

Case of UNDP-Government of Indonesia Partnership for Human Rights-Based Approach to Development in Indonesia



MS. AHJUNG LEE

**HUMAN RIGHTS AND JUSTICE RESEARCH ANALYST, UNDP ASIA-
PACIFIC REGIONAL CENTER**

**(FORMER ACTING PROGRAMME MANAGER,
UNDP INDONESIA)**

Indonesian Context



- Indonesia has made great democratic and poverty alleviation progress since its 1997-98 economic crisis and political transition. Post-Soeharto reform has involved the comprehensive and ongoing reform of the legal architecture governing Indonesia's formal institutions of justice.
- Yet, the nation still confronts significant challenges with respect to development challenges particularly for the poor and marginalized, many of which reach far beyond what is sometimes known as, the justice sector.
- These challenges today relate to the interface between access to justice and other national priorities, including protection of human rights, effective local governance; equitable and environmentally friendly use of land and other natural resources; gender equality; prevention of inter-ethnic and inter-religious conflicts; and improvement of social services such as education and health.

UNDP-BAPPENAS Partnership



- In the last 7 years (2004 – 2011), UNDP and Government of Indonesia have been implementing fur projects on access to justice in Indonesia:
 1. Access to Justice Assessment in 5 Provinces
 2. Aceh Justice Project (AJP)
 3. Legal Empowerment and Assistance for the Disadvantaged (LEAD) Project
 4. Strengthening Access to Justice in Indonesia (SAJI)

Unique nature of the partnership



- Government project, with UNDP support for implementation; National Project Director is the Director of Law and Human Rights in National Development Planning Agency within the Government of Indonesia → makes it possible to discuss A2J and project issues with ministries and agencies under her directorate
- Civil society organizations, national NGOs, and academic institutions as contractual partners of UNDP; and members of the working group for policy development
- Field offices staffed with national staff, who provide support and monitoring to CSO partners including HRBA trainings
- Long-term, continuous partnership

Importance of A2J & HRBA to Development



- Access to justice is not only a legal matter, but is also related to economic opportunities for the poor and vulnerable. For a complex array of reasons that can vary among locales, public services in Indonesia are often inadequate.
- Yet lack of access to basic public services can be the same as lack of access to justice; Indonesians are entitled to many services as a matter of right and law, and the denial of such services is often due to reasons other than lack of budgetary resources on the part of local governments. Often, problems continue simply because people do not know their rights and entitlements.
- Increasing access to justice contributes to sustainable human development by defining the scope of legitimate development related claims based on human rights. It then identifies claim-holders and duty-bearers (justice providers) in particular situations.
- Through the application of a human rights based approach, access to justice enhances the ability of poor and vulnerable to claim the realization of their rights, while holding justice providers accountable in protecting these rights.
- In particular, it's critical to increase meaningful participation of women and vulnerable groups in the government's Development Planning Process in ways that strengthen their access to justice and address their complaints and grievances concerning local development and government services.

A2J Assessment in 5 Provinces (2004-6)



- UNDP I and BAPPENAS undertook an extensive and participatory needs assessment on access to justice in the five post-conflict Indonesian provinces of North Maluku, Maluku, Central Sulawesi, Southeast Sulawesi and West Kalimantan.
- The assessment comprised of over 700 interviews, 200 focus group discussions (FGDs) and surveys of nearly 5,000 vulnerable and marginalized persons. It included an examination of the difficulties they experience in accessing justice; a review of the justice-oriented services available to them; and their justice related priorities.
- The Assessment Report captured in depth the most important needs and challenges of people in accessing justice, and what access to justice meant for them in every-day life.
- Out of the findings of this assessment, the Legal Empowerment and Assistance for the Disadvantaged (LEAD) Project (2007-11) was launched by UNDP-BAPPENAS, with the overall aim to increase access to justice, especially with regard to the most vulnerable and marginalized, through the combination of a civil society grant-making and policy advocacy.
- Findings of the assessment informed the objectives, priorities, strategies and architecture of the LEAD Project.

