

# Advancing Together

Rule of Law Updates and Perspectives from Around the World

## IN THIS ISSUE

Rule of Law Perspectives  
on Egypt  
[Page 2](#)

White & Case Opens First  
Law Library in Bhutan  
[Page 5](#)

Tackling the Trafficker:  
Combating Human Trafficking  
at the 2012 Super Bowl  
[Page 6](#)

IBA Honors Nigerian  
Lawyer Olufolake Solanke  
[Page 7](#)

Measuring Global Awareness  
of Human Trafficking  
[Page 8](#)

Leveraging Corporate  
Expertise to Further  
the Rule of Law  
[Page 9](#)



White & Case Opens  
Law Library in Bhutan

[Page 5](#)

# Rule of Law Perspectives on Egypt

Major change is underway in the Middle East and North Africa. Members of the Atlantic Council provide their perspectives on the rule of law and the events unfolding in the region.



**Ziad Abdel Tawab**  
Deputy Director,  
Cairo Institute for  
Human Rights Studies

Contributor,  
Egyptsource,  
Atlantic Council



## A look at Egypt's judiciary and the rule of law

As early as January 28, 2011, the ruling Supreme Council for Armed Forces (SCAF) in Egypt took its first unambiguous steps after the revolution to sideline the rule of law and democracy. Eight months later, the head of the Military Justice declared that military courts have tried nearly 12,000 civilians to combat thuggery and reestablish the rule of law. According to reports, some of the trials took place in less than 10 minutes in the kitchenettes of military detention facilities, after midnight and in the absence of defense counsel.

Egyptian courts were established over a century ago in an attempt to modernize the nation. However, over the past 40 years, the Egyptian legal order hasn't developed to uphold the rule of law—but rather to impose the authority of the ruling group through exceptional and permanent means, without hampering the post-1970s efforts for liberal economic development, founding what resembles a quasi-liberal legality. Thus, Egyptian courts regained their autonomy when compared to the totalitarian era of Egypt's late president Gamel Abdul Nasser. A Supreme Constitutional Court (SCC) was founded and has played the role of bestowing freedoms and protecting rights for decades.

In the meantime, Egypt was ruled for 30 years under a state of emergency. Four different exceptional courts were declared competent to try opposition to the ruling regime. Unfavorable verdicts against the government were usually hamstrung by difficulties in implementation, and public prosecutors were always reluctant to challenge security officers for routine allegations of torture. Often, courts were used to legitimize unlawful actions and to restrict activities of dissidents.

In 2010, photos of the young tortured Khalid Sai'd taken from the morgue sparked a wave of criticism among the Egyptian middle class, who had tasted freedom in their private sphere due to modern education, exposure to a multinational corporate environment and the Internet. Wanting the same freedoms and rule of law in their public sphere, they joined forces en masse with citizens of other classes (on the national police day) demanding

justice. Subsequently, judges—who had protested in 2005 in support of their autonomy and independence—joined the calls for the revolution as well.

Paradoxically today, courtroom violence increased in response to a wave of judges' acquittals of police officers accused of killing protestors. Lawyers physically blocked the entrance to courthouses and million person marches were called for to denounce the poor performance of the judiciary. In reaction, the Chief Justice presented SCAF with a draft law guaranteeing judicial independence, which was revoked by both SCAF and later by the Islamic majority in the parliament. Both entities wanted to preserve the status quo of the oppressive state machinery created by former president Hosni Mubarak; thus, past and continuing violations remain unpunished and the rule of law undermined.

Recent allegations of the politicization of the judiciary—after several controversial decisions regarding the dissolution of parliament and revocation of decrees providing the military with exceptional powers—are not new to Egyptian political life. Unfortunately, the inability of the opposition and ruling parties to find political compromises has always driven the judiciary to settle political disputes, tarnishing its reputation. The rule of law in Egypt will continue to be undermined as long as corruption and tyranny are dominating the executive power, further distancing Egypt from its transition to democracy.

