will lead in the elaboration of such frameworks which together with any indicators and targets agreed, will respond to their specific needs and will be grounded in their aid and development policies,” in the final chapter, ‘The Road Ahead: Partnering for progress towards and beyond the MDGs’ (2011).
The intellectual basis of the ROLLAC Toolkit could also be expanded and used to deliver short-term training that specifically targets national ROLLAC deficit, using either face-to-face or online delivery methods. Each activity or measure would be implemented to support the underlying goal of this project, which is “to promote the systematic development of the core government function of the establishment, adjustment and improvement of the rule of law on a permanent basis.”

2. Key Risks and Issues

- Partners do not assign the Project the priority required to complete agreed contributions to the tool kit;
- Reversal of current deepening of trends towards democratic governance;
- Reversal of the trend toward progressive development respect for human rights;
- Flagging economic growth may limit funds available for governance projects and initiatives;
- International community encounters difficulties in shifting from reliance on external actors to reliance on local professionals for leadership in rule of law work;
- Lack of interest by local legal professionals to undertake rule of law related work;
- Assisted countries preference for external advisors;

B. Implementing Agency Assessment (for Recipient Executed only)

C. Project Stakeholder Assessment

From an implementation perspective, the project envisages three key stakeholders:

1. Loyola University Chicago – Masters in Rule of Law for International Development (Lead Partner)
2. University of Cape Town - Centre for Comparative Law in Africa
3. Deutsche Geselleschaft fur Internationale Zusammenarbeit (GIZ)

The project was specifically conceived bearing in mind each partner’s technical competence and experience in rule of law, justice and development work, so that the final product (Toolkit) would continuously be subjected to a high degree of intellectual scrutiny and supervision during its production. For example, PROLAW now has four years of experience as a tested post-graduate legal course that is specifically aimed at training high-level rule of law professionals holding key positions within their national governments. The Centre for Comparative Law has a strong tradition of reconciling conflicting areas of law and to create novel synthetic legal concepts that
are best suited to the local context, especially in the SADC region. Their work in finding new relevant ways to maintain traditional customary legal concepts is laudable. And finally GIZ, as a trusted bilateral development agency has strong experience in implementing development projects on the ground, including rule of law and justice projects, so is best placed to provide vital “practical” input that will ensure that the Toolkit is not a work of posterity, but rather is a meaningful living document for all to use.

As the Lead Partner, PROLAW feels confident that the technical and logistic synergies of the abovementioned project stakeholders give this project the necessary political will to ensure its future success.

The project stakeholders are, as set out in the results framework include:

i. Donors;
ii. Assisted countries;
iii. Civil society organizations (CSOs);
iv. NGOs and Community-based organizations (CBOs);
v. Private sector;
vi. Action-oriented research universities and institutions;
vii. Development co-operation agencies; and
viii. IFIs.

These institutions share an overarching mission to improve governance and the rule of law aimed at achieving development. They interact with each other and share knowledge, know-how, methodologies, technologies acting at different entry points in the pursuit of their individual development mandates.

Overarching frameworks such as the Paris Declaration and the Busan Partnership Agreement and ongoing discussions in the post-2015 MDG Agenda are encouraging greater policy and outcome congruence but the achievement of the shared vision of greater country ownership remains problematic.

The production of the proposed toolkit will provide an opportunity for the project partners to engage all of these stakeholders in a common conversation on a very specific aspect of the national ownership agenda that related to building of the core capacity of currently assisted countries to promote the systematic development of the capacity to establish, adjust and improve of the rule of law over time. The chapters of the toolkit will identify concrete ways how each of these stakeholders can make specific contributions in this regard. The Global LJD Forum, is a
facilitative forum that has provided the project participants the confidence that consultations/advocacy envisioned in the proposal provides a realistic expectation of the project partners that each of the identified stakeholders will consider the recommendations in the ROLLAC toolkit in their policy and implementation frameworks.

The presence within the forum of activists and thought leaders representing all of these stakeholders bolsters that expectation.

*Figure 1: Stakeholder matrix*
D. Financial details

See attached Annex 1.

E. Sustainability and impact

The raison d’etre of this project is to facilitate the development of sustainable rule of law capacity. The project’s essential objective is to ensure sustainable rule of law leadership advisory capacity. Sustainability means the increase of the number and quality of legal professionals able to provide competent advice on rule of law informed by international best practices. The main resource that the project will create is designed to be a long term reference point for legal professionals in developing and transition countries. The project intends to support the continued availability of high level national legal professionals capable of carrying out legal and judicial reform processes over time.

In simple terms, transferring the capacity to enhance rule of law within a country to local leaders will ultimately lead to a more sustainable version of rule of law within that specific national context and will inevitably have a longer impact, because it will be embedded in organic and endogenous processes. More importantly, what will be achieved is a greater sense of national ownership, resilience and confidence to recalibrate the levers of national institutions and policies to meet the ever-increasing challenges and demands of a modern and modernizing world.

Thus, from a sustainable perspective, this project is historically sound, presently relevant and maintains a forward looking vision to achieve the prescribed notion of sustainability articulated in Clause 29 of the Busan Partnership Document and more recently in the Global Forum’s stated strategic objective of “building capacity of local leadership to build effective and efficient legal and judicial systems”.

On an ongoing basis, the ROLLAC Toolkit could benefit from input from academic institutions, and be expanded to also include substantive areas such as transitional justice, human rights, investment and trade and other specific law related modules necessary or synergistic to rule of law reform work.
Given the buy-in of diverse stakeholders from the outset (please see discussion in Project Stakeholders in C. above), we envisage that this will be easier to achieve, for example GIZ would speak to other bilateral donors and the presence of Loyola and the South African Centre for Comparative Law would naturally hold appeal to other similarly placed academic institutions.

The intellectual basis of the ROLLAC Toolkit could also be expanded and used to deliver short-term training that specifically targets national ROLLAC deficit, using either face-to-face or online delivery methods. Each activity or measure would be implemented to support the underlying goal of this project, which is “to promote the systematic development of the core government function of the establishment, adjustment and improvement of the rule of law on a permanent basis.”

From a broader perspective, the project will have impact on the conditions of the countries served. At a general level it is intended to enhance good governance and improve the standing of developing countries in relevant governance, rule of law, and political risk indices. In addition, by building rule of law over time, the ROLLAC will help maintain peace, deepen democratic governance, help foster legal and social frameworks that support human rights, increase regional integration and communication through peer networks, and help countries make ongoing progress towards completing countries’ rule of law agendas.
<table>
<thead>
<tr>
<th>Proposed Development Objective</th>
<th>Audience / Beneficiaries</th>
<th>Expected Outcomes</th>
<th>Intermediate Results / Indicators</th>
<th>Baseline</th>
<th>Activity / Outputs</th>
<th>Data Source</th>
<th>Responsibilites</th>
<th>Reporting Arrangements</th>
<th>Monitoring and Evaluation</th>
<th>Peer Reviewers</th>
<th>Total Cost</th>
<th>Partner Contribution</th>
<th>Required Financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Contribute to internationally agreed framework favoring greater national ownership</td>
<td>1. Assist countries; 2. Convene; 3. Develop frameworks and cooperation agreements; 4. IFIs; 5. NGOs; 6. Civil society organizations; 7. Academics; 8. Private sector 9. Legal profession professionals, advisors and consultants in assisted countries</td>
<td>1. Enhance good governance in developing, emerging and transition countries; 2. Increase levels of sustainable rule of law, leadership and advisory capacity</td>
<td>1. Completion of research on modalities for building sustainable PROLLAC; 2. Report on results of stakeholder consultations within LJD and external; 3. Production of first draft of PROLLAC Toolkit; 4. Report on stakeholder feedback on draft PROLLAC Toolkit</td>
<td>N/A</td>
<td>N/A</td>
<td>Loyola University of Chicago ProLaW Program—responsible for reporting GIZ University of Cape Town</td>
<td>Self</td>
<td>N/A</td>
<td>N/A</td>
<td>Will rely on network of academic contacts to peer review draft of Toolkit prior to publication</td>
<td>US$203,405</td>
<td>US$27,000*</td>
<td>US$176,405</td>
</tr>
</tbody>
</table>

*NB: precise value of GIZ and U Cape Town is to be determined.
Working toward the Global Phase-Out of Lead in Paint: Focus on Developing Regulatory Controls on Lead in Paint in the Eastern Europe, Caucasus and Central Asia Region

Thematic Working Group (TWG),
Program on
Environmental and Natural Resources Law
September 18, 2015

TO THE STEERING COMMITTEE

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Executive Summary

This is a proposal to the Global Forum on Law, Justice and Development (GFLJD) from IPEN: a global network of more than 700 NGOs in more than one hundred countries working to protect human health and the environment from harms associated with exposure to toxic chemical substances. Acknowledging that lead paint and its role in childhood lead poisoning is a global concern, the Global Alliance to Eliminate Lead Paint (GAELP or the Alliance) was established in 2010. The Alliance is managed by the United Nations Environment Program (UNEP) and the World Health Organization (WHO) and chaired by US EPA. IPEN is an active member of GAELP and holds a seat on the GAELP Advisory Group.

The proposal supports the goals of the GAELP to eliminate lead in all paints globally, beginning at a minimum with the phase out of lead in paints for household and school use by 2020. This goal is supported by industry, environmental NGO, government agency and inter-governmental organization partners of the Alliance, including AkzoNobel, IPEN, the US Environmental Protection Agency, WHO, UNEP and UNIDO. The Alliance seeks to achieve this goal by promoting the development of laws that limit lead content in paint. The Alliance and others have catalyzed work that is making progress toward this objective in most regions. In Asia and Africa substantial regional efforts have been implemented, but activities in the Eastern Europe, the Caucasuses and Central Asia (EECCA) region has to date mainly focused on smaller, country-specific efforts.

This proposal builds on experiences from other regions, to facilitate lead paint elimination in the EECCA region. IPEN, in cooperation with national NGO partners and with support from UNEP and others, has done some country-specific work in the region. The primary activity has been to study lead content in household paints on the market in six of the countries. In connection to these studies, IPEN’s national NGO partners in several countries have initiated dialogue with relevant government officials on the need for regulatory controls for the lead content of paints. Though most of these studies were small and some are now out of date, lead paint for household use remains commonly available on the market in the countries of the region. The Alliance, therefore, needs to catalyze substantive progress toward lead paint elimination in this important region. By using a multi-country approach as described in this application, meaningful momentum towards lead paint elimination can be built within the whole EECCA region.

47 For more information about GAELP see: www.unep.org/noleadinpaint/
There is now an important new opportunity due to the recent creation in early 2015 of the Eurasian Economic Union (EAEU) with current membership by five countries in the region. The proposed project aims to build on this and other developments to facilitate the establishment of effective regulatory controls on the lead content of paints manufactured, imported into, sold and/or used in countries of the EECCA region. The activities will include

5. A workshop to present the GAELP Toolkit for Establishing Laws to Control the Use of Lead in Paint and to promote its dissemination and use at the country level;

6. Production of National Lead Paint Reports in the target countries that will include an assessment of the lead content of paints on the market, a review of existing legal frameworks to control the use of lead in paint, and a nationally appropriate presentation of key information contained in the GAELP Toolkit;

7. Establishment of national multi-stakeholder working groups in target countries and their dissemination of national reports and promotion of legal instruments

8. Preparation of National Action Plans by the national working groups, including an assessment of the current national situation and any progress that has been made toward establishing effective national regulatory controls on lead in paint and/or toward securing full compliance with existing national regulatory frameworks already in place.

These activities will be conducted in the context of meeting the global goal of the Global Alliance to Eliminate Lead Paint to phase out lead paint, and will be carried out in cooperation with other GAELP partners.

I. Introduction and Context

The Problem
Exposure to lead causes significant injury to human health and imposes large economic and social costs on developing countries. Children are especially sensitive to lead, and the World Health Organization (WHO) has concluded that no level of lead exposure to children is safe.

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48 The Eurasian Economic Union (EAEU) is an economic union of states, which came into force on January 1, 2015. The older Eurasian Economic Community (EEC) was in existence from 2000 to 2014 and was terminated at the same time as the EAEU entered into force. The Eurasian Customs Union was originally established under the EEC. In 2015, its provisions were incorporated into the EAEU’s legal framework.
A WHO study concluded that 0.6% of the total global burden of disease can be attributed to lead exposure. A later WHO publication indicates that new and additional evidence suggests that 0.6% is an underestimate, that the global burden of disease and costs attributable to low-level lead toxicity is higher. Lead exposure is a particularly serious problem in developing and transition countries: an estimated ninety-nine percent of all children with elevated lead levels in their blood live in low- and middle-income countries.

Lead in paint is a major source of lead exposure in children. When lead paints are used in homes, schools and elsewhere, childhood lead exposure pathways are created. All paints weather and wear over time. When this happens, lead from lead paint ends up in dust and soil found in and around homes and schools. Large quantities of lead-contaminated dusts are also created when old painted surfaces are scraped and sanded prior to repainting. Children get dust and soil on their hands and then ingest the lead through normal hand to mouth contact. They can also ingest lead through inhalation, by eating flaking paint chips, and by chewing on toys painted with lead paint.

Most highly industrialized countries severely restricted the lead content of paints for sale and use in their countries in the 1970’s and 80’s, either through maximum allowed limits or prohibition of use of lead-containing paint ingredients. In the U.S, the maximum permitted limit for lead in decorative paint was recently lowered from 600 to 90 parts per million (ppm), emphasizing the importance of avoiding even low-level exposure. Nonetheless, legacy problems still remain in the US and children continue to suffer from exposure to lead from old painted surfaces. According to one estimate, the current costs of childhood lead poisoning in the United States (which banned lead paint in the 1970’s) amounts to US$ 43 billion per year. In the Europe Union it is estimated to be US$ 55 billion per year. Exposure to lead from old lead paint is the major source.

Most developing and transitional countries do not have lead paint laws and could be facing similar legacy issues should they not act soon. Studies conducted in all regions of the world show unanimously that where the use of lead in paint is not restricted, much of the paint on the national market will contain high levels of lead. In contrast, a study by UNEP/IPEN showed that countries with lead paint laws have lower levels of lead in paint, where appropriately enforced. Without any legal restrictions, lead levels in decorative paint typically exceed 10,000 parts per million.

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49 *Childhood Lead Poisoning;* World Health Organization, 2010 (page 33)
50 *Global Health Risks;* World Health Organization, 2009 (page 24)
51 *Childhood Lead Poisoning;* World Health Organization, 2010 (page 12)
52 *Economic Costs of Childhood Lead Exposure in Low- and Middle-Income Countries;* Teresa M. Attina and Leonardo Trasande; Environ Health Perspect; DOI:10.1289/ehp.1206424; http://ehp.niehs.nih.gov/1206424/
54 *LEAD IN ENAMEL DECORATIVE PAINTS;* UNEP/IPEN, 2013 (page 44)
(ppm), a level which is more than one hundred times higher than the legal limit in the U.S. In the project region, studies conducted by IPEN in Armenia, Azerbaijan, Belarus, Kazakhstan, Kirgizstan, and Russia found high levels of lead in the paints analyzed.55

Children who have been exposed to lead during early ages suffer lifelong effects. These include increased violent behavior, and decreased intelligence as measured by IQ scores, decreased school performance, and decreased educational achievement. When large numbers of children in a country are exposed to lead, this becomes a stress on the country’s school system and can undermine the quality of education available to all children.

Lifelong behavioral and intelligence deficits associated with lead exposure also translate into decreased workforce productivity and higher crime rates. A study published in the high-impact journal Environmental Health Perspectives investigated the economic impact of reduced labor productivity associated with childhood lead exposure in low- and middle-income countries. The study estimates that the resulting economic loss per year for all countries in Africa, Asia, Latin America and the Caribbean is $977 billion (in international dollars).56 This amount is equivalent to 1.20% of world GDP in 2011; is a burden that disproportionally impacts low and middle-income countries; and can have a significant negative impact on sustainable economic growth.

Although country-specific data is not currently available for Belarus, Moldova, Russia and Ukraine, the study provided estimates of the economic losses for the other six project countries:

<table>
<thead>
<tr>
<th>Country</th>
<th>Estimated Annual Economic Loss</th>
<th>% GDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenia</td>
<td>$413,769,244</td>
<td>2.29</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>$2,490,181,420</td>
<td>2.68</td>
</tr>
<tr>
<td>Georgia</td>
<td>$427,255,280</td>
<td>1.73</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>$8,179,244,100</td>
<td>3.75</td>
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<td>Kyrgyzstan</td>
<td>$463,057,489</td>
<td>3.47</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>$830,269,327</td>
<td>5.09</td>
</tr>
</tbody>
</table>

Global Lead Paint Elimination Efforts

56 Economic Costs of Childhood Lead Exposure in Low- and Middle-Income Countries; Teresa M. Attina and Leonardo Trasande; Environ Health Perspect; DOI:10.1289/ehp.1206424; http://ehp.niehs.nih.gov/1206424/
In 2009, the second meeting of the International Conference on Chemicals Management (ICCM2) adopted a resolution inviting UNEP and WHO to establish a global alliance to promote phasing out the use of lead in paints. This led, in 2010, to the establishment of the Global Alliance to Eliminate Lead Paint (GAELP) whose broad objective is to phase out the manufacture and sale of paints containing lead and eventually to eliminate the risks from such paint. A key specific objective of the Alliance is to promote the establishment of appropriate national regulatory frameworks to stop the manufacture, import, export, sale and use of lead paints and products coated with lead paints. There are several successful ongoing and recently completed efforts to develop lead paint laws in Africa and Asia, which this project will build upon. Efforts to eliminate lead paint were initiated in Asia by the IPEN network in 2007, and in 2012, IPEN launched its first regional project to eliminate lead paint in its €1.8 million EU-funded Asian Lead Paint Elimination Project. The project aimed at reducing lead levels in paint in seven participating countries, with a trend towards elimination, through regulatory controls combined with voluntary industry initiatives. At its conclusion in 2015, regulatory controls had been enacted in three of the project countries, and draft regulations were in process in the four other countries. In addition, lead in paints sold for household and school use was shown to have substantially declined in all project countries. It was also found that since many paint manufacturers export their products to neighboring countries, regulatory controls on lead paint in one country will also benefit its neighbors.

Similarly, national efforts towards lead paint elimination were started in Africa in 2007. In 2014, IPEN began work on a regional scale in Africa on its USD $1 million African Lead Paint Elimination Project, funded by the Global Environment Facility and with UNEP as Implementing Agency. The project is focusing on lead paint elimination in four focus countries, with replication activities in at least five more countries.

In the EECCA project we propose to follow a similar regional approach to lead paint elimination. Prior and ongoing work pursues a synergistic effect in the region, where similarities between the countries in the region can be utilized while still acknowledging the individual national situations. This approach will be especially useful in the EECCA Region, where the legal systems of the countries differ from those of other regions but largely resemble one another because of their

57 See Global Alliance to Eliminate Lead Paint – Objectives; http://www.unep.org/chemicalsandwaste/LeadCadmium/LeadPaintAlliance/Objectives/tabid/6331/Default.aspx
shared history. A regional approach also makes sense because many EECCA countries import paints from other EECCA countries.