LEAD Project (2007-11)



- LEAD focused on the realization of human rights consistent with the Indonesian laws and international treaties. Recognizing that every person in Indonesia holds non-derogable human rights, and the duty bearers have the obligation to protect and fulfil those rights, the LEAD Project has intentionally called its “beneficiaries,” “claim holders.”
- Based on the assessment finding that the community legal awareness remained low in target areas, the LEAD Project at the grassroots level was designed to raise legal/human rights awareness and empower people/communities to demand human/legal rights realization from responsible authorities.
- The project provided grants to and developed the capacities of civil society organizations (CSO) and community paralegal skills in order that the vulnerable and marginalized are able to obtain legal assistance when in need.
- The project worked with local governments to put in place institutions, policies, and programmes to increase A2J
- At the macro level, the LEAD Project supported national and sub-national justice sector reform efforts dedicated to improving access to justice, in line with the assessment’s recommendation, to make a policy and nation-wide impact.
- In effect, the LEAD project combined legal empowerment on the Demand Side, while transforming National Policies on the Supply Side based on HRBA, working both through the CSOs and local governments in the field locations

LEAD Project Activities



In quick summary, the project undertook the following activities:

- Provided legal awareness-raising support for more than 450,000 poor and disadvantaged people (e.g. through thousands of village discussions, film-viewing, posters, TV and radio advertisements and talk shows)
- Trained 91 government officials, 3,814 citizen advisors and paralegals, established 219 legal service posts, and provided legal aid to 389 cases;
- Established 12 complaint posts for channeling citizens' grievances about service delivery and land and natural resources grievances;
- Supported the development and enactment of 2 major decrees on minimum service standards in the city of Ternate, North Maluku, and 1 Head of District decree on gender mainstreaming in the district of Konawe, South-East Sulawesi;
- Contributed to the development of the National Strategy on Access to Justice (NSA2J), which has been integrated into the National Mid-Term Development Plan (2010-2014) and Presidential Instruction 3/2010; and
- Established the National Access to Justice Secretariat within BAPPENAS for sustainable support to the implementation of the NSA2J through mainstreaming of the NSA2J into the annual work plans and budgets of relevant government ministries and agencies.

Examples of HRBA Application (1)



- LEAD established various public complaint posts in target communities through which citizens could articulate and channel their grievances about various issues such as public service provision, accountability of public officials, natural resources management and environment problems.
- This was accompanied by mobilization and training of “citizen advisors” and paralegals within the community, who could work with the villagers to increase their rights awareness and make a bridge to the LEAD CSOs, who provided staff and ongoing guidance to the complaint and legal information posts.
- On receiving a complaint, the post’s staff examined the issue, for example by collecting additional data through their own investigations, and categorized each complaint according to the issue, urgency and responsible institutions.
- The LEAD-CSO grantees then channeled the complaints to the relevant institutions and monitored progress in addressing the complaints. Cases channeled through these posts included illegal charges for issuing ID cards, illegal levies on students, double taxes for small businesses, pollution, illegal logging, land disputes and poor electricity services.
- LEAD’s complaint post mechanism was also complemented by public dialogues, in which LEAD CSO grantees supported petitioners to articulate their grievances and empowered them to build their confidence and skills to voice complaints in public.

Examples of HRBA application (2)



- LEAD Project also created or strengthened institutions and mechanisms to address special needs of vulnerable groups. In particular, the LEAD Project successfully established and the “Integrated Services Center for Empowerment of Women and Children” in project sites, which is a multi-stakeholder forum and integrated support services mechanism to protect and support women and children who are victims of violence.
- The forum consists of the local Social Affairs Office, the Women’s Empowerment Office, hospitals, the police, the prosecutor’s office, and CSOs who jointly handle the cases of and provide assistance to the victims of domestic violence. Prior to LEAD’s support, P2TP2A was not functional in most provinces due to a combination of a lack of political will, capacity, domination by government bodies and as well as exclusion of the CSOs.
- Thus, the LEAD project supported its CSO grantees to revive and strengthen this mechanism by creating civil society-government partnerships, clarifying procedures, authorities, and functions of the mechanism, and advocating for adequate state resources to maintain the institution.
- With LEAD’s support, P2TP2A in the target provinces became very effective in providing a grievance handling mechanism in the context of an integrated partnership among various government agencies and CSOs.
- This initiative also successfully secured ownership from local government. In December 2009, for instance, Daurmala, LEAD’S CSO grantee, signed a Memorandum of Understanding with the government (Mayor) of Ternate city in North Maluku on the transfer of Daurmala shelter as part of P2TP2A services. For 2010, the government budget provided IDR 65,000,000 for care and case handling of victims located in Ternate City; and the City Government wishes to provide full budget support to the shelter in the future.