*continued on page 3* ►

**The Honorable  
William H. Taft IV**  
Atlantic Council  
Board Director

Of Counsel, Fried,  
Frank, Harris, Shriver  
& Jacobson LLP



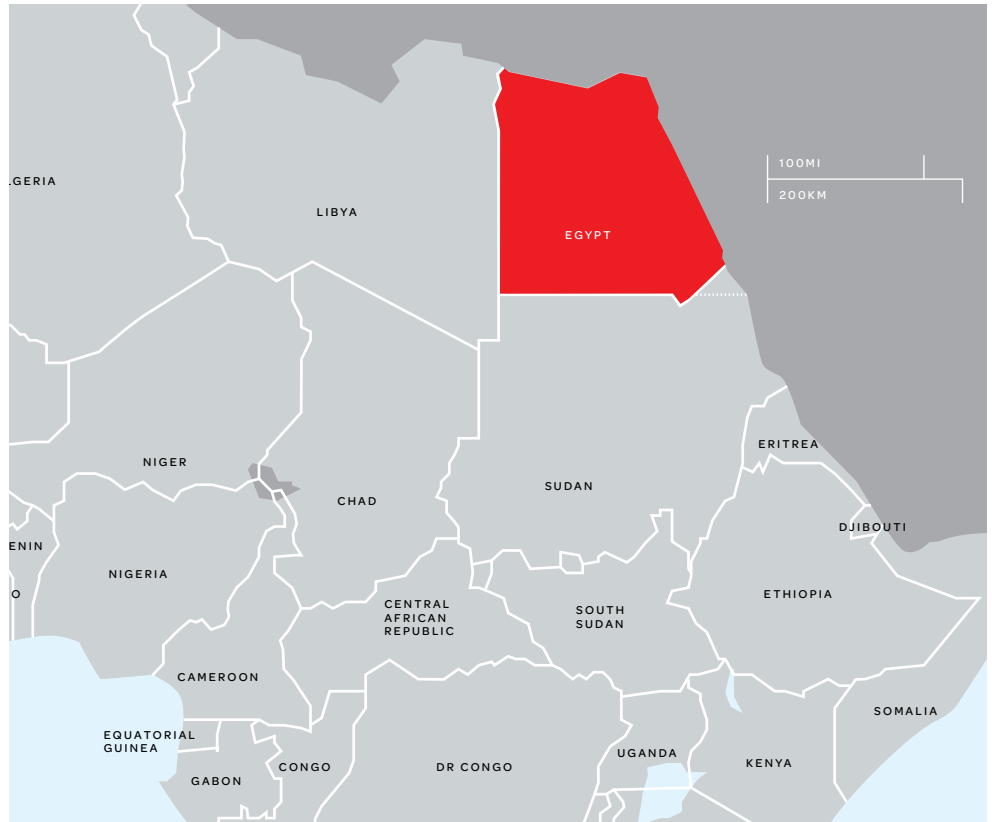
### Potential pitfalls in Egypt's transition toward democracy

While Egypt has taken some significant steps toward establishing democracy in the past year, whether its government and society will succeed in establishing the rule of law is very much in doubt at this time.

Free and fair parliamentary and presidential elections have been held. But the military's efforts, following the judiciary's ruling to dissolve the parliament and take into its own hands the writing of the new constitution, are cause for great concern. It seems likely that the military will try to reserve for itself a special position in the government going forward—either by putting that in the new constitution itself or by preventing a new constitution from coming into effect. The judiciary has indicated that it will support the military's approach, whatever it may be. Public demonstrations and mass protests have shown some ability to influence the military in the past, but their staying power has not been tested.

The United States and other countries have important relationships with the Egyptian military, including providing financial assistance and modern weapons and equipment. They should use their influence to discourage the military from interfering with the democratic processes that have been established, conditioning the continuation of their assistance on Egypt's progress in strengthening the rule of law. Assuring that the new constitution is developed by the parliament soon would be a first crucial step in this direction.