With the recent establishment of the Eurasian Economic Union (see below), there is now a unique opportunity in the EECCA Region to facilitate enactment of regulatory controls on lead in paint, including meaningful enforcement of standards currently in place but not being followed. The activities described in this proposal will start a trajectory towards lead paint elimination both in the individual countries and in the wider region.

During 2015, a Toolkit for Establishing Laws to Control the Use of Lead in Paint was developed by several GAELP Partners (including UNEP, WHO, US EPA, IPEN and IPPIC) to provide background information and guidance to governments and others with the aim of securing effective national regulatory controls on lead in paints. The Toolkit will be promoted globally to facilitate the development of lead paint laws. The activities proposed in this application will use the Toolkit as a foundation in the EECCA Region.

II. Proposed PDO/Expected Outcome

A. Proposed Development Objective(s)
The Overall Objective for this project is to facilitate enactment of legal restrictions on the use of lead paint in the target countries to reduce childhood lead poisoning in the region.

The Specific Objectives are:

1. Increase awareness of the hazards of lead paint, especially to children’s health, and the extent of the problem in the target countries.
2. Empower governments to enact effective and protective legal limits for the use of lead in paint, using the GAELP Toolkit

The activities proposed will contribute to the achievement of the Post-2015 Development Goals. This is most clearly true for the following:

60 IPEN, the submitter of this proposal, is a global network of NGOs in all regions working to protect human health and the environment from harms associated with toxic chemical exposures.

61 IPPIC – the International Paint and Printers Ink Council – is a global trade association whose members are national and regional trade associations representing the manufacturers of paints and inks.
• **Goal 3.9**: By 2030, substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination.\(^\text{62}\)

• **Goal 11.1**: By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.\(^\text{63}\)

• **Goal 12.4**: By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment.\(^\text{64}\)

The proposed activities will additionally contribute to the achievement of

• **Goal 4**: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

**Goal 8**: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.\(^\text{65}\)

The proposed activities also relate to outcomes and objectives discussed in the LJD Thematic Working Group (TWG) Work Program Document dated 03-July, 2013. These include:

• Law, justice and development actors collaborate globally to build capacity of key country actors to support the design and implementation of innovative legal solutions to the green economy;

• New legal toolkits, guidelines, databases and e-learning courses developed to support implementation of innovative solutions to the green economy;

• Enhanced capacity of law and policy-makers to design and implement innovative solutions through dissemination, training tools and events, and regional networks.


\(^{63}\) When houses are painted with lead paint, children in the houses ingest lead-contaminated dust and/or paint chips and suffer irreversible neurological damage. Houses painted with lead paint are therefore unsafe and eliminating lead in paints for residential use is a necessary component of ensuring safe housing.

\(^{64}\) Resolutions on lead in paint, adopted by the second and third meetings of the International Conference on Chemicals Management, established an agreed international framework which GAELP helps implement.

\(^{65}\) See section above entitled Background – the Problem which explains how lead paint elimination contributes to Quality Education for all and Sustained Economic Growth
B. Intermediate Results

Project Activities and Expected Outcomes
The proposed activities in the Eastern Europe, Caucasus and Central Asia Region will apply lessons learned and produce evidence-based approaches to solve legal challenges, using the GAELP Toolkit.

1. A workshop to be held in Minsk, Belarus
The purpose of the workshop will be to present the GAELP Toolkit for Establishing Laws to Control the Use of Lead in Paint and to promote its dissemination and use at the country level. Invited workshop participants will include relevant government officials from the above-listed countries; relevant NGOs from those countries; and representatives of the paint and coatings industry and other appropriate stakeholder groups that support GAELP’s Objectives.

The workshop will be held with simultaneous Russian/English interpretation. Some workshop participants will be most comfortable working in Russian (including some for whom Russian is not their national language), some will be most comfortable working in English (including international experts from IPEN, UNEP, WHO, EPA and some country participants), and some will be comfortable working in either language.

Since all ten suggested project countries were formally part of the Soviet Union, all have similar national legal structures. Because there is presently conflict in the region, this might discourage participation from one or more of the proposed ten countries. Nonetheless, we see enough promise to invite participants from all ten, and to actively seek their participation.

The primary outcome of the workshop will be to secure commitments from workshop participants to establish a national working group in each of the countries. By promoting national regulatory controls on lead in paint, these working groups will contribute to the Global Alliance and its goal to phase out lead paint globally.

2. National lead paint reports for use in countries of the region
Paints on national markets will be sampled and analyzed for their lead content and the outcome used to produce National Paint Reports. The paints will be analyzed for the total lead content of the dry paint film by an internationally recognized laboratory that participates in the Environmental Lead Proficiency Analytical Testing (ELPAT) Program using a methodology similar to that used
in the UNEP/IPEN 9-country study. These reports will present data and conclusions for consideration by national policy-makers and others. In addition to data and conclusions, the reports will also include a review of existing legal frameworks to control the use of lead in paint and a nationally-specific and nationally-appropriate presentation of the substantive contents of the GAELP Toolkit. The contents will be presented in the national language, will use national examples, and will include specific references to appropriate national institutions and legal instruments. An executive summary of each report will be prepared in English, as well as a regional report with the findings from all national reports.

3. Dissemination of national reports and promotion of legal instruments.
National working groups will disseminate the national reports and promote national adoption and enforcement of legal instruments to control the maximum lead content of paints. As noted above, one of the proposed outcomes of the workshop is to secure commitments to establish national working groups in countries of the region. Members of national working groups will ideally include relevant government officials, representatives of relevant national NGOs, and representatives of the industry and/or other relevant national stakeholder groups that support GAELP and its objectives.

The outcome of these working groups will initially be to ensure that relevant ministries, agencies, policy-makers, parliamentarians and others, as appropriate, are made familiar with the contents of the report and its conclusions with the aim of securing effective regulatory controls on lead in paint and their full compliance. Follow-up activities such as further dialogue with policy makers, individual paint manufacturers and paint manufacturers associations and other stakeholders as appropriate will also be supported within the timeframe allotted.

At the conclusion of the project, national working groups will prepare National Action Plans based on assessments of the current national situation and any progress that has been made toward establishing effective national regulatory controls on lead in paint and/or toward securing full compliance with existing national regulatory frameworks already in place. The goal of the project is that at least six National Action Plans will have been finalized. These will include details of the future activities that the working group considers would be necessary to achieve effective national regulatory controls on the lead content of paints. The Action Plan may also include a possible timeline for achieving the objectives and a presentation of the barriers that would need to be overcome.

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66 LEAD IN ENAMEL DECORATIVE PAINTS; UNEP/IPEN, 2013, (Page 36)
III. Program Details

A. Concept

Project Beneficiaries and Target Groups
The project’s primary beneficiaries will be the public, in particular children who avoid lead exposure from lead paint. Additionally, society as a whole will benefit because while lead exposure undermines the individual child’s educational success, cumulative childhood lead exposure associated with the use of lead paint has the societal impact of decreasing the effectiveness of a country’s education system as a whole. This, in turn, creates a drag on efforts to increase national productivity, especially on efforts to increase workforce participation in the high-tech sector, services industries, and other sectors of the economy that depend on a more educated workforce.

The foundation for lead paint elimination in a country is an enacted and enforced legal restriction on the use of lead in paint. Therefore, the primary target group for the project is policy makers. However, experience in other countries suggests that engaging other relevant stakeholders can contribute to the achievement of this objective. Therefore, the health sector, industry stakeholders and relevant Civil Society Organizations will also be target groups for this project.

Target Countries and Baseline situation
The ten EECCA countries where effective controls on lead paint will be promoted are: Armenia; Azerbaijan; Belarus; Georgia; Kazakhstan; Kyrgyzstan; Moldova; the Russian Federation; Tajikistan; and Ukraine.

If prioritization may be required due to resource constraints, these countries will be grouped as follows:
Priority group 1: Armenia; Belarus; Kazakhstan; Kyrgyzstan and the Russian Federation; (Member Countries of the Eurasian Economic Union)
Priority group 2: Azerbaijan; Georgia; Moldova; Tajikistan and Ukraine.

Paints containing hazardous amounts of lead are manufactured and widely sold for home and school use in countries of the EECCA Region. IPEN and NGO partners have sampled and analyzed paints for sale on the market of six of these countries: Armenia, Azerbaijan, Belarus, Kazakhstan,
Kyrgyzstan, and Russia. These studies, carried out between 2008 and 2013, found hazardous lead content in a substantial portion of the paints analyzed.

In 2009, the Government of Kazakhstan adopted *Technical Regulations: Requirements for Safety of Paints and Solvents* (scheduled to enter into force in mid-2010). These regulations include Chemical Safety Requirements for Paints and Solvents (section 4.3), which address the issue of lead in paints. Paragraph 23 prohibits the use of lead in the formulation of paints to be used in construction or on the interiors of homes and buildings. The *Technical Regulations* additionally state that because Kazakhstan and the Russian Federation are members of a common Customs Union, the provisions of paragraph 23 are applicable not only in Kazakhstan, but also in the territory of the Russian Federation.

In 2013, the Kyrgyz Republic approved its own *Technical Regulations on the Safety of Paints*, which appears to be closely modeled on Kazakhstan’s regulations and include similar restrictions on the use of lead in paint formulations. However, to IPEN’s best knowledge, lead paints for residential use continue to be widely available for sale in Kazakhstan, Kyrgyzstan, and the Russian Federation. This also appears to be the case for Belarus, another member of the Customs Union.

In 2015, the Eurasian Economic Union (EAEU) was established. Its members include both those of the Customs Union countries (Belarus, Kazakhstan and Russia) and also, additionally, Armenia and Kyrgyzstan. The provisions of the old Customs Union were incorporated into the legal framework of the newly-formed EAEU. This suggests that there is now a legal framework and an opportunity to establish legally-binding, enforced regulations on lead in paint across all five countries of the EAEU.

EAEU countries, however, will likely encounter challenges in carrying out an integration of their economies and in establishing and enforcing the new regulatory and institutional arrangements.

---

67 See Appendix 2 on these studies and their findings
68 This was approved by *Government Resolution by the Republic of December 29, 2009*: see [http://docs.cntd.ru/document/902206828](http://docs.cntd.ru/document/902206828)
70 The available data on the lead content of paints on the market in Armenia, Belarus, Kazakhstan and Russia is based on studies undertaken between 2008 and 2011 and may be out of date. However, to our best knowledge, the situation has not significantly changed. IPEN studied paints on the market in Kyrgyzstan in 2013 and found similar results.
Effective controls on lead in paint will likely not be a high priority for officials with many other pressing matters on their agendas. This suggests that even though the Kazakh and Kyrgyz Technical Regulations appear to provide a legal basis for controls on lead in paint and the extension of these controls to other countries of the EAEU, national initiatives in all five countries will still likely be needed to establish enforceable regulatory mechanisms and to ensure good compliance.

There may still be less than full clarity about the legal status of the Kazakh Technical Regulations on the Safety of Paints and about requirements for the extension of these regulations to all countries of the EAEU. Further investigation, therefore, is still needed. It may also be useful to invite to the project workshop someone from the Eurasian Economic Commission (EEC), the executive body of the EAEU, who might help to shed further light on this issue. And it would additionally be useful to secure new, up-to-date data on lead in paint on the national market in some or all EAEU countries prior to the workshop – especially so from Kazakhstan and from Belarus and/or Russia. The availability of up-to-date data and the participation of someone from the EEC could help make discussions at the workshop very concrete.

The situation in the remaining five EECCA countries – Azerbaijan, Georgia, Moldova, Tajikistan and Ukraine – is different from that in the EAEU countries, and each national situation will need to be addressed individually. This is why these countries will be considered as a second priority, if resources are constrained. IPEN has so far only carried out studies of paints on the market in one of them, Azerbaijan. Our studies found that similarly to the situation in other EECCA countries where we have conducted studies, paints with high levels of lead were widely available on the market in Azerbaijan. We suspect that this is also the case in Georgia, Moldova, Tajikistan and Ukraine.

B. Implementing Agency and Capacity Assessment (for Recipient Executed only)

Results and indicators
IPEN expects the following results:
1. The Regional Lead Paint Elimination Workshop has been successfully conducted with participants from at least six countries
2. Paint studies have been conducted and national reports produced in at least six countries
3. National working groups have been established and have disseminated national reports to key policy-makers and others in at least six countries
4. National Action Plans have been developed by working groups in at least six countries

Project Advisory Committee
If the proposal is approved, a Project Advisory Committee (PAC) will be established. Initial membership in the PAC will include representatives of: US EPA, UNEP, WHO, IPEN, and the Russian NGO Eco-Accord (which coordinates IPEN-affiliated NGOs in the EECCA region). Other members may be added to the PAC at the start of the project or later in consultation with the initial group and other interested organizations. The PAC will contribute to cooperation and coordination between IPEN and other GAELP partners in the implementation of project activities, and it will also provide advice to the project and an evaluation of the outcomes.

IPEN has NGO partner organizations in the ten proposed project countries. IPEN expects that with their help and help from PAC members, it will be possible to identify appropriate government officials within relevant ministries or agencies in each of the ten countries who are supportive of GAELP and its Objectives, and who would welcome assistance from GAELP Partners, national stakeholders and others. This would include help in assembling and disseminating data, information, and the case for lead paint elimination in order to convince national higher level policy-makers on the importance of establishing and/or fully-enforcing regulatory controls on lead in paint with the aim of preventing children’s exposure and minimizing occupational exposures.

C. Project Stakeholder Assessment

Procedures for monitoring, follow-up and evaluation
IPEN will prepare quarterly reports on the project and its activities. These reports will address: activities carried out, funds spent, and progress made relative to the Results and Indicators above. The reports will also include planned activities for the next quarter and a more general assessment of the progress made toward securing regulatory controls on lead paint, including enforcement and compliance, on the part of countries participating in the project. The quarterly reports will go to the PAC for review and discussion and to the donor.

At the conclusion of the project, IPEN will prepare a final report for review by the PAC and the donor. The final report will evaluate project outcomes relative to the Results and Indicators above. It will additionally review the National Action Plans received from the national working groups; provide an evaluation of the performance of each working group; provide its own assessment of national prospects for the adoption and effective enforcement of regulatory controls on the lead content of paints; and will include recommendations for national follow-up activities that should be sufficient to secure effective regulatory controls in project countries. This final report will be reviewed by the PAC and will go to the donor.
D. Financial Details/Eligible expenses

Project Budget
The proposed project consists of the following activities:
1. Regional Workshop in Minsk, Belarus with participation from six to eight countries;
2. Paint studies and national paint reports in six to eight countries; including dissemination
3. Establishment of the national working groups in six to eight countries, including mechanisms for coordination and information sharing;
4. Working group preparation of National Action Plans in six to eight countries;

A Russian-speaking Regional Expert Advisor and a Technical/Policy Advisor will provide necessary support to national working groups and partners in each country. IPEN will have overall responsibility for administration and reporting to the PAC.

The budget of the proposed project is based on information about prices in Minsk, Belarus for the workshop as well as costs associated with similar earlier projects, such as the UNEP/IPEN study of lead in paint in nine countries described above. The details of the budget calculation for each activity are specified in Appendix 1, based on the cost for implementing each activity in eight countries.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Total cost (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workshop in Minsk, Belarus</td>
<td>84,000</td>
</tr>
<tr>
<td>Paint study reports (eight countries)</td>
<td>94,000</td>
</tr>
<tr>
<td>Support for National Working groups (eight countries)</td>
<td>95,000</td>
</tr>
<tr>
<td>Project management costs (10%)71</td>
<td>27,000</td>
</tr>
<tr>
<td><strong>Sum of project costs</strong></td>
<td>300,000</td>
</tr>
</tbody>
</table>

71 Project Management Costs are based on the percentage allowance for these types of costs defined by the Global Environment Facility for projects up to $2 million. It is also in the same range that IPEN has received for similar projects from other funders. The funds would be primarily utilized by IPEN for project oversight and supervision, financial controls and audits, project documentation, preparation of financial and narrative project reports, and similar types of indirect costs.
E. Sustainability and Impact

Project sustainability and replicability
The above suite of activities will take place over a period of no longer than 18 months. At the end of the project, IPEN will have received National Action Plans (as described above) from six or more national working groups in project countries. The Project Advisory Committee will review the National Action Plans received and evaluate the viability of each national working group and its plan. In cases where PAC considers plans to be realistic and achievable, members of the PAC will agree to cooperate with national working groups in efforts to mobilize additional funds to enable them to complete their work.
It is IPEN’s expectation that at least four of the Action Plans could be implemented in a reasonable time-frame and would be likely to achieve the desired regulatory controls in the country. It is IPEN’s further expectation that these national working groups might each need an estimated additional USD $25,000 to $50,000 to complete their work and achieve the desired regulatory controls.