Examples of HRBA application (3)



- **LEAD Project advocated for and facilitated strategic initiatives for local government to institute pro-poor policies in their development programmes to meet the needs of poor and marginalized groups which citizens define as "justice" in real terms.**
- For instance, LEAD's local governance initiative in Ternate City in North Maluku facilitated a constructive dialogue among the fish street vendors, poor fishermen/women and Ternate's Office for Fishery Affairs. As a result, the Office for Fishery Affairs agreed to increase access to micro credits, provide budget subsidies for establishing a fishery cooperative, and establish a fair trade policy by which large fish companies must abide.
- Following LEAD's policy advocacy efforts, two Mayoral decrees were also issued in the City of Ternate on the minimum standards for public services for the Office of Cooperatives and Small & Medium Enterprises Affairs, as well as the Office of Population Affairs, which has the mandate to issue birth certificates, citizen identification cards in timely and appropriate manner.
- Furthermore, LEAD facilitated Ternate's Land Office to provide pro-bono land certification services for poor farmers in Takome Village, and spearheaded the development of minimum service standards on basic education for the city's Office for Education Affairs, with support from the mayor. As such, LEAD has helped to improve the quality of government services in Ternate City with the full ownership of the local government with strong partnerships with the civil society.

Examples of HRBA application (4)



- In Konawe Regency in the province of Southeast Sulawesi, LEAD also supported a grantee initiative to increase the engagement of women and poor citizens in development planning, by advocating for greater accessibility and engagement of disadvantaged groups in the village- and district-level development planning meetings with members of the local parliament.
- The initiative also provided capacity building for the members of local parliament and government officials to improve their knowledge and understanding of pro-poor and gender-sensitive budgeting. As a result of LEAD's intervention, the District Government's Development Planning Board has now put into place an official policy to implement a participatory procedure for development planning.
- In the City of Palu in Central Sulawesi, the LEAD Project sponsored a comparative study trip of government officials to South Sumatera, and successfully persuaded both the provincial government and the Central Sulawesi Legislative Assembly to establish, for the first time in the province, a legal aid scheme for the poor, fully funded by the local government budget, accessible via the Legal Bureau of the Central Sulawesi Provincial government.

Success Cases (examples)



Obtaining a Fair Price of Land

- With the paralegal trainings and accompaniment support provided through LEAD CSO grantee, LML (Environmental Partner Institute) in North Maluku, Geltoi Haltim Village effectively advocated and negotiated for a fair price for the land owned by villagers vis-a-vis a mining company, PT Yudistira.
- Prior to the project intervention, the villagers found their land included in a mining project and faced the risk of getting their land sold off at arbitrary and unfair prices.
- As Ms. Diana Bowey, a LEAD-trained paralegal from the village, explained, this success sent a warning message to other companies not to ignore the capacity of the villagers to resist unfair acquisition of their land for business interests, and thus helped to protect their land rights in the region.

Success Cases (examples)



Cancellation of a Land Concession

- In the Banggai district in North Maluku, which is 600km away from the provincial capital and has a large forest area, LEAD project (through LPMS) established a human rights information centre for each of the 10 villages in the region, so as to disseminate legal information and undertake complaint-handling on natural resource issues for the communities. The centre was run by volunteers in the community who were trained by LEAD project with technical support from the project.
- At the time of the LEAD intervention, communities across the sub-strict strongly had strongly opposed a recently-made forest concession, yet could not get their grievance addressed by the local government. As the LEAD project came in, the communities filed the complaint at the legal human rights information centre and asked for help.
- The LEAD project then helped to channel their complaint to the decision-makers such as the Head of the Local Forestry Department and the Vice-Head of the District, and also communicated with national NGOs through personal connections to put additional pressure on the decision makers.
- As a result, the concession was cancelled after 3 months of intervention. The beneficiaries were so happy with the information-complaint-handling centre established by the LEAD that 5 villages worked to obtain a budget support from the local government to continue the operations of the centre after the LEAD support ended, thus ensuring the sustainability of the project's impact.

Success Cases (examples)



Combating violence against women and empowering women.

- Under the LEAD project, hundreds of community-members received paralegal training, approximately 40% of whom became active paralegals in their villages in handling cases of violence against women. Building a group of female paralegals within the communities proved to be effective both in supporting mediation and settlement as well as supporting the formal legal process through evidence gathering and documentation. As such, these groups increased access to justice for the victims, particularly in remote areas where formal justice system and government services are out of reach.
- For instance, Ms. Toweka, a paralegal from Popon Halut village in North Maluku explained that since her village is very far from the Sub-district capital, a lot of cases concerning domestic violence and even rape used to either not be addressed or be addressed with considerable delays by the sub-district police of Kao, prior to the LEAD project. However, through the paralegal trainings and accompaniment services provided by LEAD, the community paralegals were able to get these cases expedited and bring sanctions to the perpetrators in cooperation with the village head.
- Furthermore, knowledge, skills, and confidence built through the paralegal trainings helped to create economic empowerment opportunities for the women in the community. For instance, Ms. Maidah and three other women in Palu City were able to provide victim assistance as a result of the paralegal training they received through LEAD and earned respect and recognition from the police as well as the Women's Empowerment Agency of Palu City for their work. These women then went on to pursue economic opportunities for the women in the community and succeeded in obtaining a micro-credit for a snack production business from the Women's Empowerment Agency.