For many years, the military has enjoyed a privileged position in Egyptian society and a dominant role in the country's politics. Egypt's friends need to convince its military



leaders that political rights, civil liberties and the rule of law are the necessary foundation of their country's success in the future.

**Dr. Adam Bodnar**  
Vice President, Helsinki  
Foundation for Human  
Rights (Warsaw)

Associate Professor, Human  
Rights Chair, Faculty of Law,  
Warsaw University



### Lessons from Central Europe for the Arab Spring

During the Central European democratic transition, the rule of law was gradually built in Poland. I can even claim that it is still subject to certain construction works, as we have some problems with efficiency of judiciary, quality of judgments and over-production of poor quality legislation.

Building the rule of law is a hard exercise, as it requires cooperation of many institutions and high understanding of its basic principles. Awareness alone, however, is not sufficient. There must be institutions that function to secure and enforce the rule of law.

The rule of law is also the result of the state's previous history. For example, Poland had a nice chapter of success between the First and Second World War. Legal scholars and the writings from that era had great influence on the next generations of lawyers. Even during Communist times, some judges or attorneys understood well the true meaning of the rule of law. This intellectual potential made introducing the rule of law easier than in former Soviet countries, where such traditions almost did not exist.

Introduction of the rule of law needs cooperation of different political elites. It must start from some fundamental work on constitutional and legislative grounds, securing the structure of institutions responsible for the rule of law and strengthening courts. These efforts, however, cannot be compromised after a couple of years—there must be a political consensus that achievement of the rule of law status requires patience and stability.

*continued on page 4* ▶



“One may conclude that the mere act of voting and electing the new democratic government does not change automatically the general operation of the state, its practices and typical abuses.”

-Dr. Adam Bodnar

If after a few years, governments start to neglect the role of the Constitutional Court, then the whole effort may be lost.

For example, a number of reforms have been made in Hungary. In recent years, however, powers of main “watchdog”-type institutions were highly restricted, and the power of ruling party was centralized—possibly due to insufficient political stability of those institutions, coupled with lack of awareness of political elites. Such things could not happen in well-established democracies, such as France, Germany or the U.K.

As a human rights lawyer, I see a few major concerns with the current state of the North African transitions, which are already visible to certain extent.

First, after the transformation, there is a great willingness to seek retributive justice, especially when settling past wrongs. New democratic governments may not understand that true justice may be achieved only with the use of democratic instruments, not with the tools of dictators. Any person accused of cooperation with the previous system should have a right to fair trial, right to defend him or herself and should not be subject to torture or degrading treatment. Providing such guarantees may be difficult in practice, as feelings of revenge may be stronger than abstract democratic ideas. However, using democratic tools makes the whole system more legitimate and accountable in the long term.

Second, transformation means that the rule of law becomes a value in the society. People may start to rely on law to enforce

their rights, conclude contracts and resolve different matters. This reliance on law will result in burdening the court system with thousands of cases. Courts of formerly non-democratic countries, however, are usually not prepared to perform efficiently. Therefore, during the first phases of transformation, emphasis should be put not only on changing legal provisions, but also on building a justice system able to work in new conditions. Otherwise, courts will face a backlog of cases that will undermine achievements of the new political regime and build mistrust in ordinary people.

Third, transformation means that those who constituted democratic opposition suddenly start to rule the country. But ruling means they also make difficult decisions, commit mistakes and violate human rights. Certainly, new rulers have a greater public legitimacy because they are democratically elected. But the method of election does not exempt them from potential responsibility for human rights abuses. We already see numerous examples of such violations. Therefore, someone must monitor new rulers. It is the civil society’s role to establish its structures and organizations—and for human rights lawyers to start their practice.

As an example, the Polish Helsinki Committee operated in the 1980s in the underground. In 1989, some of the members of the Helsinki Committee decided to join the new democratic government of Tadeusz Mazowiecki. But who watched the new government? Quite early, a new watchdog organization, the Helsinki Foundation for Human Rights, started to criticize police

brutality, conditions of detention, lack of fair trials and violations of freedom of speech.