At the end of the project, IPEN will prepare a report in English describing key strategies and outcomes, to be shared with other interested countries and regions to promote global dissemination of lessons learned and replication of results.
Appendix 1 Detailed Project Budget

Activity 1. A workshop to be held in Minsk, Belarus

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
<th>Average Unit Price (USD)</th>
<th>Number of units</th>
<th>Total cost USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel</td>
<td>Per flight</td>
<td>770</td>
<td>35</td>
<td>27,000</td>
</tr>
<tr>
<td>- Participants from the EECCA Region</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- IPEN team</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Experts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per Diems</td>
<td>Per participant</td>
<td>750</td>
<td>40</td>
<td>30,000</td>
</tr>
<tr>
<td>- 16 Government Representatives</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- 16 Civil Society representatives</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- IPEN team and Experts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Venue</td>
<td>Per Day</td>
<td>2,000</td>
<td>3</td>
<td>6,000</td>
</tr>
<tr>
<td>Translation and interpretation</td>
<td>Total Cost</td>
<td></td>
<td></td>
<td>15,000</td>
</tr>
<tr>
<td>- Translation of workshop materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Simultaneous interpretation during workshop</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local organizing team</td>
<td>Total Cost</td>
<td>6,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>84,000</strong></td>
<td></td>
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</tr>
</tbody>
</table>

**Activity 2: Paint Studies in eight countries**

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
<th>Average Unit Price (USD)</th>
<th>Number of units</th>
<th>Total cost (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lab cost</td>
<td>Per sample</td>
<td>7.5</td>
<td>400</td>
<td>3,000</td>
</tr>
<tr>
<td>Paint and paint sampling kits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Paint purchases</td>
<td>Per country</td>
<td>2000</td>
<td>8</td>
<td>16,000</td>
</tr>
<tr>
<td>- Preparation of paint sampling kits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Shipping</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National paint sampling team</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Paint market survey</td>
<td>Per country</td>
<td>5000</td>
<td>8</td>
<td>40,000</td>
</tr>
<tr>
<td>- Paint purchases</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Paint sample preparation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paint Report</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Report preparation</td>
<td>Per country</td>
<td>2,500</td>
<td>8</td>
<td>20,000</td>
</tr>
<tr>
<td>- Printing</td>
<td></td>
<td></td>
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</table>
### Technical Expert support

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian-Speaking Regional Expert</td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>94,000</strong></td>
</tr>
</tbody>
</table>

### Activity 3 and 4: National Working Groups

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
<th>Average Unit Price (USD)</th>
<th>Number of units</th>
<th>Total cost USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Expenses</td>
<td>Per Country</td>
<td>10,000</td>
<td>8</td>
<td>80,000</td>
</tr>
<tr>
<td>- Meeting Costs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Costs for dissemination of Paint Report</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Other working group related costs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy Expert support</td>
<td>Total</td>
<td></td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>Russian-Speaking Regional Expert</td>
<td>Total</td>
<td></td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td>Expert travel in the Region</td>
<td></td>
<td></td>
<td></td>
<td>5,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>95,000</strong></td>
</tr>
</tbody>
</table>
Appendix 2: Recent Studies on Lead in Paint in Six of the Project Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of Paints</th>
<th>Year of Study</th>
<th>Average Lead Concentration (ppm)</th>
<th>Percent Greater Than 90 ppm</th>
<th>Percent Greater Than 600 ppm</th>
<th>Percent Greater Than 10,000 ppm</th>
<th>Maximum Lead Concentration (ppm)</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenia</td>
<td>26</td>
<td>2011</td>
<td>25,000</td>
<td>77%</td>
<td>77%</td>
<td>38%</td>
<td>130,000</td>
<td>(Clark, et al., 2014)</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>30</td>
<td>2012</td>
<td>3,700</td>
<td>70%</td>
<td>60%</td>
<td>7%</td>
<td>20,000</td>
<td>(IPEN/UNEP, 2012)</td>
</tr>
<tr>
<td>Belarus</td>
<td>22</td>
<td>2008</td>
<td>5,600</td>
<td>82%</td>
<td>68%</td>
<td>9%</td>
<td>59,000</td>
<td>(Kumar, 2009)</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>26</td>
<td>2011</td>
<td>16,000</td>
<td>85%</td>
<td>81%</td>
<td>38%</td>
<td>71,000</td>
<td>(Clark, et al., 2014)</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>30</td>
<td>2012</td>
<td>7,060</td>
<td>70%</td>
<td>60%</td>
<td>10%</td>
<td>99,000</td>
<td>(IPEN/UNEP, 2013)</td>
</tr>
<tr>
<td>Russia</td>
<td>21</td>
<td>2011</td>
<td>8,300</td>
<td>76%</td>
<td>67%</td>
<td>19%</td>
<td>53,000</td>
<td>(Clark, et al., 2015)</td>
</tr>
</tbody>
</table>


Human-Centered Business Model: A Holistic Approach for a New Model of Doing Business

Community of Practice (CoP)  
v. October 20, 2015

TO THE STEERING COMMITTEE

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VI. Acknowledgments
I. Introduction and Context

Many irresponsible business practices and actions of corporate entities have negatively affected communities, cities and regions all over the world. The single-minded pursuit of profit maximization has led to the infringement of basic and globally-agreed social\(^\text{72}\), environmental\(^\text{73}\), ethical\(^\text{74}\) and human rights principles\(^\text{75}\). On the other hand, non-profit enterprises have revealed some limits as well. Among others, they generally focus only on selected areas of business (“public-interest oriented”) and they might be not economically sustainable without a support of the public sector.

In order to address the above inconvenient truths, within the framework of the Global Forum on Law, Justice and Development (GFLJD) – a knowledge initiative for the co-generation of innovative legal solutions to development – the European Public Law Organization (EPLO), the Ca’ Foscari University of Venice and the GFLJD Secretariat are proposing a Community of Practice for a collaborative initiative to design and pilot a new “Human-Centered Business Model”.

The proposed Model builds on existing initiatives scattered all over the world that aim at socially-sustainable practices for enterprises\(^\text{76}\), social and environmental reporting\(^\text{77}\), disclosure of non-financial statements\(^\text{78}\),

\(^{72}\) Production delocalization, substandard minimum wages and working conditions, unemployment, and under employment are factors of social instability and constitute a driver to join illicit activities.

\(^{73}\) Environmental degradation, soil poisoning, air and water pollution are often the result of costs externalization from the business sector with a negative impact on future generations. Recent theories on climate change, for instance, have clarified how the phenomena is no longer only a natural one, but it is the product of human activity (so called “man-made climate change”); see between the many [http://www.economist.com/blogs/economist-explains/2014/11/economist-explains](http://www.economist.com/blogs/economist-explains/2014/11/economist-explains).

\(^{74}\) Corruption practices, etc.

\(^{75}\) Child labor, modern slavery, discrimination against women, etc.

\(^{76}\) E.g. Social Enterprises in the EU or Benefit Corporations in the USA and other initiatives worldwide.

\(^{77}\) E.g. the Global Reporting Initiative (GRI) and the International Organization for Standardization (ISO).

\(^{78}\) Within the European Union the disclosure of non-financial statement has been introduced by the European Parliament and the Council Directive of 26 June 2013 (2013/34/EU - amending Directive 2006/34/EC and others on financial statements) and then recently amended by Directive 2014/95/EU of the European Parliament and of the
incentives for “green economy”, “triple bottom line” movement, “shared value” concept (CSV), and so forth. From all these initiatives an increasing widespread interest in a more socially and environmentally sustainable way of doing business clearly emerges. Because the various initiatives are not coordinated, they have limited impact.

The Human-Centered Business Model seeks to take a holistic approach and addresses all components/aspects of businesses in order to create an alternative approach of doing business adaptable to different cultural, socio-economic and legal environments, based on the idea that a trade-off between economic and social goals may be no longer inevitable.

Council of 22 October 2014, which requires the report of non-financial statements as a duty for public-interest and large dimension enterprises (average number of 500 employees during the financial year).

79 Triple bottom line (TBL or 3BL) is an accounting framework that expands the traditional reporting framework to take into account social and environmental performance, in addition to financial results. This three divisions are also called the three “Ps” (people, planet and profit). In 1981, Freer Spreckley first articulated the triple bottom line in a publication called Social Audit - A Management Tool for Co-operative Working. However, the phrase “triple bottom line” was articulated more fully by John Elkington in his 1997 book Cannibals with Forks: the Triple Bottom Line of 21st Century Business. In 1998, a Triple Bottom Line Investing group advocating and publicizing these principles was founded in 1998 by Robert J. Rubinstein. Today, the movement is extremely widespread.

80 The concept of shared value can be defined as policies and operating practices that enhance the competitiveness of a company while simultaneously advancing the economic and social conditions in the communities in which it operates. Shared value creation focuses on identifying and expanding the connections between societal and economic progress. The concept rests on the premise that both economic and social progress must be addressed using value principles. Value is defined as benefits relative to costs, not just benefits alone. The idea of shared value was initially explored in a December 2006 HBR article by Michael E. Porter and Mark. K Kramer, Strategy and Society: The Link Between Competitive Advantage and Corporate Social Responsibility.

81 See also the concept of “inclusive business model”, a commercially viable model that benefits low-income communities by including them in a company’s value chain on the demand side as clients and consumers, and/or on the supply side as entrepreneurs or employees in a sustainable way, as defined in the United Nations Development Programme (UNDP), Creating Value for All: Strategies for Doing Business with the Poor, published in 2008 by the Growing Inclusive Markets Initiative and guided by an Advisory Board consisting of leaders in the field such as the International Business Leaders Forum, the International Finance Corporation (IFC), etc. The IFC defines “inclusive business model” as the private sector approach to providing goods, services, and livelihoods on commercially viable basis, either at scale or scalable, to people at “base of the pyramid” (BOP) by making them part of value chain of clients’ core business as suppliers, distributors, retailers, or customers.

82 The neoclassical thinking sees a trade-off between profit and ethic: to provide societal benefits, companies must temper their economic success. In such vision, a requirement for social improvement imposes indeed a constraint on the corporation. CSR and CSV – each in its own way – work for the internalization of the social costs that the enterprise generates (e.g. pollution). The HCBM goes beyond the latter concepts by moving from the idea that social and environmental sustainability do not necessarily reject the profitability whenever there is an intent, of the shareholders themselves, to combine profit sustainability with ethic values.
It bears noting that much has already been done to encourage more socially responsible business activity, and that many businesses, out of their own will, already conduct their activities in a socially and environmentally responsible manner. Particularly notable is the Corporate Social Responsibility (CSR) movement. However, while the policies and practices espoused by the CSR movement are related to the Model’s aims, the Model will include those values both differently and to a higher degree. Notably, while CSR aims to encourage a company, generally through a top-down management-directed approach, to take into account issues tangential to profit – such as environmental protection, employee wellbeing, and community and civil society in general (so-called “stakeholders other than shareholders”) – it does not fundamentally deviate from the profit-centric mentality. Indeed, the CSR approach aims to incentivize change by pointing to potential positively profit-related outcomes that can arise when businesses adopt socially responsible policies (e.g. image enhancement, improved reputation, increased sales, consumer loyalty, improved safety and reduced liability). By contrast, the Model structurally embraces those other principles, putting the goals of environmental and social sustainability at par with profit and making them central to the business’s development and self-governance. The Model shifts social and environmental interests from “external” interests considered with an eye to increasing profit to a position as proper corporate goals that stand alongside profit and sustainability towards which managers, in complying with their duties, must also strive.

The Model will be a "tertium genus", bridging the gap between those business forms that singularly seek to maximize profit and non-profit organizations or volunteer’s associations.

The Model will combine, on an equal level of priority, the economic dimension of for-profit with larger integrity dimensions of social and environmental sustainability, including, for instance, notions of decent work, respect of the territorial and local community integrity, sustainable environmental impact and attention to inheritance issues for future generations.

The Model will focus on human beings both as individuals, principally by striving to institute high-quality in labor and working conditions, and also as social creatures, with identities rooted in the group by respecting the environment and the local communities.

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83 Poor social conditions badly influence a company and may generate internal costs. For instance, poor public education negatively impacts productivity requiring remedial-training costs; poor transportation infrastructure drives up the costs of logistics; gender or racial discrimination reduces the pool of capable employees; poverty limits the demand for products; etc.

84 Labor conditions may include the provision of childcare support, affordable housing services, etc.
II. Proposed PDO/Expected Outcome

The proposed project aims to develop and pilot an innovative, human-centered, business model based on a menu of economic, social, environmental, rights-based and ethical principles.

The overall objective is a sustainable and more equitable model of doing business that will advance inter-generational and intra-generational equity as well as shared prosperity and inclusive economic growth.

The project is in line with the UN Sustainable Development Goals n. 8 that promotes a «sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all».

Projects outputs are as follows:

1) Inventory of relevant existing initiatives and their comparison to identify international good practices that could inspire the design of the Model;

2) Development of a theoretical model, with in-depth analysis and solutions for each of its pillars, and identification of measurable performance indicators;

3) Extensive, meaningful and transparent consultation with partners, experts and stakeholders (conducted online);

4) Two or more pilot verifications of the Model at country level. This output would require the active participation of two or more governments that will engage both in developing the Model

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85 Sustainable development is “a moral concept that seeks to define ‘fair and just’ development”, as defined by Richard Welford and Richard Starkey, in The Earthscan Reader in Business and Sustainable Development, Earthscan Publications, 2001. The World Commission on the Environment and Development defines the sustainable development as the “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.


and in its pilot-implementation, which would include collecting feedback to refine and improve the Model.

Once developed, the Model, validated through pilot implementations, will be made available for voluntary adoption. It will provide a range of legal and corporate governance options to ensure flexibility and adaptability to different legal, socio and economic environments.

To be sustainable the Model requires an enabling legal regulatory and policy framework encompassing legal/governance, financial, fiscal, and procurement dimensions. Each of these dimensions will be developed as key pillars.

III. Project Details

The Model, to be structured along the lines of the key pillars, must be coherently developed in accordance with the Guiding Principles. Each pillar will be developed under the intellectual co-leadership of two or more partners, along with the involvement of other partners and/or experts.

1. Guiding Principles Pillar

The paradigm shift proposed by the project is based on a set of principles, which will be different from pure profit maximization. These Guiding Principles should be identified among existing economic, social and environmentally sustainable development policy goals, right-based principles largely agreed upon by the international community, and ethical principles common to most widespread religions (Annex 1).

The Human-Centered Business Model aims to ensure fair returns to shareholders, while balancing those returns with the legitimate interests of stakeholders (e.g. workers, local communities, the environment, etc.) as opposed to shareholders. As such, the Model does not reject the pursuit of profit, but rather aims to balance immediate profit and financial returns with social and environmental sustainability, equitable distribution of wealth, and long-term growth.

Consequently, profit allocation should be not only related to financial statement results but also to social and environmental performance indicators. E.g. enterprises with critical social or environmental issues would not be permitted to pay dividends to shareholders without first having taken appropriate actions to address the social/environmental concerns.

The development of the Guiding Principles shall be developed along the following lines:
Research

- Selection of the relevant existing international and regional laws and principles on sustainable development (including, e.g., “decent employment”, environment and basic human rights);

- Inventory of corporate social responsibility policies and principles voluntarily adopted by the private sector to regulate business conduct. E.g., the UN Global Compact, Guiding Principles on Business and Human Rights, Equator Principles, The EU Eco-Management and Audit Scheme (EMAS), Governance, Risk and Compliance best-practices, etc.) (Annex 2);

Analysis and Synthesis

- Elaboration of “essential principles” which must be fulfilled in order to be qualified as a “Human-Centered Enterprise” (HCE). These principles constitute a “minimum common denominator” of principles of immediate\(^88\) or progressive realization\(^89\);

- Elaboration of “optional principles”\(^90\) that can be adopted depending on the economic sector of activity. These principles will not impact the HCE qualification but relate to the enterprise performance;

Performance

- Elaboration of performance indicators to measure a company’s implementation of each Guiding Principle (both essential and optional principles)\(^91\).

The performance indicators – which together with the financial statements, could be part of the enterprise’s periodical “report” – will also impact the fiscal regime and the public procurement conditions (see below). The report may include a plan for actions in areas of low performance.

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\(^88\) For instance, prohibition of child and forced labor, non-discrimination and equal opportunities.

\(^89\) For instance, safe working conditions, anti-corruption (including extortion and bribery), using technologies less harmful to the environment, recycling, etc.

\(^90\) For instance, use of renewable energy, etc.

\(^91\) See the ISO 26000:2010, elaborated by the International Organization for Standardization (ISO), an international standard-setting body composed of representatives from various national standards organizations. ISO 26000 provides guidance on how businesses and organizations can operate in a socially responsible way. Info at [www.iso.org](http://www.iso.org).
2. Legal Framework and Governance Pillar

Depending on the different legal, socio-economic and cultural environments, the application of the new Model will require either the adaptation of existing legal entities\(^\text{92}\) or the introduction of new ones.

There are models of consolidated and socially-oriented approaches using different terminologies and varied approaches.\(^\text{93}\) These experiences provide substantial inputs for the development of the legal and governance pillar of the new Model.

The governance structure of the new HCE will also need to be considered under a fresh light in order to be consistent with the Model’s pillars.

Among many other characteristics the Model should embrace the idea that a widespread involvement of workers, local communities, public authorities, and even religious leaders\(^\text{94}\) might enhance business growth, in terms of both profit and ethics.

The overall goal of this pillar is to develop several options of governance to be adapted to company dimensions, activities and different socio-economic and legal environments. However, these options should ensure some common characteristics to design a participatory, democratic, transparent, ethical and accountable model\(^\text{95}\).

Among others:

- **Stakeholders’ participation** in the governance, with several forms of involvement in consultative, supervisory, and/or M&E functions. Indeed, while shareholders will aim to

\(^\text{92}\) For instance, existing law on cooperative enterprises may be adapted to be compatible with the Model. See G. Ferri, A. Leogrande, *Entrepreneurial pluralism*.

\(^\text{93}\) See the case of *Benefit Corporations* in the US system (Annex 3); for a framework around the European Union, see “A map of Employment, Social Affairs and Inclusion social enterprises and their eco-system in Europe”, elaborated by the European Commission in 2014 (Annex 4) and The EU Perspective – Social Business Initiative (Annex 5).

\(^\text{94}\) A stakeholders’ involvement in the corporate governance is encouraged by the *OECD Principles of Corporate Governance*, 2004 available at [http://www.oecd.org/corporate/ca/corporategovernanceprinciples/31557724.pdf](http://www.oecd.org/corporate/ca/corporategovernanceprinciples/31557724.pdf), see paragraph IV. At the moment, the OECD has launched a review of the Principles of Corporate Governance, which is still ongoing.

\(^\text{95}\) As an example, see the Mondragon Corporate Model, Jose Luis Lafuente, *Mondragon’s Corporate Model: “The Workers Have the Power”*, available at [http://www.geo.coop/node/660](http://www.geo.coop/node/660).
profit, it is important to properly enable other constituencies to strive for the social and environmental sustainability\textsuperscript{96};

- New role/participation of labor force\textsuperscript{97}, among others; various forms of co-ownership\textsuperscript{98}, intergenerational transferability (conditional transferability of both employment and equity participation to family members), and new roles for retirees\textsuperscript{99};

- Alternative dispute resolution (ADR) systems may also be engineered, such as ‘peer-to-peer’ mechanisms\textsuperscript{100}, by creating panels of workers who are trained in listening, questioning, and problem-solving skills; and

- A maximum salary ratio between the lowest and the highest paid company positions\textsuperscript{101} may be coherent with the Model’s more equitable way of doing business.

Within the development of this pillar, a particular attention should be given to the function of evaluation of the enterprise’s performances in the fulfillment of each Guiding Principle. This central function could be attended, for instance, by the supervisory body or, in larger enterprises, by an \textit{ad hoc} M&E body.

\textbf{3. Financial Pillar}

As the Model will not privilege profit maximization at the expense of other social obligations, it may not be appealing to traditional investors. It will be necessary to identify innovative financial incentive mechanisms, through the development of new ones, and/or through the adaptation of

\textsuperscript{96} The Human-Centered Business Model equally aims to economic, social and environmental sustainability, and this needs to be reflected in the HCE’s governance.

\textsuperscript{97} It could also be wise to devise and use a different term instead of ‘employee’, discourse that connotes an unnecessary hierarchical relationship of the human capital within the enterprise.

\textsuperscript{98} The European Commission “believes that employees’ interest in the sustainability of their company is an element that ought to be considered in design of any well-functioning governance framework. Employees’ involvement in the affairs of a company may take the form of information, consultation and participation in the board. But it can also relate to forms of financial involvement, particularly to employees becoming shareholders”; European Commission Communication entitled \textit{Action Plan: European law on corporate governance – a modern legal framework for more engaged shareholders and sustainable companies}, COM (2012) 740 final, available at \url{http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0740&from=EN}.