One may conclude that the mere act of voting and electing the new democratic government does not change automatically the general operation of the state, its practices and typical abuses. Such change is in fact much more difficult and can take years to achieve.

As we watch the Arab transitions, one of the major lessons to learn from Poland’s transition is the building of institutions responsible for enforcing the rule of law—in Poland’s case, the Commissioner for Human Rights, the Constitutional Court and administrative courts. The Commissioner could intervene in individual and general cases regarding human rights violations. Its actions impacted many negative government practices and prevented future violations of human rights. At the same time, its actions were the ultimate remedy for many victims. The Constitutional Court, year after year, could build the true meaning of rule of law principles and underline the value of the Constitution.

All basic principles of the rule of law—such as citizens’ trust in state operations, *vacatio legis*, *lex retro non agit*, principle of legal certainty, principle of protection of legitimate expectations—were interpreted and applied to specific cases on the basis of one general constitutional clause. Poland created a system of administrative courts that can control legality of decisions issued by administrative organs, offering no better check on efficiency and quality of their operations. Administration should be subject to control, and the citizen should have a remedy against its abuses. Administrative courts provided such remedy in tax, building, environmental, social security or property cases, as people are usually much more concerned about justice in such small and private issues, than in big human rights problems.

Contact Dr. Bodnar at:  
[a.bodnar@hfhr.org.pl](mailto:a.bodnar@hfhr.org.pl)

# White & Case Opens First Law Library in Bhutan

The Kingdom of Bhutan, a small South Asian country located in the Himalayas, is undergoing an unprecedented transition from absolute monarchy to democracy. In 2007, the country held its first-ever parliamentary elections and since then has aspired to become a center for legal education in the region. But one of the first steps of the journey was setting up a law library.



Since 2009, global law firm White & Case has worked closely with the new government to understand the country's legal and legal education needs and provide pro bono legal advice on topics such as corporate law and foreign direct investment. In 2010, White & Case asked LexisNexis to participate in a project to support the law library, helping the Kingdom as it establishes a rule of law-based legal system.

Bhutan's first law library, opened in the country's capital of Thimphu, is known as the White & Case Law Library. It offers access to legal reference databases previously unavailable in the country, as well as legal treatises, statutes and other law books and materials.

"This wonderful country is engaged, uniquely in the world, on a path of pursuing human prosperity, not measured financially, but measured morally. That path leads across a bridge, a bridge of democratization and



2.

legalization, which can lead to happiness, equality and stability," said Ian Forrester, head of the White & Case Global Pro Bono Practice. "We are deeply honored to have the privilege of contributing one reliable stone in the building of that bridge."

Prior to opening the library, White & Case provided interactive training sessions about how to use the library's legal reference databases, educating justices, lawyers and clerks from the Supreme and High Courts of Bhutan, as well as district court judges, lawyers from government ministries and state-owned companies and members of Parliament.

LexisNexis donated printed materials and provides free access to U.K. and U.S. online services. The company also helped the firm assemble a collection of legal and regulatory information and contributed laptops and other equipment.

1. Musicians lead White & Case partner and Global Pro Bono Practice Leader Ian Forrester, Bhutanese princess Ashi Sonam Dechan Wangchuck and White & Case Counsel Lou O'Neill in the procession to the opening ceremony for the law library.

2. White & Case Director of Library and Research Ruth Armstrong leads a training session on electronic legal research for members of the Bhutanese judiciary and their clerks.



1.

# Tackling the Trafficker: Combating Human Trafficking at the 2012 Super Bowl

While fans cheered on the New England Patriots and New York Giants during Super Bowl XLVI in Indianapolis, behind the scenes, the Indiana Protection for Abused and Trafficked Humans (IPATH) Task Force—co-chaired by Indiana Attorney General Greg Zoeller and the U.S. Attorney’s Office for the Southern District of Indiana—worked for more than seven months to prepare for the off-the-field fight against human trafficking that unfortunately accompanies large sporting events, like the Super Bowl.