\textsuperscript{99} Some retirees may be retained for functions of monitoring and evaluation, advisory (stakeholders’ advisory committee) and/or problem-solving (see peer-to-peer mechanisms).

\textsuperscript{100} Peer Review is a problem-solving process where a worker takes a dispute to a group or panel of fellow workers (employee and/or managers) for a decision. Its main aim is to resolve disputes early before they become formal complaints. The decision is not binding and it does not impede the access to traditional forums for dispute resolution.

\textsuperscript{101} The issue of the stark difference between the wage of top management and other line staff of private companies has been faced by a survey conducted by \textit{Bloomberg} in big, medium and smaller companies in the United States which indicates the ratio of salary and benefits of the CEO’s is 1795 to 173 times more than that of the line staff.

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existing ones\textsuperscript{102}, in order to attract also traditional investors, who may appreciate the fact they are financing a Human-Centered Enterprise (HCE).

Such mechanisms may include, among others:

- **New roles for the public sector** (non-invasive approach), the **private sector** (corporate social responsibility policies and practices)\textsuperscript{103}, and the **non-profit sector** (foundations);

- Innovative financial participation of workers in risk and/or debit capital – simplified forms of workers’ participation as ‘investors’ (in the equities of the enterprise) and ‘lenders’ (workers could be provided with opportunities to invest some savings in the enterprise);

- **Simplified access to credit and risk capital** (revision and simplification of current forms of access to finance); **revolving funds** (to support the enterprise during the start-up); in-kind contributions through pro-bono support for the start-up phase (from retired but still active workers, professional associations and academia for coaching and mentoring of labor force); instruments piloted by the Impact-Investing Industry; re-investment of net profits; Sales Tax Increment Financing; financial “matching” where public entities will match the financial contribution of shareholders as incentive to long-term private investors\textsuperscript{104}; crowd funding; establishment of Human-Centered Banks; access to ethical business rating, such as the FTSE 4 Good or the Dow Jones Sustainability World Index; community bonds; etc\textsuperscript{105}.

Financial mechanisms may be related to the performance results in the Guiding Principles’ fulfillment (calculated according to the performance indicators).

\textsuperscript{102} See, between the many, the Global Alliance for Banking on Values, the UNEP Finance Initiative, or the UN Principles for Responsible Investments.


\textsuperscript{104} Financial matching could be provided by regional (EU Funds), national and/or local governments and it could be complemented by the non-profit sector (foundations) and local financial institutions.

\textsuperscript{105} See, for instance, the IFC Inclusive Business Bonds, or the Inter-American Development Bank’s Project, “Opportunities for the Majority”.
4. Fiscal Pillar
The fiscal regime of the new business Model should also be consistent with the performances in terms of profitability, employment, social and environmental sustainability, and ‘wealth redistribution’ within the local community.

The fiscal regime (conditions) should be designed in accordance with the results for each principle (calculated according to the performance indicators). The fiscal regime could then be linked to the performance (better performance results in more favorable fiscal conditions).

5. Procurement (special conditions and access) Pillar
Corporate procurement – as part of the commitment to the Guiding Principles, corporate procurement would be expected to abide by the highest legal and ethical standards. Business relationships should be established with suppliers compliant with the Human-Centered Business Model principles (including their respective supply chains). Several examples of procurement special ethics and condition already exist within the public sector, as well as within the no-profit and for-profit sector.

Such corporate procurement policy could be incentivized/supported through forms of preferred procurement:
a) based on an assessment of performance against the Guiding Principles, the new business Model

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106 “Suppliers must not have committed any act or offense indicating lack of integrity and honesty that seriously and directly affects the present responsibility, including fraudulent, corrupt, collusive, coercive or obstructive practices”, World Bank Vendor Eligibility Policy.

107 By requiring suppliers to respect and fulfill the Model’s Guiding Principles, we need to distinguish between essential and optional principles. However, even regarding to the essential principles (the ones that enterprises must fulfill to be qualified as ‘Human-Centered’), whenever there are no alternatives in the reference market, it may be imagined a progressive fulfillment within the supply chain, more than an immediate one.

108 See the Business Social Compliance Initiative (BSCI) Monitoring System, the European approach to improve social performance in supplier countries through a uniform social standards monitoring solution. This business-driven initiative aims to continuously improving the social performance of suppliers, ultimately enhancing working conditions in factories worldwide. It is based on ILO and other important international regulations like the UN Charter for Human Rights, as well as on national regulations.

109 See for instance the Suppliers Diversity Program in Massachusetts, (between the many, Walmart has Supplier Diversity Program to provide companies owned and operated by minorities, women, veterans and people with disabilities equal footing to effectively work with Walmart. Accenture also has Supplier Inclusion and Diversity Program weighting environmental, social and governance factors in its procurement decision-making process)
may be granted selective preferred procurement conditions with the public sector, in respect of fair competition and principles of transparency, non-discrimination and equal treatment;\(^\text{110}\); 
b) the private sector could commit to buyers’ agreements for the purchase of a minimum guaranteed volume (something along the lines of Farming Contracts\(^\text{111}\)).

6. Capacity Building and Mentoring Support Pillar
An important pillar of the Model pertains to capacity building and mentoring support.

Because of the impact on the local community, the Human-Centered Business Model should include effective interaction with stakeholders, such as:

- **Academia**\(^\text{112}\) for capacity building in the areas of business planning, marketing, accounting, budgeting, ICT, legal, and financial literacy;
- **Professional Associations** for pro-bono legal support during the start-up phase;
- **Retirees** for furthering forms of mentoring support through knowledge transfer from outgoing workers to new workers or apprentices\(^\text{113}\).

IV. Process

- Identification of leading partners for each one of the pillars;
- Development of the project Concept Note and funding proposal;

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\(^\text{112}\) The collaboration could entail free support during the start-up phase in exchange for preferred employment for graduates from participating academia, online training modules in critical topics, baseline assessment and post training test to verify progress made

\(^\text{113}\) The process may pair the future retiree with the new worker/apprentice, by gradually reducing the working hours of the first while increasing those of the latter, with several benefits: a mentoring support for the new worker, a smooth gradual phasing-out for the retiree, and a preservation of the business know-how.
Then, contingent on successful funding:

- Worldwide inventory of social business initiatives and identification of international good practices;
- Draft of the theoretical model;
- Consultation process with partners, stakeholders and experts (online). Key players could be international organizations, the EMES Network (Annex 6), selected academia/professors, selected sector experts, foundations, etc.;
- Piloting at a country level and feedback on the theoretical model. The new Model should be applicable to most areas of business and could initially be tested for:
  - Creation of new enterprises. Particularly, the Model could be a suitable option in developing countries, by orienting their growth to a more sustainable approach that will, for instance, preserve their natural environment. By learning from capitalism ‘failures’ and the limits of non-profit approaches, developing countries may take advantages of the Model to develop a more equitable and sustainable growth;
  - Salvage and rehabilitation of enterprises that are on the brink of failure (with the assumption that salvage of employment is equivalent to job creation);
  - Assignment and management of enterprises which have been seized from organized crime (with the assumption that the seizure will likely resolve in liquidation of the enterprise with consequent destruction of employment);
- Improvement of the Model (validation in other countries).

114 For new enterprises, access to free use of assets which have been seized to organized crime for a limited period of time with options to rent and/or to buy after the start-up phase can be imagined.
V. Annexes

Annex 1

Human Rights, Sustainable Development, Business Ethic and Religious/Ethical Principles

I. HUMAN RIGHTS PRINCIPLES

The Guiding Principles on Business and Human Rights\(^{115}\) elaborate the responsibility of businesses in ensuring the recognized human rights and public interests in their undertaking. Even though the traditional subjects of international human rights law are states, corporations are also responsible to ensure realization of human rights enshrined under international law. These responsibilities are the duty to respect human rights enshrined under the international bill of rights that includes the Universal Declaration of Human Rights (UDHR)\(^{116}\), the International Covenant on Economic, Social and Cultural Rights (ICESCR) \(^{117}\) and other ILO instruments\(^{118}\). These instruments provide for the following fundamental human rights:

- Equal pay for equal work (Art. 23 UDHR)
- Wage that guarantees adequate standard of living for the worker and the family (remuneration that ensures dignified life for the worker and the family including health, food, education, housing etc.) (Art. 25 UDHR, Art. 7 ICESCR)
- Favorable and healthy conditions of work (Art. 25 UDHR, Art. 7 ICESCR)
- Social security and social protection (Art. 24 UDHR, Art. 9 ICESCR)


\(^{117}\) Available at [http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx).

- Leisure and paid leave including maternal leave for mothers (Art. 24 UDHR, Art. 7 ICESCR).

When there are laws that guarantee the above enshrined rights but the State has a limited enforcement capacity, Corporations are required by the UN Guideline on Business and Human Rights to take the initiative to set examples and boost the system of protection.

particularly, the enterprises’ responsibility to respect human rights, requires that business enterprises:

1) Avoid causing or contributing to adverse human rights impacts through their own activities and address such impacts when they occur; and also
2) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts (UN Guideline on Business and Human Rights, Para 13).

II. SUSTAINABLE DEVELOPMENT GOALS

One of the main outcomes of the Rio+20 Conference\textsuperscript{119} was the agreement by member States to launch a process to develop a set of Sustainable Development Goals (SDGs)\textsuperscript{120}, which built upon the Millennium Development Goals and converged with the post 2015 development agenda. The SDGs are consistent with international law and they contribute to the full implementation of the outcomes of all major summits in the economic, social and environmental fields.

SOCIAL SUSTAINABILITY

Sustainable Development Goal n. 8 deals with “promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”. This goal requires protection of labor rights and safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment. Accordingly,

\textsuperscript{119} The United Nations Conference on Sustainable Development (UNCSD), also known as Rio 2012, Rio+20 or Earth Summit 2012 was the third international conference on sustainable development aimed at reconciling the economic and environmental goals of the global community; Rio de Janeiro (Brazil), 13-22 June 2012.

a business model for sustainable development must:

- indicate the potential for ethics-driven investment by the private sector;
- identify cultures and civilizations that can contribute to sustainable development;
- promote inclusive growth, built on decent jobs, livelihoods and rising real incomes for all and account for human wellbeing, sustainability and equity;
- advance an enabled, properly regulated, responsible and profitable private sector that is critical for employment, living wages, growth, and revenues for public programs;
- share the experience of forward-looking companies that are taking the lead by transforming their business models for sustainable development.

ENVIRONMENTAL SUSTAINABILITY

The **Sustainable Development Goals**\(^{121}\) call for the collaboration of governments, civil society and the private sector towards the achievement of environmental goals. Pertinent goals with this regard are:

- Take urgent action to combat climate change and its impacts (**Goal n. 13**);
- Conserve and sustainably use the oceans, seas and marine resources for sustainable development (**Goal n. 14**);
- Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (**Goal n. 15**).

In addition, the SDGs fully respect the **Rio Declaration on Environment and Development**\(^{122}\) of 1992. The Rio Declaration, by referring to States, between the many provisions, sets that:

- The right to development must be fulfilled so as to equitably meet development and environmental needs of present and future generations (Principle 3);
- Environmental protection constitutes an integral part of the development process and cannot be considered in isolation from it (Principle 4);

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\(^{121}\) Sustainable Development Goals, Open Working Group of the General Assembly on Sustainable Development Goals, *supra*.

In order to protect the environment a precautionary approach should be applied (Principle 15);
- And the cost of pollution should be borne by the polluter (Principle 16).

III. OTHER PRINCIPLES
Principles adopted by various actors require corporations to adopt and enforce human right policy. These principles provide a general guideline that shall be incorporated by such policies.

1) UN Global Compact
Ten years ago, one would not use the words ‘business’, ‘human rights’ and labour in the same sentence, as they were perceived as being diametrically opposed. However, this has changed with the UN Global Compact\(^{123}\) which is a strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anticorruption.

**Human Rights**
- Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and
- Principle 2: make sure that they are not complicit in human rights abuses.

**Labor**
- Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
- Principle 4: the elimination of all forms of forced and compulsory labor;
- Principle 5: the effective abolition of child labor; and
- Principle 6: the elimination of discrimination in respect of employment and occupation.

**Environment**
- Principles 7: Businesses should support a precautionary approach to environmental challenges;

\(^{123}\) Available at [https://www.unglobalcompact.org/](https://www.unglobalcompact.org/).
• Principle 8: undertake initiatives to promote greater environmental responsibility; and
• Principle 9: encourage the development and diffusion of environmentally friendly technologies.

**Corruption**

• Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

2) **Children’s Rights and Business Principles**

These principles are developed by UNICEF, UN Global Compact and Save the Children. They require proactive measure by businesses to protect the rights and welfare of children. The Principles synthesize the rights of children provided under various international children and human rights instruments and indicate the role of corporations in realizing those rights. Accordingly, all businesses should:

• Principle 1: Meet their responsibility to respect children’s rights and commit to supporting the human rights of children
• Principle 2: Contribute to the elimination of child labor, including in all business activities and business relationships
• Principle 3: Provide decent work for young workers, parents and caregivers
• Principle 4: Ensure the protection and safety of children in all business activities and facilities
• Principle 5: Ensure that products and services are safe, and seek to support children’s rights through them
• Principle 6: Use marketing and advertising that respect and support children’s rights
• Principle 7: Respect and support children’s rights in relation to the environment and to land

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acquisition and use

- Principle 8: Respect and support children’s rights in security arrangements
- Principle 9: Help protect children affected by emergencies
- Principle 10: Reinforce community and government efforts to protect and fulfil children’s rights.


The Guidelines regulate the specific aspect of human rights that may be impaired by the activities of pharmaceutical corporations. The principles are geared towards the social responsibility of pharmaceutical companies and their contribution towards the highest attainable standard of health. Accordingly the companies are required to

- Adopt a human rights policy statement
- Integrate human rights, including the right to the highest attainable standard of health
- Comply with the national law of the State where it is domiciled and it operates,
- Not to lead a state violate its national or international law responsibility
- Consider the needs of disadvantaged individuals, communities and populations for access to medicine
- Ensure transparency in relation to access to medicine, disclosure of information and dispute resolution
- Ensure transparent management, accountability and monitoring
- Adopt effective anti-corruption policy and prevent counterfeiting

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• Ensure transparency in public policy influence, lobbying and advocacy
• Manufacture quality medicine
• Undertake ethical clinical trials
• Contribute to research and development of medicines for neglected diseases
• Respect patent and licensing rules and comply with WTO policies that benefit low income countries
• Make its medicines affordable
• Follow ethical promotion and marketing strategy
• Comply with the guideline in the public private partnership it enters.

4. **Principles for Responsible Investment**

The Principles for Responsible Investment were developed by the UN supported international group of institutional investors, and are based on the idea that environmental, social and corporate governance (ESG) issues can affect the performance of investment portfolios. The six principles support the fiduciary duty of businesses and they are believed to align investor’s activities and goals with broader objectives of society.

• Principle 1: We will incorporate ESG issues into investment analysis and decision-making processes
• Principle 2: We will be active owners and incorporate ESG issues into our ownership policies and practices
• Principle 3: We will seek appropriate disclosure on ESG issues by the entities in which we invest
• Principle 4: We will promote acceptance and implementation of the Principles within the investment industry
• Principle 5: We will work together to enhance our effectiveness in implementing the Principles
• Principle 6: We will each report on our activities and progress towards implementing the Principles.

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5. OECD Guidelines for Multinational Enterprises

The OECD Guidelines for Multinational Enterprises are Annex to the OECD Declaration on International Investment and Multinational Enterprises which provide principles and standards for a responsible business conduct for multinational corporations. The Guidelines are not legally binding and cover business ethic on employment, human rights, environment, information disclosure, bribery, competition and taxation.

The first OECD Guidelines version was adopted in 1976 and it has been revised several times. The last version of 2011 is available at [http://www.oecd.org/daf/inv/mne/48004323.pdf](http://www.oecd.org/daf/inv/mne/48004323.pdf).

IV. RELIGIOUS/ETHICAL PRINCIPLES

Prevention of harm and promotion of fairness and good deed in the money making endeavor and justice in distribution of the proceeds is deeply entrenched in all religions. Christianity and Islam command honesty and good faith in dealings as well as respect and consideration for workers and the poor. In addition, both forbid extravagance and exploitation. The Confucian philosophy demand accountability and harmonious interaction at the work place. Similar with Christianity and Islam, it requires loyalty and generosity and embrace pity and brotherhood. Loyalty and prohibition of exploitation of the weakness of another are the central tenets of Judaism. Thus, humane centered business practice and corporate social responsibility are embedded in all the religions that commonly forbid conducts that would cause damage on another. On the other hand, Buddhism places high value in preservation of the environment.

Golden rule of all religions requires individuals to treat others as they would like to be treated. Furthermore, various religions set forth rules that requires the more fortunate to be considerate of the needs of the less fortunate.

In the details:

1. Judaism

Employers are required to pay employees on time. Indeed, business ethics occupies such an important place in Jewish laws, culture, and tradition that the Talmud has as the very first question to an individual at the final judgment: "Were you honest in your business dealings?”. The Torah prescribes for fairness and good conduct in business dealings. Among others such prescriptions
include accurate weights and measures, prohibition of monetary and verbal deception, false packaging, tax evasion, honesty and glorification of God’s name by one’s act\textsuperscript{128}.

2. Christianity

A business should exercise due care to perform work competently and responsibly. Business should also act in good faith in other ways, including honoring its promises, avoiding deceit, acting fairly, and living up to the reasonable expectations of other parties. In effect, Christianity prescribes treatment of others as one hopes to be treated and applying this principle to all phases of business activity, including hiring, firing, buying, selling, competing, servicing, and investing.

The Christian in commerce should not desire to get another’s goods or labor for less than it is worth. If one is buying from the poor, charity must be exercised as well as justice; purchaser must pay the full price that the goods are worth to him. Moreover, purchaser shouldn’t admit suffering of the vendor because he cannot stand out for his price\textsuperscript{129}.

The Catholic Church is strongly expressing its awareness on environmental matters. See the last encyclical of Pope Francis, “\textit{Laudato si’ – on care for our common home}”, and its speech at the UN General Assembly on September 25\textsuperscript{th}, 2015\textsuperscript{130}.

3. Islam

Trade and commerce are respected vocations in Islam. The Prophet Mohammed and His wife were traders and trade was used to expand the teachings and philosophies of the Prophet. The Islamic ethical principles on business are trust, legitimate resources of income and property, expenditure of excess resource in Godly ways, distribution of wealth to the less fortunate, avoidance of extravagance, honesty in business transactions, bounty and humanity in business contacts.

\textsuperscript{128} Rabbi Prof. by Prof. David Golinkin, 3.1 The Basic Principles of Jewish Business Ethics (2003) President of the Schechter Institute of Jewish Studies in Jerusalem.

\textsuperscript{129} The first \textit{Rerum novarum} (\textit{or Rights and Duties of Capital and Labor}), an encyclical issued by Pope Leo XIII in 15 May 1891, is considered a foundational text of modern Catholic social teaching. It was an open letter that addressed the condition of the working classes and discussed the relationships and mutual duties between labor and capital, as well as government and its citizens. Of primary concern was the need for some amelioration of "the misery and wretchedness pressing so unjustly on the majority of the working class". Many of the positions in \textit{Rerum novarum} were supplemented by later encyclicals, in particular John XXIII’s \textit{Mater et Magistra} (1961). See also the \textit{Sollicitudo Rei socialis} of Ioannes Paulus II and, recently, the second encyclical of Pope Francis, \textit{Laudato Si’ (On care for our common home)} which is the Pope critique to consumerism and irresponsible development, where he laments environmental degradation and global warming and calls all people of the world to take "swift and unified global action".

\textsuperscript{130} See \url{http://www.nytimes.com/2015/09/26/world/europe/pope-francis-united-nations.html?_r=0}. 

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discharging all business undertakings, reasonable treatment of staff, mutual esteem and fair purchasing and vending.

The Quran, the Hadith and other Islamic teachings strongly stress on observance of these ethical and moral code in human behavior. The Quran explicitly states a person is measured not by how much he/she has or has not rather is it by how they acquire what they possess\textsuperscript{131}.

Islamic leaders have recently adopted the Islamic Declaration on Climate Change which presents the moral case, based on Islamic teachings, for Muslims and people of all faiths to act on climate change. The declaration urges corporations, finance and the business sector to, \textit{inter alia}, reduce their carbon footprint, commit to 100\% renewable energy and/or a zero emission strategy, and consider social and ecological responsibilities.

4. **Confucian Philosophy**

Confucianism has various principles that embrace corporate social responsibility and the need to mainstream interest of others including workers in a business undertaking. These principles are \textit{(i)} filial piety (孝, xiào); \textit{(ii)} brotherhood, peer-ship and equality (悌, tì); \textit{(iii)} loyalty and fidelity (忠, zhōng); \textit{(iv)} trustworthiness (信, xìn); \textit{(v)} courtesy and politeness (禮, lǐ); \textit{(vi)} righteousness, right conduct and courage (義, yì); \textit{(vii)} upright, honorable, integrity and character (廉, lien), and \textit{(viii)} humility and shamefulness (恥, chǐ).

Followers of Confucian ethics would be working together towards a peaceful society and behave in a socially responsible manner. In addition leaders/managers will prosper in business by maintaining positive relationship with their workers.

Corporate social responsibility (CSR) in Confucianism stresses on the compelling and natural need to return or give back to the community. Thus, CSR is a natural function and part of the process of doing business. In terms of Ethics, Confucianism believes in spirituality or living with and in the Tao as per which one becomes a person because of others hence must develop into a community\textsuperscript{132}.

5. **Buddhism**


The Buddhist business code and professional ethics are closely tied with respect for environment. Essentially, according to Buddhist teachings, examining a certain action, which has to avoid any harm, run ethical and moral principles\textsuperscript{133}.

\textsuperscript{133} Buddhism from Buddha Net, \url{http://www.buddhanet.net/}. 

Foundations and Networks that Work on Corporate Social Responsibility

Some networks of businesses that work on sustainable business development and corporate social responsibility are:

- Coalition for Environmentally Responsible Economies a non-profit coalition of investors, [http://www.ceres.org](http://www.ceres.org)
- World Business Council for Sustainable Development (WBCSD), an international business network developing links between business, government and non-governmental organizations on sustainable development issues, [www.wbcsd.ch](http://www.wbcsd.ch)
- Business for Social Responsibility, an international business network embracing companies of all sizes, working across a broad range of issues that include environmentally sustainable development, [http://www.bsr.org](http://www.bsr.org)
- The World Resources Institute (WRI), a think tank that also promotes practical ways to protect the earth, [http://www.wri.org](http://www.wri.org)
- The World Conservation Union (IUCN), an international body founded in 1948 to influence, encourage and assist societies in the goal of nature conservation, [www.iucn.org](http://www.iucn.org)
- The Coalition of Environmentally Responsible Economies (CERES), a non-profit membership organization of investors, and various interest groups that developed 10 principles of environmentally responsible behavior, [http://www.ceres.org](http://www.ceres.org)
- The Greening of Industry, an international network of academic research and policy analysis focused on the relationship between industry, society and the environment, [http://www.greeningofindustry.org](http://www.greeningofindustry.org)
- Report of the Sixth Framework Program Priority 7, “Citizens and Governance in a Knowledge Based society”, 2002-2006, entitled “Understanding and Responding to Societal Demands on Corporate Responsibility. The research shows as it is no long sufficient a stakeholders engagement in the stage of passive information nor of ex-post claims, but it is now required a real sharing of power between several stakeholders, workers firstly but not only. Full text available at [http://www.corporatejustice.org/IMG/pdf/Response_FinalReport.pdf](http://www.corporatejustice.org/IMG/pdf/Response_FinalReport.pdf)
Within the European Union:


B Corps vs. Benefit Corps – What’s the Big Difference?

An Article of James Woulfe³⁴, available at
http://ctinnovations.com/resource/70/BCorpsvsBenefitCorps

B Corps and benefit corporations – these terms are often used interchangeably to refer to mission-driven, for-profit businesses. In actuality, though, a B Corp and a benefit corporation are two different things. To understand the difference, a little context is important.

In 2006, Jay Coen Gilbert, Bart Houlahan and Andrew Kassoy founded a Philadelphia-based 501(c) 3 organization called B Lab, with a mission to “redefine success in business.” To go about doing that, they first created something called the B Impact Assessment in 2007. The B Impact Assessment serves as a standard for measuring a business’s social and environmental impact and as a means of benchmarking a company’s impact compared with that of similar businesses. The assessment also includes interactive tools to help businesses improve their impact over time.

In 2008, B Lab started certifying social enterprises (mission-driven, for-profit companies) as “B Corps.” To become a B Corp, a business must achieve a score of 80 or above (out of a possible 200) on the B Impact Assessment and change its governing documents to allow directors to consider other stakeholders besides shareholders when making decisions on behalf of the company. Since launching the B Corp certification program, B Lab has certified over 1,000 B Corps all over the world.

While B Lab worked to certify businesses as B Corps, they also worked toward a more ambitious goal: to create an entirely new legal entity for social enterprises. In 2010, they succeeded, working with members of the Maryland state legislature to pass the first benefit corporation act. The act enabled entrepreneurs to incorporate as a benefit corporation, a type of business entity based primarily on existing corporate law, but with a few twists.

Benefit corporation status offers social entrepreneurs two specific legal advantages. First, it expands the fiduciary duty of the corporation’s directors, requiring them to consider the creation of a positive social or environmental impact, in addition to profits, when making decisions on

³⁴ James Woulfe is public policy and impact investing specialist at reSET, the Social Enterprise Trust, a non-profit organization whose mission is to promote, preserve and protect social enterprise as a viable concept and a business reality. You can contact James at Jwoulfe@socialenterprisetrust.org.
behalf of the company. It also reduces startup costs by providing attorneys with a standardized and easy-to-understand means for structuring a social enterprise.

Benefit corporations also offer certain marketing advantages that other legal structures don’t. When structured as regular corporations or LLCs, mission-driven businesses often find it difficult to communicate their social or environmental missions. Benefit corporation status provides entrepreneurs a way to cut through the noise of the purely for-profit marketplace and makes it easy for consumers to identify and patronize social enterprises. Also, because this new type of business entity ensures a high level of standardization from company to company, consumers who understand what it means to be a benefit corporation can comfortably make assumptions about the operations of benefit corporations across different sectors.

Benefit corporations also work toward ensuring that mission-driven businesses are held accountable and operate transparently. Benefit corporations must file annual reports detailing their positive social or environmental impact. This fosters more transparent business operations and helps to protect the nascent social enterprise sector from companies that “greenwash” – businesses that are not social enterprises but claim to be in order to increase their profits or generate some other self-serving benefit. While some may see the reporting requirements of a benefit corporation as onerous, most benefit corporations see them as an opportunity to tell the story of their company’s positive impact on society or the environment. A great example of one such company is Greyston Bakery, whose annual benefit report you can find here.

Benefit corporations are recognized as legal business entities in 26 other jurisdictions across the country, including Arizona, New York, Louisiana, Massachusetts and South Carolina. While most states have similar benefit corporation statutes, there are some that stray far from the “Model Act” first passed in Maryland in 2010, like Colorado and Delaware. Some states have made small changes or upgrades to the Model Act, including Connecticut. As of now, Connecticut is the only state that offers the option of “legacy preservation” to social entrepreneurs who want to ensure that their company, or its assets, will be used to create a positive social impact after they leave the organization or if ownership is diluted.

To sum up, while it’s easy to refer to a benefit corporation as a B Corp, or vice versa, be careful not to conflate the two different concepts. Yes, a benefit corporation can be a certified B Corp, but it doesn’t have to be, especially if the founders of the company can’t afford the certification from B Lab. Likewise, a B Corp can be a benefit corporation, but it could also be an LLC, a regular corporation, a limited partnership or another type of legal business entity.
My advice – be specific when you talk about businesses that are B Corps or benefit corporations. If you’re looking to abbreviate “benefit corporation,” try calling it a benefit corp instead. You can also see an infographic on the differences here.
A Map of Employment, Social Affairs & Inclusion Social Enterprises and Their Eco-
systems in Europe - European Commission, 2014

Abstract: The European Commission launched the present study in April 2013 as a follow-up to its 2011 Communication on the Social Business Initiative (SBI). This first-of-its-kind study maps social enterprise activity and eco-systems in 29 countries using a common definition and approach. Specifically, the Study maps (i) the scale and characteristics of social enterprise activity in each country; (ii) the national policy and legal framework for social enterprise; (iii) support measures targeting social enterprise; (iv) labelling and certification schemes where these exist; and (v) social (impact) investment markets. The Study also provides insights on the factors constraining the development of social enterprise and potential actions that could be undertaken at an EU level to complement and support national initiatives. It is based on: (i) in depth review of national policy documents, academic and grey literature on social enterprise; and (ii) semi-structured interviews with a range of stakeholders such as social enterprises, policy makers, social enterprise networks, support providers, investors and intermediaries.
The EU Perspective – Social Business Initiative

At the European policy level, social entrepreneurship and social enterprise as a business model, has been gaining reasonable ground over the last 10 years. Particularly after the economic crisis, social entrepreneurship is acknowledged as an important source of inspiration and energy for recovery, during the deep unemployment and social crisis.

According to the European Commission “Social enterprises seek to serve the community’s interest (social, societal, environmental objectives) rather than profit maximization. They often have an innovative nature, through the goods or services they offer, and through the organization or production methods they resort to. They often employ society’s most fragile members (socially excluded persons). They thus contribute to social cohesion, employment and the reduction of inequalities. The Commission wants to contribute to the creation of a favorable environment for the development of social business in Europe, and of the social economy at large”135.

In order to create this favorable environment, the European Commission launched in 2011 the Social Business Initiative, which was coordinated by DG Market. It foresaw three strands of action “to make a real difference and improve the situation on the ground for social enterprises”: 1) Improve the access to finance; 2) Give more visibility to social enterprises; 3) Optimize the legal environment.

These 3 strands are further broken down to 11 key actions.

Strand 1: Access to Finance:

Key action 1: European Social Entrepreneurship Funds: As part of its collective investment schemes, European law covers, among other forms of investment, the European Social Entrepreneurship Funds. These are investment schemes that focus on all kinds of enterprises that achieve proven social impacts. The regulation sets out a ‘European Social Entrepreneurship Fund’ label, so investors can easily identify funds that focus on investing in European social businesses. Every fund using the label will have to prove that a high percentage of investments (70% of the capital received from investors) are spent in supporting social businesses.

Key action 2: Microcredit and a European code of good conduct for microcredit provision. Microcredit is an important tool for generating growth and jobs in the EU. Several countries have

introduced reforms to promote microcredit and foster the emergence of microcredit providers as a complement to traditional channels of credit distribution. A wide range of tools have been set out at the European level, such as the JASMINE and the JEREMIE initiatives, as well as the PROGRESS Microfinance Facility (under EaSI during the 2014-2020 period).

**Key action 3:** European Programme for Employment and Social Innovation of ca. 815M € (EaSI). The European Parliament and the Council reached a political agreement on the **EU programme for Employment and Social Innovation (EaSI)** with a proposed budget of €815 million for the 2014-20. EaSI integrates and extends the coverage of three existing programmes, **Progress** (Programme for Employment and Social Solidarity), **EURES** (European Employment Services) and the **European Progress Microfinance Facility**. Under the aforementioned pillars, there is a special Microfinance facility and Social Entrepreneurship which will extend the support given to microcredit providers under the current European Progress Microfinance Facility (launched in 2010), provide funding for capacity-building of microfinance institutions, support the development of the social investment market and facilitate access to finance for social enterprises.

**Key action 4:** Under the access to finance strand, social entrepreneurship has become **an investment priority in the Structural funds** (adopted by the Commission 06.10.2011)

**Strand 2: increase visibility to social enterprises**

**Key action 5:** **A map of social enterprises and their eco-systems in Europe** was launched. For the first time, in 2014, following up on the Social Business Initiative, an in-depth study was released, outlining the **main features** of social enterprises in **28 EU Member States** and **Switzerland** using a common definition and approach. It also gives an **overview of social enterprise eco-systems** across countries, including factors constraining their development. It outlines national policy and legal frameworks for social enterprises, including best practices to accelerate the growth of the social enterprise ecosystem. It also identifies barriers faced by social enterprises, such as poor visibility and recognition of the sector, the constraints of current legal and regulatory frameworks, limited financial resources, difficult access to markets and the lack of business support and development structures, training, and workforce development. The study notes growing convergence towards the definition of social enterprise as "an autonomous organization that combines a social purpose with entrepreneurial activity".
Key action 6: A separate report on the marks, labels and certification systems for social enterprises in each EU country, where available, was also released.

Key action 7: A joint DG region and DG Employment guide sets out the instruments and best practices according to which, public authorities can foster social innovation.

Key action 8: Electronic data exchange platform for social investors and entrepreneurs - Social Innovation Europe platform. The SIE initiative connects policy makers, entrepreneurs, academics and third sector workers with other innovators from across Europe. Access to EU education-training programs is also a separate key action. Through EU programs promoting mobility, education and training, there are special activities that boost social entrepreneurship and train social entrepreneurs.

**Strand 3: Improving the legal environment**

Key action 9: Legal work is done aiming at providing EU templates and guidelines for the most common legal forms of organizations that make part of the social economy, such as cooperatives, foundations and mutual societies. DG Market offers the enabling ground so as to facilitate cross-border and cross-national activities of the aforementioned legal forms.

Key action 10: Enhancement of the element of quality in awarding contracts in the context of the reform of public procurement. The Commission has set out the tools so that public authorities can include social criteria in awarding public contracts.

Key action 11: Legal work is done for the simplification of the implementation of rules concerning State aid to social and local services. A Guide is issued to the application of EU rules on state aid, public procurement and the internal market to SGEI, and in particular to social services of general interest.

Other policy actions that the European Commission is working on linked to social enterprises are: Crowdfunding, social farming, social services and enterprises in rural areas, social impact measurement methodologies, etc.

In October 2014, the following recommendations were made for the social enterprise/social economy EU policy work:

- Develop and launch a 2nd phase of the Social Business Initiative (SBI)
- Create an action plan for social economy in Europe, with the adoption of the Statutes for European Foundations, Associations and Mutuals

- Continue with the Social Economy Intergroup

- Launch capacity building programmes to support and facilitate social innovation

- Draft a guidance note for MS on implementation of new procurement rules and provisions in this area

- Mainstream social entrepreneurship and social economy enterprises into the Small Business Act

- Gather and share the most suitable financial solutions and financial eco-system for social enterprises

- Recognize and support the contribution of social economy enterprises to employment and as a stakeholder in social dialogue

- Promote social entrepreneurship in education at all levels

- Prioritize further research and reflect social enterprises better in national statistics collection to increase understanding, recognition and visibility.
Annex 6

The EMES Network

EMES is a research network of established university research centers and individual researchers whose goal has been so far to gradually build up an international corpus of theoretical and empirical knowledge, pluralistic in disciplines and methodologies, around the so-called “SE” concepts: social enterprise, social entrepreneurship, social economy, solidarity economy and social innovation.

EMES members look for joint themes and projects that bring different disciplines from the human sciences together: not only sociologists, economists, political and management scientists, but colleagues from historical sciences, law, psychology, or cultural studies as well.

Specifically, the EMES network studies socio-economic entities that, while increasingly important in Europe and elsewhere, remain under-researched. This research has been so far mostly focused on Europe – a space with its own traditions, peculiar political institutions (like the EU) and therefore an agenda for third sector research that differs to some degree from other regions in the world.

However, EMES is now involved in the evolution of research at a broader geographic level via its enlarged international membership and via international partnerships (e.g. with the UNDP and research networks in Latin America and Eastern Asia).

EMES works on five focus area:

a. Social Enterprise
b. Social Economy
c. Solidarity Economy
d. Third Sector
e. Non-Profit Sector
VI. Acknowledgments

We want to thank Carlo Borzaga, Robert Buergenthal, Isabella Bunn, Fulvio Cortese, Conrad C. Daly, Don De Amicis, Frank A. Fariello, Matthew Glasser, Sabine Hertveldt, Yuantao Liu, William Loris, Sergio Lugaresi, Salvatore Mancuso, Marialisa Motta, Kishor Uprety, Aggeliki Vassiliou, Francesco Vella, Emilio Cesare Viano, Pierre Viaud and Andrea Zorzi for inputs and comments to this working document.