**Abigail Kuzma**  
Director & Chief  
Counsel of the  
Consumer Protection  
Division

Indiana Attorney  
General’s Office



Overall, human trafficking generates \$32 billion a year and is tied with the drug trade as the second largest and fastest growing criminal industry in the world, according to the International Labor Organization. There is also a strong correlation between missing and exploited children and human trafficking. The U.S. Justice Department reports that in the U.S., the average age children are pulled into commercial sex is between 12 and 14, and 83 percent of underage sex trafficking victims are U.S. citizens.

Every year, 1 million children worldwide are exploited through the commercial sex trade, with nearly 300,000 children in danger of becoming sexual commodities here in the U.S., according to the National Center for Missing and Exploited Children. One of the ways these children are “marketed and sold” is through Internet sites like BackPage.com, an online classified site. KlaasKids Foundation for Children reported that in December 2011 only two advertisements appeared on Backpage.com for female escorts, as

compared to 129 advertisements listed two days before the Super Bowl.

Because of this, the Indiana campaign against sex trafficking came together through a partnership of more than 60 groups within IPATH. These groups include law enforcement, the government, non-profits and faith-based organizations. Also, 396 volunteers—including those from Indiana and other states—joined the fight by contributing their time and talents to prevent these crimes.

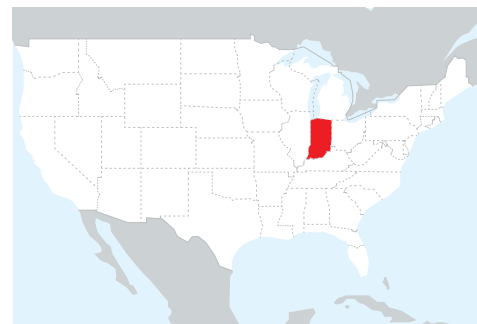
The group harnessed the excitement and anticipation around the upcoming Super Bowl to increase public awareness, provide needed assistance to law enforcement and make critical changes to Indiana’s laws. Members of IPATH gave more than 60 presentations on identifying and reporting human trafficking victims to nearly 3,400 people, including law enforcement, cab drivers, first responders and medical professionals, prior to the event.

In addition, nearly 1,000 booklets featuring the names and photos of missing children were printed and distributed to Indianapolis-area hotels leading up to the Super Bowl. Due to the strong correlation between missing children and underage sex trafficking, the booklets were given to law enforcement and the hospitality industry to help identify and report these children.

To further combat trafficking, IPATH worked with LexisNexis to join other targeted

cities in an effort to pilot a new database to assist law enforcement by recording critical information about human trafficking persons of interest that will be accessible by designated investigators in other parts of the country. Since traffickers often move from city to city with their victims, much data is currently lost in closed hard files located in individual law enforcement offices throughout the country. This database will allow the information to be shared and used in multiple locations simultaneously.

These efforts proved successful. During Super Bowl week, the Indianapolis Metropolitan Police Department made 68 commercial sex arrests, and two confirmed human trafficking victims were recovered and returned to their families. One additional suspected victim is the subject of an ongoing human trafficking investigation, and the identification of additional victims is likely. Also, due to considerable pre-game anti-trafficking publicity, street level prostitution was nearly absent during the week leading up to the game, as compared to previous Super Bowls.



Of course, human trafficking in Indiana existed before the 2012 Super Bowl and will go beyond game day. But the efforts made and volunteers recruited with the goal of informing, training and providing effective outreach, victim services and law enforcement to fight human trafficking will continue on an ongoing basis.

Volunteers, law enforcement, non-profits and companies like LexisNexis helped make this campaign an unprecedented effort to prevent human trafficking, recover victims and deter traffickers.

*Portions of this article were taken from “Game Plan to Fight Human Trafficking: Lessons from Super Bowl XLVI,” written by Abigail Kuzma, which will be the lead article in the next issue of the DePaul Journal of Women, Gender and the Law.*



## Nigerian Lawyer Chief Olufolake Solanke Honored by IBA for Work Advancing Women in Law

In April, the International Bar Association (IBA) honored Nigerian Lawyer Chief Olufolake Solanke with the Outstanding International Woman Lawyer of the Year 2012 award in recognition of her personal success and leadership in advancing opportunities for women within the legal profession.

Chief Solanke's life achievements have inspired many female lawyers to break through the glass ceiling. She was selected as the first female cabinet minister in the Western Region of Nigeria in 1972, while simultaneously serving as Chairman of the first television station of Africa. Her diligence in her career earned her the prestigious rank of Senior Advocate of Nigeria in 1981, making her the first female legal practitioner to reach this position.

In 1970, she joined Zonta International, an international organization of business executives and professionals working together to advance the status of women worldwide. She served as president from 1994 to 1996—the first non-Caucasian to be elected. During her tenure, Chief Solanke operated under the theme “Zonta Agenda for Action: Women's Health, Human Rights and World Harmony,” under which she encouraged members to conduct service projects to improve their local communities.

Her pro bono and humanitarian work over the years, particularly in protecting the rights of women and children, has also earned her recognition and accolades, including her appointment as life patron of the International Federation of Women Lawyers. In her capacity as life patron, Chief Solanke works to confront societal evils, such as sexual assault on vulnerable girls, and also delivers lectures on human rights issues and the rule of law. In recent years, she has been awarded honorary Doctorate degrees from three separate universities in recognition of her contributions to her country.

At 80 years old, Chief Solanke remains actively involved in legal practice and humanitarian projects, frequently speaking publicly about issues of national and international relevance.

“It is a pleasure to be recognized by such a distinguished group, and I am honored to be the recipient of the IBA's Outstanding International Woman Lawyer Award,” said Chief Solanke. “In my professional life since 1963, I have labored to have a positive impact on younger lawyers. I emphasize professional responsibility to uphold high professional standards, to reject mediocrity and aspire to reach the very top of the profession.”

The Outstanding International Woman Lawyer award, sponsored by LexisNexis, includes a gift of a charitable donation, which Chief Solanke plans to give to Zonta International.





# Measuring Global Awareness of Human Trafficking

Human trafficking is an escalating crime across the world, with the United Nations estimating that some 800,000 people are trafficked annually in one form or another.

It is an increasingly lucrative criminal activity that generates an estimated \$32 billion each year for organized crime networks across the world, putting it almost on par with arms dealing and drug smuggling. According to the Human Trafficking Foundation in London, there are more people in slavery today than during the entire 350-year history of the slave trade.

In the U.K., anti-human trafficking advocates now have a valuable new tool to help them raise awareness. Launched in June 2012, the Human Trafficking Awareness (HTA) Index from LexisNexis tracks and analyzes the volume of news articles within Nexis® related to human trafficking. The free service uses a licensed collection of almost 6,000 of the most influential news sources from more than 120 countries, highlighting emerging trends and patterns of awareness within and across national borders.

Activists working to combat human trafficking can use this information to highlight and raise awareness to inform their efforts and gain greater understanding of the news. Advocates have already started seeing the benefits from the HTA Index.

1.8 million children are exploited in the global commercial sex trade (this figure is thought to be much higher due to the underground dealing of traffickers).



According to the Royal Canadian Mounted Police, every year 600-800 women and children are trafficked into Canada from around the world.

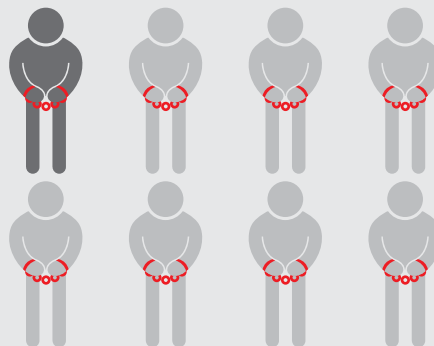
Another 2,000 people are trafficked from Canada into United States of America each and every year.



According to the US State Department, 60,000 to 820,000 women and children are trafficked across international borders each year. 80% are women and girls, and 50% are under the age of 18.