Community of Practice (CoP)
October 2015

TO THE STEERING COMMITTEE

This document has a restricted distribution and may be used by recipients only in the performance of their official duties. Its contents may not otherwise be disclosed without GFLJD authorization.
General Information

- **TWG Co-leaders:**
  
  Name of Partner Institution: Cornell University
  Contact: Chantal Thomas

- **Leading Partners for the present proposal:**
  
  Name of Partner Institution: Cornell University
  Contact: Chantal Thomas

  Name of Partner Institution: Cornell University, Legal Information Institute (LII)
  Contact: Thomas Bruce

- **TWG Members participating:**
  
  Name of Partner Institution:
  Contact:

  Name of Partner Institution:
  Contact:

  Name of Partner Institution:
  Contact:

  Name of Partner Institution:
  Contact:

- **Other Organizations participating (non GFLJD Members)**
  
  Name of Partner Institution:
  Contact:

  Name of Partner Institution:
  Contact:
• Program Implementation Period:
  Start Date: January 2016   End Date: December 2017

• Total Program Cost:
  US$300,000

• Partners’ in-kind contribution *(estimated value):*
  US$150,000

• Requested Financing:
  US$150,000

• Executive Summary:

  In today’s world, there is a growing demand for thinking across columns. MAPPTUS, an app for mapping aptitudes, is a Cross-Networking Directory for Legal, Financial, Governmental, International and Policy practitioners. It aims to make the world a more accessible and collaborative place. It will open up access to professional markets beyond those who are traditionally privileged and well-connected to those who are invisible or inaccessible. Doing so will increase the size of the pie. The Project functions by allowing for an intelligent matching of targeted practitioners based upon the mapping of individual aptitudes in order to better chart one’s professional possibilities and interests. The Project offers the following, unique advantages:

  First, the Project offers nuanced, layered professional-sector searches, combined with detailed subsector categorization. In a Venn diagramming approach, it allows for the searching of the point of overlap between two larger domains. For instance, a lawyer familiar with the financial services industry would be mapped to Legal and Financial domains; a government employee familiar with certain international policies would be mapped to Governmental and International domains; a judge teaching international anti-money laundering policies could be mapped to all five sectors; etc. Thereafter, each of the five sectors has detailed sub- and sub-subsectors categories (e.g., Legal → Alternative Dispute Resolution → International Commercial Arbitration). The Project allows, at a glance, for adept and tailored mapping and matching of practitioners. It does so not only according to individual or project needs, but also according to the advertised aptitudes of those practitioners. The Project is accessible not only to sophisticated audiences but also to a “lay” public looking for these practitioners (e.g., a journalist looking for a government employee in a certain country familiar with that country’s implementation of World Health Organization policies; an expatriate looking for a tax accountant familiar with tax law in two jurisdictions; etc.).

  Second, the Project promotes the visibility of invisible practitioners, especially those across
the Global South. Practitioners compete for attention and visibility. However, larger enterprises and firms, which are generally much more visible, are not necessarily the best options, neither in terms of bang-for-buck, nor in terms of the product produced. The Project provides a means for smaller, less visible practitioners to connect and to promote themselves, thereby allowing them to operate alongside more established organizations and companies that, through size, capital, closed connections and networks, and longevity, are more visible. Such is particularly true in creating South-South connections.

Third, the Project allows for both the assembling of teams, and for team building. Many projects require broadly formed experts of diverse backgrounds. The Project allows for the easy finding of practitioners of varied formations, with differing experiences yet congruous aptitudes, and will offer a means of helping to organize and construct those teams.

I. Introduction and Context

A. Context (global, regional, national):

The Project will have a global reach. It is intended to a directory or yellow pages that spans the world, and which is accessible to all. Its power will come from its ability to bring practitioners from around the world into easy and ready contact and communication following a quick and easy search mechanism. Moreover, beyond the global span that the Project will have, both regional and national levers, as well as linguistic, educational, licensing qualifications and the like, will be incorporated into its search algorithms such that the databases might be manipulated with much greater nuance.

B. Sectoral Context:

The Project will focus on five different domains of professional expertise, namely: Legal, Financial, Governmental, International and Policy. Among these five domains, there is a great deal of professional movement and interchange. Moreover, as discussed above, the skills of one of those areas are often desirable in a practitioner who is more focused in another one.

C. Institutional Context:

The context is not limited to an institutional one. However, the nature of the professional service provider world being as it is, the Project will keep a space for institutional levers and sensitivities. For instance, should a user be searching for a practitioner who can provide an opinion based on expertise of, say, the World Trade Organization be required, there will be a means of manipulating the database such that the desired institutional context can be created in the search.
Such will also allow institutions to craft their own nuanced sub-databases.

II. Proposed PDO/Expected Outcome\textsuperscript{136}

A. Proposed Development Objective(s):

It is envisaged that the following PDOs might be achieved within approximately two years of Project launch:

- Building an international database of Legal, Financial, Governmental, International and Policy practitioners with representative populations around the world;
- Developing a web-based application that will be able to map out cross-networked searches of appropriate practitioners;
- Developing a mobile application that will supplement the web-based application;
- Developing additional tools that will not only facilitate searching the database, but which will also offer additional support for (a) manipulating and organizing search results; (b) mobilizing search results; (c) storing search results; and (d) connecting search results with other online directories and databases (LinkedIn, professional databases, etc.).
- Partial data verification through (a) user-driven identity verification (furnishing of licenses, linking other accounts (e.g., LinkedIn)); (b) institutional support and involvement (universities, professional associations, professional institutions, employers); (c) and, eventually, automated algorithms;
- Eventually, algorithm-based profile proposition that will make professional matches based on search criteria.

B. Intermediate Results:

The anticipated intermediate results are as follows:

- Building an international database of practitioners in all five domains (Legal, Financial, Governmental, International, Policy) and with practitioners around the world within 1 year;
- Developing a web-based application that will be able to map out cross-networked searches of appropriate practitioners.

\textsuperscript{136} To be developed for each product/activity line
searches of appropriate practitioners within 1 year.

III. Program Details\textsuperscript{137}

A. Concept:

1. Description:

   Overview & Objectives:

   The world is increasingly intimate, especially on a professional services level—for instance, legal and financial services are increasingly outsourced, not only beyond traditional legal and financial institutions within the country but even to different countries. Moreover, globalization and telecommunications have made it such that professionals in any country might compete for contracts taking place in very distant parts of the globe.

   While there will always be a place for large, established firms, that place is not ubiquitous. The Project aims not to supplant large firms but rather to make the world a more accessible and collaborative place, both for the traditionally privileged as well as for the traditionally invisible. Doing so, it is hoped, will increase the size of the pie. Moreover, the Project aims to fill this need intelligently by mapping legal, financial, and international professionals based not only upon their hard qualifications but also upon their softer sensibilities and aptitudes, thereby increasing professional fulfillment and malleability.

   The Project will contribute to vocational fulfillment, worker productivity, and workplace happiness. It will allow practitioners to present themselves in the niche area that they truly desire to be, thereby contributing to worker productivity and facilitating overall workplace happiness.

   Users:

   Three classes of anticipated users are anticipated: First, legal, financial, international, governmental and policy professional looking to advertise their services (e.g., an associate at a law firm looking to make a move). Second, practitioners looking for the services of any of such professionals to complete or complement one’s own team (e.g., a project manager looking to assemble a team for a project bid). Third, users not belonging to any of these targeted professions but having need of the services of such professionals (e.g., someone looking for foreign-language-speaking tax advisers in a given city). Each of these three classes of users will have varying yet complementary needs and uses for the Project.

   Value Proposition:

\textsuperscript{137} To be developed for each product/activity line
There are different benefits for each user-type. For the first group, benefits include easy, increased visibility for the type of work that they desire to perform, as well as a means of showcasing less hard criteria (e.g., geography, admissions, languages, practice areas) and soft criteria (e.g., desired areas of work, firm size, other more personal aspects). Although affinities for certain work can significantly impact upon work product, those affinities are not necessarily apparent. For the second group of users—those searching for partners—the Project allows for a quick, easy, and comprehensible means of searching for potential partners, and then for curating and comparing those potential partners. Similarly, for the third group of users, the Project allows for an easy and intuitive means of finding a professional service provider, of identifying that provider’s strengths, and of having a form of vetting and ranking of that service provider.

**Innovation:**

The Project is innovative for several reasons. First, because it crosses competences in drawing professional circles—which are traditionally siloed—together. Second, because the Project not only looks to mapping according to hard criteria but also to doing so according to other, less tangible attributes that might have a significant effect upon the value and success of potential partnerships. Third, the Project revolutionizes both the accessibility and searchability of present databases and directories—combining an easy, White-Pages listing design with a Profile Page—while also making the system easily comprehensible and readable. Fourth, because its algorithms will propose professional matches based on search criteria, the User’s own profile, and similar searches. Fifth, it will incorporate the designation of expert for certain areas, as supported by the criteria and procedures of institutions, such as the World Bank. The Project revolutionizes professional networking circles by opening-up of formerly closed networks, connections and markets.

2. **Key Risks/Issues and Mitigation Measures:**

**Key Risks:** The risks are minimal. The Project is a low-cost tool that will be useful to a diverse population around the world. Moreover, the world’s increasing intimacy will make the Project’s value proposition of increasingly greater value. The greatest concern comes from progression beyond programming the chosen language. In addition to choosing the appropriate language in which to program and develop the Project, a small team will need to be kept available, even if on a part-time basis, to make appropriate adjustments so that the tool remains active, alive, and progressive, thereby preserving the Project’s utility and sustaining the proposed work. The other point of concern is user apathy: the Project’s utility will directly correlate with the database’s population, which will require mobilizing appropriate professionals and practitioners around the world; such a risk is not considered to be a substantial one, especially as the Team’s study of the Market Opportunity indicates a great need and desire for further developments in this area.

**Issues and Mitigation Measures:** There is little to mitigate. Project costs will be kept
minimal. The appropriate programming language will be chosen to assure the Project’s sustainability. Much guidance will come from support from Cornell University’s very successful Legal Information Institute (LII), a not-for-profit group that makes laws and legal texts freely available online, as well as materials to understand those texts, and by exploring new technologies to make it easier to find the law. The first open-access law site, LII has inspired more than two dozen namesakes worldwide. Due to the Project’s value proposition and its cost-free sign-up, the risk of user apathy is considered minimal, and what remains greatly diminished given the Team’s connectivity and by the vital support of the GFLJD.

B. Implementing Agency and Capacity Assessment (for Recipient Executed on ly): NA.

C. Project Stakeholder Assessment:

Project stakeholders are vast and varied. Essentially, the stakeholders are legal, financial, international, and governmental and policy professionals and practitioners around the world. The Project’s success will depend upon the engaging these professionals and practitioners around the world.

D. Financial Details/Eligible Expenses:

As already discussed, costs for development and implementation are minimal. It is the intention that the Project remain, to the greatest extent possible, a freely available product. The basic directory and database will be accessible at no cost to users, and made available in its entirety around the world.

E. Sustainability and Impact:

Sustainability: Once the Project has been implemented, it is anticipated that the Project will be able to sustain itself. The upfront development costs are the principal impediment. Only some small amount of funding will be required to maintain the database. Some slightly larger amount of funds will be required to continue development such that the search tools remain salient and the database remains curated and up-to-date. The costs for maintaining the database itself (data hosting, licensing, security, systems networking, hotline and support services, etc.) are estimated at roughly $150 per month. Additional costs present themselves in the form of employment of a small staff of about two persons to maintain and monitor the database and systems, as well as to respond to user questions and for troubleshooting.

Impact: The anticipated impact is quite large indeed, and very difficult to measure. The idea is to make the invisible visible. While this problem is at its worst in Part II\textsuperscript{138} countries, it is not unknown in Part I countries. For instance, around the world, many legal practitioners in law

\textsuperscript{138} Part I Member Countries are mostly developed countries that contribute to the resources of the International Development Association (IDA), which is the part of the World Bank Group that provides long-term interest-free loans (credits) and grants to the poorest of the developing countries. Part II Member Countries are mostly developing countries, some of which also contribute to the resources of IDA.
firms are not searchable as associated with their law firms until such time as either there client portfolios are sufficiently large and/or their loyalty to the firm has been sufficiently proven; such practices limit entrepreneurship and stifle competition. In Part II countries, the problem is further exacerbated by the fact that smaller practitioners are not easily searchable through online resources. The Project will open up this limited world, giving greater visibility to those who are presently largely, if not entirely, invisible.
IV. Results Framework
### Executive Summary:

<table>
<thead>
<tr>
<th>PDOs</th>
<th>Audience/ Beneficiaries</th>
<th>Expected Outcomes</th>
<th>Intermediat e Results/ Indicators</th>
<th>Baseline</th>
<th>Activities or Outputs</th>
<th>Data Source</th>
<th>Responsibility</th>
<th>Reporting Arrangements</th>
<th>Monitoring and evaluation</th>
<th>Peer Reviewers</th>
<th>Budget</th>
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<tr>
<td>Increase visibility of traditionally invisible groups</td>
<td>Traditionally smaller and less visible professionals</td>
<td>Increased work in the Global South; increased South-North commercial integration.</td>
<td>2016</td>
<td>Initial number of users added Global South</td>
<td>Comparativ e analysis; professiona l databases</td>
<td>Database numbers</td>
<td>Cornell Universit y</td>
<td>Quarterly</td>
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<td>Increased South-South communicati on and commerce</td>
<td>2016+1</td>
<td>Initial number of connection s between Global South</td>
<td>Comparativ e analysis; professiona l databases; metadata of points of</td>
<td>Metadata</td>
<td>Cornell Universit y</td>
<td>Quarterly</td>
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### Annex 1: Inventory template

<table>
<thead>
<tr>
<th>NAME OF TWG / CoP</th>
<th>Inventory of Partner’s Key Knowledge Product and Pipeline Projects/Programs</th>
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#### GENERAL INFORMATION

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<th>Website:</th>
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<td>Email:</td>
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<td>Tel:</td>
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**Area(s) of Interest:**
(for the TWG or CoP)

**Interest in Coleading:**

#### PROPOSED TOPICS/SUBTOPICS FOR THE TWG

Topics/subtopics of interest or core business for your organization wishes to be considered for the TWG

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<th>Interest in coleading</th>
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#### PROPOSED PRODUCTS FOR THE TWG WORK PROGRAM

3-5 key deliverables you would like to suggest for the work program of the TWG

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<tr>
<th>Proposed Topics for LJD Week 2015 (November 16-19)</th>
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Prevenção e Combate ao Turismo e à Exploração Sexual de Crianças e Adolescentes em Grandes Eventos Internacionais

Thematic Working Group Work (TWG)
Program on
“Empowerment and Equity for Diverse Communities”
December, 2013

TO THE STEERING COMMITTEE

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General Information

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  **The World Bank**
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  Knowledge Management Officer and GFLJD Project Manager
  Legal Vice Presidency
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• TWG Members participating (in alphabetic order):

Council of Europe
Contact:

Escola Paulista de Magistratura
Contact: Armando Sergio Prado de Toledo
Director of São Paulo School of Judges
astoledo@tjsp.jus.br

Inter-American Development Bank
Contact:

Ministério Público do Estado de Minas Gerais
Contact:

Supremo Tribunal Federal - Brasil
Contact:

United Nations Office of the Special Representative of the Secretary General on Violence against Children
Contact: Marta Santos Pais
msantospais@unicef.org

• Other Organizations (non GFLJD Members) participating (in alphabetic order)

Comitê Nacional Organizador da Copa FIFA 2014 (Instância que reúne representantes de 16 ministérios e 7 órgãos de Assessoria da Presidência da República, sob a coordenação do Ministério do Esporte)
Contact:

Conselho Nacional de Justiça (CNJ)
Contact:

Conselho Nacional do Ministério Público (CNMP)
Contact:

Fundação VALE
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Tel. +55 (21) 3814-4317/9490-6120
andreia.rabetim@vale.com
Alberto Ninio
Deputy General Counsel Regulatório & Operações
Departamento Legal
Vale S.A.
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alberto.ninio@vale.com

Ministério da Justiça - Brasil
Contact:

Ministério do Esporte - Brasil
Contact:

Ministério do Turismo – Brasil
Contact:

Secretaria de Segurança do Estado do Rio de Janeiro - Subsecretaria de Educação, Valorização e Prevenção (SSEVP)
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leriana.seseg@gmail.com

• Program Implementation Period:
Start Date: Novembro, 2013
End Date: Outubro, 2014

• Total Program Cost:
US$

• Partners’ in-kind contribution (estimated value):
Requested Financing: US$

Executive Summary

Busca-se, a partir da experiência que o Brasil já vivencia na preparação para sediar a Copa do Mundo FIFA 2014, desenvolver um projeto-piloto que servirá como base de implementação futura de uma plataforma de ações e boas práticas susceptível de utilização mundial destinada à prevenção e ao combate ao turismo e à exploração sexual de crianças e adolescentes em megaeventos internacionais.

A aplicação prática do presente projeto-piloto visa servir de primeira experiência para se aferir a eficácia de um conjunto de ações no combate à exploração sexual de crianças e adolescentes nas fases de preparação, realização e pós-encerramento de megaeventos internacionais.

Não se trata de uma espécie de auditoria ou de uma forma de fiscalização das ações empreendidas pelo Estado brasileiro. As ações aqui propostas, absolutamente em consonância ao ideário soberano da nação brasileira, têm o objetivo de contribuir com o grande projeto nacional brasileiro e com as diretrizes dos instrumentos internacionais de direitos humanos no processo de identificação e mapeamento de situações de risco de grupos mais vulneráveis da sociedade causadas por desvios comportamentais e pela atuação de redes criminosas de exploração infantil em grandes eventos, de tal forma a sistematizar um plano de ações que sirva de modelo no âmbito de políticas públicas nacionais e internacionais.

As ações aqui propostas foram concebidas no intuito de se testar previamente ideias em uma escala menor (nas 12 cidades-sede brasileiras da Copa do Mundo FIFA 2014), com riscos e recursos reduzidos, porém com alta concentração de esforços. Na verdade, a presente proposta visa agregar ou catalisar, a partir de iniciativas e da colaboração de integrantes do Global Forum on Law, Justice and Development (GFLJD) – mormente da Fundação Getúlio Vargas (FGV) e do World Bank (WB) -, ainda mais esforços nacionais e internacionais à complexa rede de ações e discussões já existente no Brasil e que é liderada pela Secretaria de Direitos Humanos da Presidência da República (SDH) - chamada de “Agenda de Convergência” - de tal forma a criar um modelo a ser seguido por outras nações em megaeventos.

A partir de ações preventivas (que incluem campanhas de conscientização e treinamento de autoridades responsáveis pela aplicação da lei) e de ações de geração de conhecimento (que incluem monitoramento, avaliação, produção de cartilhas informativas e geração de dados...
estatísticos) pretende-se chegar a um modelo de aplicação universal, cujos resultados possam se traduzir, se não na eliminação absoluta, pelo menos em drástica redução dessa conduta delituosa durante o afluxo de enorme número de turistas – estrangeiros e nacionais – às cidades-sede dos megaeventos internacionais.

Acredita-se que a geração de dados estatísticos e de boas práticas, a partir do trabalho conjunto dos atores da Agenda de Convergência e do GFLJD – especialmente tentando catalisar esforços, amelhar financiadores nacionais e internacionais e firmar parcerias em cooperação internacional, no período de novembro de 2013 a outubro de 2014, possibilitará a construção de um modelo almejado, cuja eficácia poderá ser colocada à prova no próprio Brasil, por ocasião dos “Jogos Olímpicos de Verão” a se realizarem na cidade do Rio de Janeiro, em 2016, e em outras nações em futuros grandes eventos.

I. Introduction and Context

A. Context (global, regional, national)

Sabe-se que em todo grande evento internacional, seja onde for, juntamente com os festejados benefícios à cidade e ao país-sede, seguem-se mazelas da mais diversa ordem; uma delas, o turismo e exploração sexual de crianças e adolescentes.