According to the UN, human trafficking is the third-largest and fastest-growing criminal industry in the world.



According to the Human Trafficking Foundation in London, there are more people in slavery today than in the entire 350 year history of the slave trade. They also suggest that 1 in 8 victims is in Europe.



## Leveraging Corporate Expertise to Further the Rule of Law



**Ian McDougall**

Executive Vice President  
& General Counsel  
LexisNexis Legal &  
Professional



Through new ways of thinking about how we support the communities where we live and work, we are finding that companies can actually provide more societal benefit by using their innate expertise and resources—rather than simply writing a check. Businesses play a critical role in establishing and promoting the rule of law, together with citizens, non-governmental organizations, institutions and governments.

Savvy non-profit organizations know they can benefit from these types of contributions. For example, when LexisNexis first spoke with Somaly Mam, the Cambodian

human rights advocate and founder of AFESIP, it was clear there was a compelling need to help. Interestingly, instead of asking solely for monetary support, Somaly asked LexisNexis to lend its skills and experience in human resources, talent management and development, marketing and fundraising, strategy and technology. The real need was the business expertise LexisNexis could bring as a corporation and through its employees.

Legal professionals can play a unique role in developing and implementing corporate citizenship programs as tools in advancing the rule of law, in particular to:

- Support corporate integrity, compliance and good governance.
- Help define standards and positions on anti-corruption, environmental sustainability, human rights, supplier conduct and other policies beyond what is legally required.
- Help ensure corporations stay true to their corporate social responsibility commitments.

Moreover, no legal system can hope to achieve justice, stability, development and the protection of its citizens under circumstances where the content of the law is subject to uncertainty. Lawyers have the distinct ability to participate in efforts like the creation of an effective and up-to-date legal referencing system for developing nations around the world. Leveraging corporate and legal expertise, law firms

and corporate lawyers can help improve the effectiveness of fledgling legal systems by delivering reliable legal information, consolidating, editing, updating and publishing the laws—thereby promoting the rule of law.

Using business acumen in this manner also makes strategic business sense. As corporate citizens, we're all looking for countries with consistent, effective regulatory and procedural structures—and access to the courts. Clearly, our businesses can better thrive where there is strong adherence to the rule of law.

Ian McDougall, Executive Vice President and General Counsel for LexisNexis Legal & Professional, recently led an ABA Rule of Law Initiative panel discussion on this topic at the ABA Annual Meeting in Chicago.



**Mike Walsh**  
Chief Executive Officer  
LexisNexis Legal & Professional

## LexisNexis and the Rule of Law

The rule of law is a theme that unifies LexisNexis around the world and one that is passionately supported by the company's people. LexisNexis is committed to actively working to advance the rule of law through its day-to-day business, products and services, and its actions as a corporate citizen.

### More specifically, LexisNexis promotes the rule of law by:

- **Providing products** and services that enable customers to excel in the practice and business of law, and that help justice systems, governments and business to function more effectively, efficiently and transparently.
- **Documenting** local, national and international laws and making them accessible in print and online to citizens and professionals in the public and private sector.
- **Partnering** with governments and non-profit organizations to make justice systems more efficient and transparent.
- **Supporting** corporate citizenship initiatives that strengthen civil society and the rule of law across the globe.

### The rule of law is generally defined as being present when there is adherence to the following four universal principles:

- **The government** and its officials and agents are accountable under the law.
- **The laws** are clear, publicized, stable and fair, and protect fundamental rights, including the security of persons and property.
- **The process** by which the laws are enacted, administered and enforced is accessible, fair and efficient.
- **Justice** is delivered by competent, independent, and ethical representatives and judicial officers who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

#### FEEDBACK AND SUGGESTIONS

Please contact us with feedback on these articles or to share your own perspective on the rule of law.

[stephanie.sommese@lexisnexis.com](mailto:stephanie.sommese@lexisnexis.com)  
[amy.sarosiek@lexisnexis.com](mailto:amy.sarosiek@lexisnexis.com)