Eventos de grande porte podem agravar situações de vulnerabilidade entre crianças e adolescentes caso não sejam tomadas medidas importantes no sentido de prevenir e enfrentar o problema da exploração sexual infantil. Na Copa do Mundo FIFA da África do Sul, em 2010, por exemplo, alguns problemas sociais foram exacerbados: envolvimento com drogas, trabalho infantil, gravidez de crianças e adolescentes, aumento de atos infracionais e desaparecimento de crianças e adolescentes.

A experiência desse evento e de outros de grande porte deixam, portanto, duas avaliações bem contundentes para os governos de todas as nações: o protagonismo de todo o processo de enfrentamento da exploração sexual infantil deve ser do Poder Público Nacional; e o maior legado que os grandes eventos podem deixar é o fortalecimento das políticas públicas nacionais e internacionais. Nesse sentido, o grande desafio em relação aos grandes eventos é a convergência de ações.

Ciente, portanto, do lado negativo que o enorme afluxo de turistas causa, busca-se com o presente projeto-piloto desenvolver uma plataforma multiuso que sirva de base de dados de boas práticas
na prevenção e combate à tão odiosa conduta – o turismo e exploração sexual de crianças e adolescentes. Uma vez desenvolvida e testada, planeja-se disponibilizá-la a todo país que venha a sediar algum evento de repercussão internacional e que, por isso, atrai pessoas de toda parte e com as mais diversas intenções.

Tomando por base os dados estatísticos de dois dos mais recentes megaeventos esportivos mundiais, a Copa do Mundo FIFA da África do Sul, em 2010, e os Jogos Olímpicos de Londres, em 2012, onde, aproximadamente, 309 mil turistas foram à África do Sul atrai dos pelos jogos de futebol e 420 mil turistas visitaram o Reino Unido motivados pelas Olimpíadas, pode-se vislumbrar o considerável número de turistas estrangeiros que aportarão no Brasil em período de pouco mais de um mês.


É interessante ainda notar que estima-se que a Copa do Mundo da FIFA de 2014 agregará 183 bilhões de reais ao PIB do Brasil e mobilizará 33 bilhões de reais em investimentos em infraestrutura, com destaque para a área de transporte e sistemas viários.

**B. Sectoral & Institutional Context**

Com a expectativa de circulação de 3,6 milhões de turistas (entre brasileiros e estrangeiros) durante a realização da Copa do Mundo da FIFA 2014, algumas ações, preventivamente, começaram a ser realizadas no Brasil com o intuito de combater - ou de pelo menos minimizar - o impacto negativo trazido a crianças e adolescentes no período de realização dos jogos.

No país, já existe uma complexa rede de ações e discussões - chamada de “Agenda de Convergência” - empreendida pelos governos federal, estaduais e municipais e pela articulação de organizações da sociedade civil e de organismos não governamentais nacionais e internacionais objetivando, de forma imediata, enfrentar a violência sexual contra crianças e adolescentes nos preparativos e na realização da Copa do Mundo no ano de 2014.

A “Agenda de Convergência Nacional de Proteção aos Direitos das Crianças e Adolescentes” é uma rede que inclui conselhos tutelares, Ministério Público, Defensoria Pública e prefeituras das cidades-sede no trabalho integrado de defesa dos jovens, principalmente durante os grandes
eventos. A Agenda de Convergência é um fórum permanente, um esforço contínuo do Estado brasileiro, pois é sabido que no Brasil existem festas regionais anuais que normalmente atraem mais turistas do que o esperado para a Copa do Mundo, em 2014, ou para as Olimpíadas, em 2016.

Em nível federal, as discussões sobre como enfrentar o fenômeno da exploração sexual de crianças e adolescentes no contexto da Copa do Mundo acontecem, sobretudo, no âmbito da SDH, do Ministério da Justiça, do Ministério do Esporte e do Ministério do Turismo.

Assim, a SDH e o Ministério de Justiça editaram portaria em que estabeleceram ações mútuas destinadas à proteção dos direitos das crianças e adolescentes, bem como ao planejamento de medidas para garanti-los e resguardá-los durante os eventos da Copa do Mundo.

A SDH já possui em andamento o “Plano Nacional Protege Crianças e Adolescentes” que visa criar uma rede de proteção para enfrentar a violência física, sexual e psicológica contra meninos e meninas, englobando ações em 400 municípios brasileiros.

A SDH, em 2011, já financiou ações em algumas cidades-sede da Copa por meio do “Programa de Ações Integradas e Referenciais de Enfrentamento à Violência Sexual Infanto-juvenil no Território Brasileiro” (PAIR), desenvolvido por quase todas as capitais brasileiras. A ideia é que o PAIR possa fazer um diagnóstico das políticas públicas existentes voltadas para essa e outras questões que envolvem a infância e a adolescência.

A SDH, no desenvolvimento dessas ações em grandes eventos nacionais, tem feito também, desde o início de 2013, ampla campanha de combate à exploração sexual de crianças e adolescentes, desenvolvida por organizações internacionais europeias e difundida sob o slogan “Não Desvie o Olhar”.

Por sua vez, o Ministério da Justiça está desenvolvendo ações de prevenção ao desaparecimento de crianças e adolescentes durante os jogos. Haverá, por exemplo, distribuição de pulseiras com identificação para as crianças. O objetivo é desenvolver estratégias para que os governos estaduais e municipais lancem mão delas depois em outras ocasiões.

Já o Ministério do Turismo iniciou, em 2013, uma série de ações de proteção aos direitos das crianças e dos adolescentes. O objetivo é realizar três grandes mobilizações para sensibilizar o país e os turistas sobre o tema. As campanhas foram programadas para maio, junho e novembro, meses referentes ao “Dia Nacional de Combate ao Abuso e à Exploração Sexual de Crianças e Adolescentes”, Copa das Confederações e abertura de temporada do verão brasileiro, respectivamente.
Ressalte-se que uma pesquisa sobre o perfil do turista na África do Sul durante a última Copa mostrou que a maioria é formada por homens, jovens, com alto grau de instrução, renda alta e que viajam sozinhos, o que, obviamente, aumenta a preocupação com a exploração sexual. Assim, o Ministério do Turismo está fazendo um monitoramento na Internet de sites do Brasil e do mundo inteiro com apelo sexual. Cerca de dois mil sites já foram derrubados.

É bom lembrar que, ainda algum tempo antes, no final de 2010, uma importante ação com vistas à prevenção e ao enfrentamento da exploração sexual no contexto da Copa do Mundo foi implantada pelo “Programa Turismo Sustentável e Infância”, numa parceria com o Centro de Excelência em Turismo da Universidade de Brasília (UnB). O objetivo do projeto do Ministério do Turismo era formar multiplicadores no Brasil inteiro, com a visão de prevenir e enfrentar a exploração sexual na Copa do Mundo de 2014.

Ainda no final de 2010, outra iniciativa foi o lançamento da campanha de sensibilização intitulada “Um Gol pelos Direitos das Crianças e Adolescentes”. A campanha veiculou 11 vídeos, enviou 47 mil emails, criou perfis nas redes sociais e dois hotsites e teve 522 inserções nacionais em veículos da imprensa, entre outras ações.

Nesse mesmo ano também foram realizadas as “Oficinas Pró-Copa” nas 12 cidades-sede. A intenção era fazer com que o setor do turismo se enxergasse como co-responsável nessa prevenção. As oficinas trabalhavam em três linhas: como incluir o tema da exploração sexual nas formações de profissionais, como promover a inclusão social dentro do setor e como promover a responsabilidade social das empresas do trade.

Atualmente, no estado da Bahia, por exemplo, o setor o turismo está desenvolvendo campanhas em parceria com o Ministério Público. No Distrito Federal, recentemente, a Associação Brasileira da Indústria Hoteleira, o Convention Bureau e a Secretaria de Assuntos Sociais assinaram um documento em favor da prevenção da exploração sexual, um desdobramento dos trabalhos feitos nas Oficinas Pró-Copa. Outros trabalhos interessantes também estão em andamento em estados como Paraná, Pará e Minas Gerais.

No mesmo caminho, cinco das doze cidades-sede da Copa já aderiram ao “Pacto pela Proteção dos Direitos das Crianças e Adolescentes”, proposto pela Comissão Parlamentar de Inquérito da Exploração Sexual de Crianças e Adolescentes (Câmara dos Deputados) para enfrentamento da violência contra meninos e meninas durante os megaeventos esportivos no Brasil. Entre os compromissos do Pacto durante as copas das Confederações e do Mundo no Brasil estão a criação
de campanhas educativas em toda a rede hoteleira, turística e escolar para alertar sobre os riscos da exploração sexual e do trabalho infantil.

Outras ações também muito importantes com vistas à proteção de crianças e adolescentes durante a Copa estão em curso e serão coordenadas pela SDH. Durante o Mundial, haverá Conselhos Tutelares funcionando por 24 horas. E será criada uma Central de Atendimento de denúncias de violações de direitos, com o número 125. Haverá um help desk jurídico nessa Central, que dará assistência para os outros Conselhos Tutelares. Também haverá uma Central de Inteligência que vai ser operada pelo setor de Segurança Pública. Esse Call Center específico para a Copa vai operar em parceria com o Disque-Denúncia 100, em linha direta.

As denúncias serão enviadas diretamente para o “Sistema de Informação para Infância e Adolescência” (SIPIA) pela internet e haverá um monitoramento de todas elas pelo Disque 100. A ideia é que toda essa estrutura seja mantida mesmo depois da Copa do Mundo, fortalecendo os canais de denúncias de violências cometidas contra crianças e adolescentes.

Haverá ainda a distribuição de kits para os Conselhos Tutelares, com carros, computadores, telefones fixos e móveis e impressora. É importante lembrar que 98% dos municípios brasileiros já têm Conselhos Tutelares, mas ainda permanece o desafio de equipá-los e capacitá-los melhor.

Outra ação do governo federal é a implantação do “Conselho Tutelar Móvel”, que funcionará numa carreta dentro dos estádios para atender situações de desaparecimentos de crianças e adolescentes, atos infracionais, trabalho infantil, envolvimento com drogas, exploração sexual e outros problemas.

Uma iniciativa que o governo federal já anunciou que vai copiar da África do Sul é a instalação de “Espaços Seguros de Convivência” nos estádios, que vão funcionar junto com o Conselho Tutelar. Esses espaços acolherão as crianças que estão perdidas dos pais, filhos de trabalhadores e outros.

No âmbito do Ministério do Turismo, um projeto que está sendo desenhado, inspirado em iniciativa da Espanha, é a formação de adolescentes para serem “condutores turísticos”, a partir de 16 anos. Outra linha de ação é com a própria mídia, formulando orientações e parâmetros para a imprensa nacional e internacional. Esses guias serão distribuídos principalmente para os correspondentes internacionais.


Uma das principais iniciativas é a qualificação dos “Conselhos Municipais de Direitos” para trabalhar melhor a temática da exploração sexual visando a Copa do Mundo. Nesse sentido, têm sido realizados encontros, debates e seminários nas cidades-sede, com a participação de especialistas no tema e organizações da área dos direitos de crianças e adolescentes como UNICEF, CONANDA, Fundação Abrinq, Fundação Telefônica, dentre outras instituições.

Diante dessas ações proativas e reconhecendo a sua liderança regional e vasto histórico de cooperação técnica internacional, propõe-se que o Brasil seja palco para desenvolvimento de um projeto-piloto, cujo objetivo final será a criação de um modelo voltado à colaboração público-privada, nacional e internacional, para proteger crianças e adolescentes do turismo e da exploração sexual durante a realização de grandes eventos internacionais, esportivos ou não. Com o estabelecimento desse modelo, ou plataforma, ao final do projeto, acredita-se que as ações nele definidas poderão ser replicadas no futuro em outros países em situações similares.

C. Global Forum on Law, Justice and Development (GFLJD)
Somando forças à excelente qualidade dos diversos projetos desenhados por autoridades e organizações brasileiras para lutar contra o turismo e exploração sexual de crianças e adolescentes, a capacidade de agrupamento de esforços e colaboração do GFLJD poderá reunir esforços e experiências internacionais a fim de catalisar resultados rumo à desejada plataforma de boas práticas no combate e prevenção ao turismo e exploração sexual que envolve crianças e adolescentes - modelo passível de aplicação nos mais diversos países.

O Fórum Global de Direito, Justiça e Desenvolvimento tem como objetivo identificar, debater e produzir soluções legais inovadoras e customizadas aos desafios do desenvolvimento em nível global, regional ou nacional. Dessa maneira, o Fórum destina-se a: a) promover uma melhor
compreensão do papel do Direito, da Justiça e das Leis no processo de desenvolvimento por meio de diálogos estruturados dos atores relevantes Sul-Sul e Norte-Sul e de uma agenda de pesquisa para fomentar a co-geração de conhecimento, incluindo acadêmicos e grupos de reflexão; e b) fortalecer e melhor integrar as instituições legais e judiciais no processo de desenvolvimento por meio de iniciativas selecionadas de capacitação e de um repositório aberto de conhecimento.

O Fórum é composto de amplos grupos que são parte da dimensão legal do desenvolvimento internacional: redes profissionais internacionais, redes de corporação financeira internacional, centros internacionais de solução de controvérsias, organizações internacionais e regionais, atores nacionais, autoridades governamentais, assembleias legislativas, operadores do Direito, universidades, grupos de reflexão e sociedade civil organizada.

**D. Integrantes do GFLJD**

Fundamentalmente, três integrantes do GFLJD estão associados à ideia deste projeto-piloto: Fundação Getúlio Vargas, The World Bank e ICMEC.

1) A Fundação Getulio Vargas surgiu em 20 de dezembro de 1944. Seu objetivo inicial era preparar pessoal qualificado para a administração pública e privada do País. Na época, o Brasil já começava a lançar as bases para o crescimento que se confirmaria nas décadas seguintes. Antevendo a chegada de um novo tempo, a FGV decidiu expandir seu foco de atuação e, do campo restrito da administração, passou ao mais amplo das ciências sociais e econômicas. A instituição extrapolou as fronteiras do ensino e avançou pelas áreas da pesquisa e da informação, até converter-se em sinônimo de centro de qualidade e de excelência.

Marca de pioneirismo e ousadia, a Fundação Getulio Vargas inaugurou, no Brasil, a graduação e a pós-graduação stricto sensu em administração pública e privada, bem como a pós-graduação em economia, psicologia, ciências contábeis e educação. A FGV também lançou as bases para uma economia bem fundamentada, a partir da elaboração do balanço de pagamento, das contas nacionais e dos índices econômicos. Iniciativas como essas ajudaram o profissional em busca de formação e até o cidadão comum a entenderem melhor o desempenho econômico e social brasileiro.

Avançar nas fronteiras do conhecimento na área das Ciências Sociais e afins, produzindo e transmitindo ideias, dados e informações, além de conservá-los e sistematizá-los, de modo a contribuir para o desenvolvimento socioeconômico do país, para a melhoria dos padrões éticos nacionais, para uma governança responsável e compartilhada, e para a inserção do país no cenário internacional.
2) The World Bank

The World Bank is a vital source of financial and technical assistance to developing countries around the world. It is not a bank in the ordinary sense but a unique partnership to reduce poverty and support development. The World Bank Group comprises five institutions managed by their member countries.

Established in 1944, the World Bank Group is headquartered in Washington, D.C. We have more than 10,000 employees in more than 120 offices worldwide.

Financial Products and Services - WB provides low-interest loans, interest-free credits, and grants to developing countries. These support a wide array of investments in such areas as education, health, public administration, infrastructure, financial and private sector development, agriculture, and environmental and natural resource management. Some of its projects are cofinanced with governments, other multilateral institutions, commercial banks, export credit agencies, and private sector investors.

WB also provides or facilitate financing through trust fund partnerships with bilateral and multilateral donors. Many partners have asked the Bank to help manage initiatives that address needs across a wide range of sectors and developing regions.

Innovative Knowledge Sharing - WB offers support to developing countries through policy advice, research and analysis, and technical assistance. Its analytical work often underpins World Bank financing and helps inform developing countries’ own investments. In addition, we support capacity development in the countries we serve. WB also sponsors, hosts, or participates in many conferences and forums on issues of development, often in collaboration with partners.

To ensure that countries can access the best global expertise and help generate cutting-edge knowledge, the Bank is constantly seeking to improve the way it shares its knowledge and engages with clients and the public at large. Key priorities include:

3) The International Centre of Missing & Exploited Children (ICMEC)

ICMEC is leading a global movement to protect children from sexual exploitation and abduction. ICMEC works bring promise to children and families around the world by: establishing global resources to find missing children and prevent child sexual exploitation; promoting the creation of operational centers worldwide based on a public-private partnership model; building an international network to disseminate images of and information about missing and exploited
children; providing training to law enforcement, prosecutors, judges, legal professionals, nongovernmental organizations, and government officials; advocating and proposing changes in laws, treaties, and systems to protect children worldwide; leading a global financial coalition to eradicate commercial child pornography from the Internet; and conducting international expert conferences to build awareness, and to encourage and increase cooperation and collaboration between and among countries.

E. Projeto-Piloto

O presente projeto parte da premissa de que a criação de uma rede de cooperação internacional, com a reunião e troca de experiências e de conhecimento do maior número possível de agentes diretamente e indiretamente envolvidos em grandes eventos internacionais - organizações governamentais, comitês organizadores, sociedade civil organizada, iniciativa privada e entidades internacionais – poderá em muito facilitar e acelerar o processo que leve à construção da sonhada plataforma mundial. A intenção que se quer colocar em prática é responder concretamente e eficazmente a seguinte indagação: O que fazer para prevenir, combater, monitorar e controlar a exploração sexual de crianças e adolescentes durante a realização de um grande evento internacional que atraia milhares – ou milhões – de turistas estrangeiros e nacionais às cidades que o sediam?

É inconteste que não se tem como distinguir, já no “porto de entrada”, o “bom turista” do “mau turista”, distinguir aquele que apenas deseja assistir ou participar dos eventos daquele que, além disso, é atraído por propagandas de conteúdo sexual tendo crianças e adolescentes como objeto de oferta.

O que fazer, então? Decerto que a prevenção, o combate e o monitoramento são o melhor caminho; e uma das razões de ser deste projeto. A reunião de responsáveis e especialistas, bem assim daqueles que se preocupam em proteger crianças e adolescentes, possibilitará que se chegue de forma mais célere e eficaz às medidas preparatórias e preventivas, ao treinamento das autoridades locais responsáveis pela aplicação da lei e repressão direta, à abordagem ideal ao modo de combate, ao tipo de punição, à legislação que atenda ao objetivo maior que é evitar que a exploração sexual de crianças e adolescentes se consuma.

Enfim, a ideia central do presente projeto-piloto é fomentar discussões para que seus resultados finais possam permitir a idealização de uma plataforma de boas práticas para prevenção, combate, monitoramento e controle do lado negativo que é trazido com o turismo em larga escala nos megaeventos internacionais – a exploração sexual de crianças e adolescentes.

Sem dúvida, estamos diante de um momento crítico na sociedade internacional, numa época em que os dirigentes nacionais devem juntar esforços em prol do conjunto da humanidade. As nações
devem finalmente passar a reconhecer que somos todos uma família humana única com um destino comum. Devemos somar forças para gerar uma sociedade baseada no respeito absoluto pelos direitos humanos universais, mormente dos mais vulneráveis, entre eles das crianças e adolescentes. Para chegar a esse propósito, é imperativo que as nações produzam esforços conjuntos para que a totalidade dos povos se beneficiem das experiências prévias com vistas às gerações futuras.

II. Proposed PDO/Expected Outcome

A. Proposed Development Objective(s)
O principal objetivo do projeto-piloto que ora se apresenta é promover a proteção integral à criança e ao adolescente contra toda forma de violência e exploração sexual, mediante o desenvolvimento de ações preventivas (campanhas publicitárias e de treinamento e capacitação) e de geração de conhecimento e melhores práticas (estatística e publicações), assim como de combate e monitoramento da exploração sexual de crianças e adolescentes por turistas estrangeiros, por seus cidadãos e por empresas que, por qualquer forma, auxiliem, contribuam, estimulem, facilitem ou intermedeiem essa ignóbil prática.

Outra finalidade do projeto, não menos importante que a primeira, é, a partir dos resultados alcançados e da experiência vivenciada na condução do processo, apresentar uma plataforma que sirva de orientação a todo país que no futuro venha a sediar algum grande evento internacional, com sugestões de medidas destinadas a prevenir, combater e monitorar a exploração sexual de crianças e adolescentes.

B. Intermediate Results
A partir de uma abordagem proativa, projeta-se que se possa chegar aos seguintes resultados, entre outros:

1) Captação do conhecimento nacional e internacional no que se refere a políticas e práticas de combate aos riscos inerentes ao afluxo de grande número de turistas estrangeiros e nacionais, a um só tempo, a um mesmo território.

2) Discutir, pensar, planejar e implementar ações específicas em conjunto com autoridades e sociedade civil do país-sede.

3) Diagnosticar, acompanhar, monitorar e avaliar dados e resultados.
4) Difundir o conhecimento e as experiências alcançadas perante a comunidade internacional para seu desenvolvimento, aprimoramento e aplicação em localidades-sede de futuros grandes eventos internacionais.

Considerando, como já ressaltado, que o próximo megaevento mundial será realizado no Brasil em 2014, para a imediata implantação deste projeto-piloto pretende-se que, a partir da iniciativa da Fundação Getúlio Vargas e de sua capacidade de geração de conhecimento, o World Bank busque catalisar financiadores e parcerias nacionais e internacionais para agregar esforços à Agenda de Convergência liderada pela SDH nesse evento no Brasil, assim como o ICMEC possa contribuir em um trabalho de intercâmbio de informação e de capacitação. Espera-se que, a partir da conjunção de esforços desses dois fóruns permanentes de discussões – Agenda de Convergência e GFLJD -, seja possível definir ações cabíveis destinadas a atingir os objetivos deste projeto-piloto.

III. Program Details

A. Concept

1) Ações Preventivas: componente que abrange iniciativas de treinamento de pessoal e de campanhas publicitárias destinadas a desencorajar visitantes estrangeiros e nacionais a se envolverem em condutas ilegais relativamente à exploração sexual de crianças e adolescentes.

2) Ações de Geração de Conhecimento/Difusão de Melhores Práticas: componente que reúne iniciativas voltadas a compreender e monitorar os dados estatísticos para a melhor utilização da informação gerada e, bem ainda, para a produção de material educativo e conscientizador eficaz, além de um relatório final com vistas à criação de uma plataforma mundial de boas práticas.

1) Description
1.1) Ações preventivas:
   - Campanhas Publicitárias:
     - Internacional: direcionada aos países que potencialmente enviarão grande número de visitantes ao Brasil durante as competições, tendo como foco desencorajar a prática do turismo sexual; e com a mensagem clara de que a exploração sexual de crianças e adolescentes é crime, com previsão legal de punibilidade severa, e que tais práticas não serão toleradas em hipótese alguma.
     - Nacional: reforçando a mensagem de desencorajamento às práticas ilícitas e promovendo a conscientização pública, particularmente por meio dos canais
disponíveis para denunciar casos de exploração sexual. Em um cenário ideal, essas campanhas se utilizariam de figuras públicas de renome (atores, cantores, comediantes, empresários, etc.) que no passado recente já emprestaram seu apoio e imagem a esforços de igual natureza.

- Treinamento e Capacitação: o público-alvo dessas ações serão os agentes públicos diretamente envolvidos na aplicação da lei - juízes, promotores de justiça, defensores públicos, policiais, conselheiros tutelares, profissionais de saúde e de assistência social. O objetivo é capacitá-los a partir das mais modernas técnicas de abordagem do problema a fim de atualizá-los, superar barreiras e preconceitos, vencer paradigmas, apresentar definições e conteúdos, elucidar dúvidas e apontar práticas ilegais no contexto internacional e nacional.

1.2) Ações de Geração de Conhecimento/Difusão de Melhores Práticas:

- Estatística: analisar as estatísticas já existentes no país; capacitar os serviços de segurança pública e de assistência social do país para gerir e manter uma adequada base de dados estatísticos de casos de exploração sexual contra crianças e adolescentes; e treiná-los para fazer melhor uso da informação gerada a fim de aprimorar as políticas de enfrentamento a tais práticas.
- Cartilhas e outras Publicações: produzir material, em linguagem fácil e acessível, destinado a divulgar políticas preventivas e de combate à exploração sexual de crianças e adolescentes, facilitando e incentivando sua imediata implementação pelos agentes públicos locais.
- Monitoramento e Avaliação: monitorar e avaliar cada componente do projeto, sistematizando as conclusões em um relatório final, direcionando-o a tomadores de decisões em futuros eventos internacionais. O acompanhamento de todo o projeto caberia a organismos internacionais que não participarão diretamente dos trabalhos de implementação e execução.

2. Key Risks/Issues and Mitigation measures

A despeito dos nobres e factíveis objetivos, a possibilidade de insucesso do presente projeto reside nos seguintes fatores:

a) exiguidade do prazo para implementação dos objetivos e concretização dos resultados;

b) ausência de parcerias nacionais ou internacionais suficientes à condução do projeto;

c) desinteresse de financiadores nacionais ou internacionais;
d) limitação de financiamento para suprir os custos demandados;
e) má gestão de recursos humanos e financeiros agrupados;
f) incapacidade ou acompanhamento deficitário externo para aferição final dos resultados; e

g) empecilhos burocráticos e legais para firmar contratos financeiros com verba internacional.

B. Implementing Agency and capacity Assessment

1) Ações Preventivas:
   - Campanhas Publicitárias: FIFA, Comitê Nacional Organizador da Copa 2014, SDH, Ministério da Justiça, Ministério do Turismo, Ministério do Esporte, redes de TV, mídia em geral e entidades brasileiras de proteção aos direitos das crianças e adolescentes (p. ex., fundações, conselhos tutelares, etc.).

2) Ações de Geração de Conhecimento/Difusão de Melhores Práticas:
   - Estatística: fornecimento, acompanhamento e gerenciamento dos dados estatísticos iniciais e finais a cargo da (o):
     a) SDH - por meio do “Sistema de Informações para a Infância e Adolescência” (SIPIA); e
     b) Ministério da Justiça - por meio do “Sistema Nacional de Estatísticas de Segurança Pública e Justiça Criminal” (SINESPJJC).
     c) FGV: análise.
   - Cartilhas e outras Publicações:
     a) SDH e FGV, em âmbito nacional; e
     b) World Bank e ICMEC, em âmbito internacional.
   - Monitoramento e Avaliação: por exemplo, UNICEF ou IADB.

3) Financiamento: O World Bank buscará catalisar financiadores nacionais e internacionais.

C. Financial Details/Eligible expenses

D. Sustainability and Impact

Os resultados e, sobretudo, a plataforma que se pretende ao final apresentar prestarão ao desenvolvimento de uma rede de proteção às crianças e adolescentes de abusos e da exploração
sexual em países que no futuro sediarão megaeventos internacionais. A adoção de medidas preventivas e de combate será recomendada em outros países logo após o acompanhamento e o minucioso estudo do que foi feito e do que se fará no Brasil para a Copa do Mundo FIFA de 2014.

IV. Results Framework
## Executive Summary:

<table>
<thead>
<tr>
<th>Proposed Development Objective</th>
<th>Audience/ Beneficiaries</th>
<th>Expected Outcomes</th>
<th>Intermediate Results/ indicators</th>
<th>Baseline</th>
<th>Activities or Outputs</th>
<th>Data Source</th>
<th>Responsibility</th>
<th>Reporting Arrangements</th>
<th>Monitoring &amp; Evaluation</th>
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</thead>
</table>

**Leading Partners:** SDH, FGV, WB e ICMEC.
<table>
<thead>
<tr>
<th>Grande do Norte, Rio Grande do Sul e São Paulo; e suas respectivas capitais</th>
<th>respeito da exploração sexual de crianças e adolescentes</th>
<th>crianças e adolescentes</th>
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<tbody>
<tr>
<td>Testes de conhecimento aplicados previamente aos destinatários dos treinamentos de forma anônima</td>
<td>b) Treinamento e Capacitação.</td>
<td>Testes de conhecimento aplicados posteriormente aos destinatários dos treinamentos de forma anônima</td>
<td>b) Treinamento e capacitação: FGV, ICMEC, CNJ, CNMP, MJ, MT e ME</td>
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<tr>
<td>2) Ações de Geração de Conhecimento/Difusão de</td>
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<td>2) Ações de Geração de Conhecimento/Difusão de Melhores</td>
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<tr>
<td>Melhores Práticas:</td>
<td>Práticas e Disseminação: World Bank e ICMEC (internacional) e SDH e FGV (nacional)</td>
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<td>a)Estatística</td>
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<td>b)Cartilhas e outras Publicações</td>
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<td>c)Monitoramento e Avaliação</td>
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### Annex: Legend

<table>
<thead>
<tr>
<th>Proposed Development Objective(s)</th>
<th>Describes long term improvement in development outcomes (e.g. income, health status, educational attainment, consumption, welfare)</th>
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<tbody>
<tr>
<td></td>
<td>- Relevant to the country (concrete articulation of the aspirations of all stakeholders)</td>
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<td>- Achievable from the current situation by yyyy</td>
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<td></td>
<td>- Measurable</td>
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<tr>
<td>Focus the development objective(s)</td>
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<tr>
<td>In drafting the development objective(s) consider answers to the following questions:</td>
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<tr>
<td>- Who are the major state and non-state stakeholders relevant to this vision goal?</td>
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<tr>
<td>- What does this vision goal mean to this stakeholder?</td>
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<td>- How would this stakeholder measure progress of this goal?</td>
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<tr>
<td>- What role does this stakeholder play in advancing this vision goal</td>
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<tr>
<td>Using the perspectives of the main stakeholders, update and finalize the development objective(s)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Audience/Beneficiaries</th>
<th>Specify the target primary and secondary audience of the knowledge product/activity</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Expected Outcomes</th>
<th>Quantification of expected absolute or relative outcomes</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Intermediate Results</th>
<th>Quantification of intermediate results (what are the targets for yyyy, yyyy+1, yyyy+2,...)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Baseline</th>
<th>Baseline assessment/data (when applicable) <strong>Determine baseline and indicators to be compared with the expected outcomes.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(What is the baseline. What are the indicators and units of measure you will use to monitor progress of the expected results)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activities or Outputs</th>
<th>Specify the knowledge products/activities functional to move from baseline to intermediate results and expected outcomes (e.g. Study, comparative analysis, training, legal databases, etc.)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Data source</th>
<th>Source/s of data to be used for baseline, target, evaluation and reporting</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Intellectual partner/s responsible for each of the knowledge product/activity. Indicate responsible partners for sub-components (if applicable)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reporting Arrangement</th>
<th>Periodicity of reporting (e.g. quarterly, semi-annual, annual)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Monitoring and Evaluation</th>
<th>Indicate mix of evaluation modalities that best suits the product/activity. All products are expected to have at least the self-evaluation and the evaluation from primary target audience. Products that are posted on-line will also be subject to on-line users’ evaluation. Independent evaluation should be planned only for major knowledge products/activities unless provided as in-kind contribution.</th>
</tr>
</thead>
</table>
After informal identification please indicate cluster of diversified GFLJD intellectual partners (I.O., Academia, Civil Society organizations, private Sector, Judiciary) that tentatively agreed to provide independent evaluation.

Peer Reviewers
Peer reviewers please indicate 2-3 peer reviewers possibly among GFLJD partners

Budget $,000
Please provide the estimated total cost, the estimated value of in-kind contribution from intellectual partners and the requested financing. The request for funding should consider external costs required for the production and delivery of products/activities e.g. consultants, editors, printing, logistics for knowledge events, etc. (GFLJD’s staff time costs are NOT eligible expenses since these are considered part of the in-kind contribution).

### Projeto de Prevenção e Combate de Exploração Sexual Infantil

<table>
<thead>
<tr>
<th>Descrição</th>
<th>Custo Total (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Componente 1</td>
<td></td>
</tr>
<tr>
<td>Campanha de Prevenção e Combate de Exploração Sexual Infantil</td>
<td>$ 3,592,000.00</td>
</tr>
<tr>
<td>Componente 2</td>
<td></td>
</tr>
<tr>
<td>Treinamento de Profissionais na Detecção e Combate de Exploração Sexual Infantil</td>
<td>$ 649,600.00</td>
</tr>
<tr>
<td>Componente 3</td>
<td></td>
</tr>
<tr>
<td>Monitoria e Avaliação</td>
<td>$ 165,400.00</td>
</tr>
<tr>
<td>TOTAL - PROJETO</td>
<td>$ 4,407,000.00</td>
</tr>
<tr>
<td>Descrição</td>
<td>Custo Estimado (USD)</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>Campanha Social (Facebook, Twitter) - fevereiro - Julho</strong></td>
<td></td>
</tr>
<tr>
<td>Honorário Consultor Nacional (US$3,500 @mês x 7 meses)</td>
<td>$ 21,000.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td>$ 21,000.00</td>
</tr>
<tr>
<td><strong>Panfletos</strong></td>
<td></td>
</tr>
<tr>
<td>Criação 2 panfletos</td>
<td>$ 1,500.00</td>
</tr>
<tr>
<td>Tradução de documentos em 5 idiomas</td>
<td>$ 2,000.00</td>
</tr>
<tr>
<td>Disseminação dos panfletos (quiosques*)</td>
<td>$ 45,000.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td>$ 58,000.00</td>
</tr>
<tr>
<td><strong>Campanhas Multimídia - fevereiro - julho</strong></td>
<td></td>
</tr>
<tr>
<td>Desenho da campanha multimídia para rádio, televisão, jornais e revistas</td>
<td>$ 150,000.00</td>
</tr>
<tr>
<td>Emissão no rádio (12 cidades, 3x semana, x4 meses)</td>
<td>$ 2,000.00</td>
</tr>
<tr>
<td>Emissão na televisão (12 cidades, 3x semana, x2 meses)</td>
<td>$ 40,000.00</td>
</tr>
<tr>
<td>Emissão nos jornais (12 cidades, 3x semana, x4 meses)</td>
<td>$ 1,500.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td>$ 3,534,000.00</td>
</tr>
<tr>
<td><strong>TOTAL - COMPONENTE</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Quiosque serão estabelecidos nos aeroportos, estádios, rodoviárias, metros e pontes turísticas*
<table>
<thead>
<tr>
<th>Description</th>
<th>Cost Estimated (1 city - 8 buildings per month, 50 people each) (USD)</th>
<th>Cost Total (12 cities during 5 months) (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aluguel de Sala Emissora ($400/5 days x 4 weeks)</td>
<td>$8,000.00</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Aluguel de Sala (City Center) ($5,000/week x 4 weeks)</td>
<td>$20,000.00</td>
<td>$100,000.00</td>
</tr>
<tr>
<td>Aluguel de equipamento audiovisual - cost/bld.</td>
<td>$5,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td><strong>Coffee Break</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Translation Simultaneous</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>subtotal</strong></td>
<td></td>
<td>$331,000.00</td>
</tr>
<tr>
<td><strong>Costs of Travel</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Passagens Aéreas (Voo Nacional) (3 people)</td>
<td>$1,500.00</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>Passagens Aéreas (Voo internacional)</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Honorário Consultor internacional ($500/day)</td>
<td>$10,000.00</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Honorário Consultor Nacional ($250/day)</td>
<td>$5,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Hotel para 3 pessoas ($361/night x 20 nights x 3 people)</td>
<td>$28,880.00</td>
<td>$144,400.00</td>
</tr>
<tr>
<td>Alimentação para consultores ($157/night x 15 nights x 4 people)</td>
<td>$15,700.00</td>
<td>$15,700.00</td>
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<tr>
<td>Transporte para consultores ao local do evento</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>subtotal</strong></td>
<td></td>
<td>$242,600.00</td>
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<tr>
<td><strong>Costs of Materials</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Materiais para o treinamento - apostilas, blocos, certificados, etc.</td>
<td>$1,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td><strong>subtotal</strong></td>
<td></td>
<td>$14,000.00</td>
</tr>
<tr>
<td><strong>Postage</strong></td>
<td></td>
<td>$12,000.00</td>
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<tr>
<td><strong>TOTAL - COMPONENTE</strong></td>
<td></td>
<td>$649,600.00</td>
</tr>
<tr>
<td>Monitoramento e Avaliação do Projeto</td>
<td>Custo Estimado (unidade) (USD)</td>
<td>Custo total (9 meses) (USD)</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Monitoramento e Avaliação</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultoria para monitorar as atividades implementadas (fev.-out)</td>
<td>$10,000.00</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>Tradução de documentos</td>
<td></td>
<td>$5,000.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>$90,000.00</strong></td>
<td></td>
</tr>
<tr>
<td>Oficinas Apóia-Copa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aluguel de Sala -12 cidades sede-copa (meio-dia)</td>
<td>$1,200.00</td>
<td>$14,400.00</td>
</tr>
<tr>
<td>Aluguel de equipamento audiovisual</td>
<td></td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Tradução simultânea</td>
<td></td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>$63,400.00</strong></td>
<td></td>
</tr>
<tr>
<td>Custos de Materiais</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Materiais para o treinamento - apostilas, blocos, etc</td>
<td>$1,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Documentos para o treinamento</td>
<td></td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>SUBTOTAL</strong></td>
<td><strong>$12,000.00</strong></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL - COMPONENTE</strong></td>
<td><strong>$165,400.00</strong></td>
<td></td>
</tr>
</tbody>
</table>