LEAD Impact Assessment



- Through an independent impact assessment, the LEAD Project assessed the results of the legal empowerment efforts which took place between 2007 and 2010 in order to determine actual or foreseeable changes, lessons learned and good practices.
- This study uses quantitative and qualitative approaches to collect related data and information. The quantitative approach consists of a survey used to collect data at the provincial and district levels with respect to issues of legal awareness, legal capacity and legal access. The qualitative approach consists of individual in-depth interview, group interviews and case studies using participatory approaches—asking the beneficiaries about the real changes in their lives. The qualitative approach is used to support the quantitative approach.
- In order to measure the impact of the Project and rule out competing explanations for observed results, the assessment needed a counterfactual, namely, that which would have occurred in the absence of the LEAD Project. So it also made “control groups”, and collected data from the non-beneficiaries for comparison through the survey method as well as in-depth or group interviews.
- In conducting the assessment, the assessors were guided by the overarching question: How has the LEAD Project effectively enhanced access to justice among poor and disadvantaged communities?

Main findings



- First, the LEAD Project has strengthened the legal awareness of its beneficiaries, especially women and citizens with low education levels, the groups for which the Project was particularly designed, using creative approaches. The magnitude of the impact was greatest in the area of strengthening beneficiaries' proactive attitude toward access to justice with regards to gender violence issues.
- With their newly acquired knowledge on their rights and protective laws, the poor and marginalized people in target areas became more confident to voice their concerns and assert their rights in relation to the duty bearers. The Project also improved the beneficiaries' ability to channel their complaints, particularly with accompaniment support from the LEAD-trained citizen advisors and legal aid lawyers.
- Second, the LEAD Project has strengthened the capacity of duty bearers in providing legal services and protecting citizens' rights. Furthermore, the LEAD Project has strengthened various access to justice forums including public complaint mechanisms

Main findings



- Third, the LEAD Project is perceived by the beneficiaries to be effective in the provision of legal services and advocacy support. Though to varying degrees, the CSO grantees were successful in their efforts to provide legal services, to advocate for policy reforms and protection of rights, and to push for real changes in their communities.
- Fourth, at the National Level, the objectives of justice sector reform have been achieved by the successful development and launch of the National Strategy on Access to Justice, which was mainstreamed into the National Mid-Term Development Plan 2010-2014.
- The LEAD project also brought positive behavioral changes of not only the target beneficiaries (communities and government/state agencies) but also its own project CSO grantees. For example, the Project staff provided substantive trainings to its grantees on human rights based approach to development and also promoted UN values in its standard operating procedures such as respect for gender equality, participation, transparency and accountability in all aspects of project implementation.

Statistical Findings (1)



- 99.7% of beneficiaries, compared to 87.5% of non-beneficiaries had an increased awareness about their legal rights.
- 64.2% of beneficiaries reported understanding the avenues through which grievances could be addressed, as compared to only 50% of non-beneficiaries.
- Broken down, 51% of beneficiaries were aware of formal justice avenues, compared to 38.9% of non-beneficiaries, and 44.1% of beneficiaries were aware of informal mechanisms, as opposed to 36.1% of non-beneficiaries.
- According to the Impact Assessment, more than 40% of beneficiaries after receiving LEAD's awareness programs and consultation services expressed their confidence in being able to identify the type and nature of their problems and personally address them through appropriate avenues. Most beneficiaries have also expressed their willingness to share with others their acquired knowledge from LEAD's services.
- For example, beneficiaries in Ternate City were able to channel their grievances and access funds needed from the offices for Cooperatives. Meanwhile, in Central Sulawesi, a majority of beneficiaries expressed that after being trained by LEAD Project grantees, they were then able to distinguish elements of their local government budget which are pro-poor and gender responsive. Likewise, in the Province of Southeast Sulawesi, the survey respondents stated that LEAD helped increase their understanding and ability to report their cases and defend their rights as victims and/or defendants with regards to their grievances.

Statistical Findings (2)



- On the supply side, with the increase in types and number of avenues to address grievances, the numbers of people accessing these services increased through LEAD.
- For example, the number of beneficiaries accessing government offices/staff is 22.6%, compared to 16.7% of non-beneficiaries; those accessing village heads is 45.8% of beneficiaries versus 34.7% of non-beneficiaries; and those accessing community organizations is 26% of beneficiaries, compared to 15.3% of non-beneficiaries.
- 52.1% of project beneficiaries reported improvement in the provision of legal services after LEAD interventions

National Strategy on Access to Justice



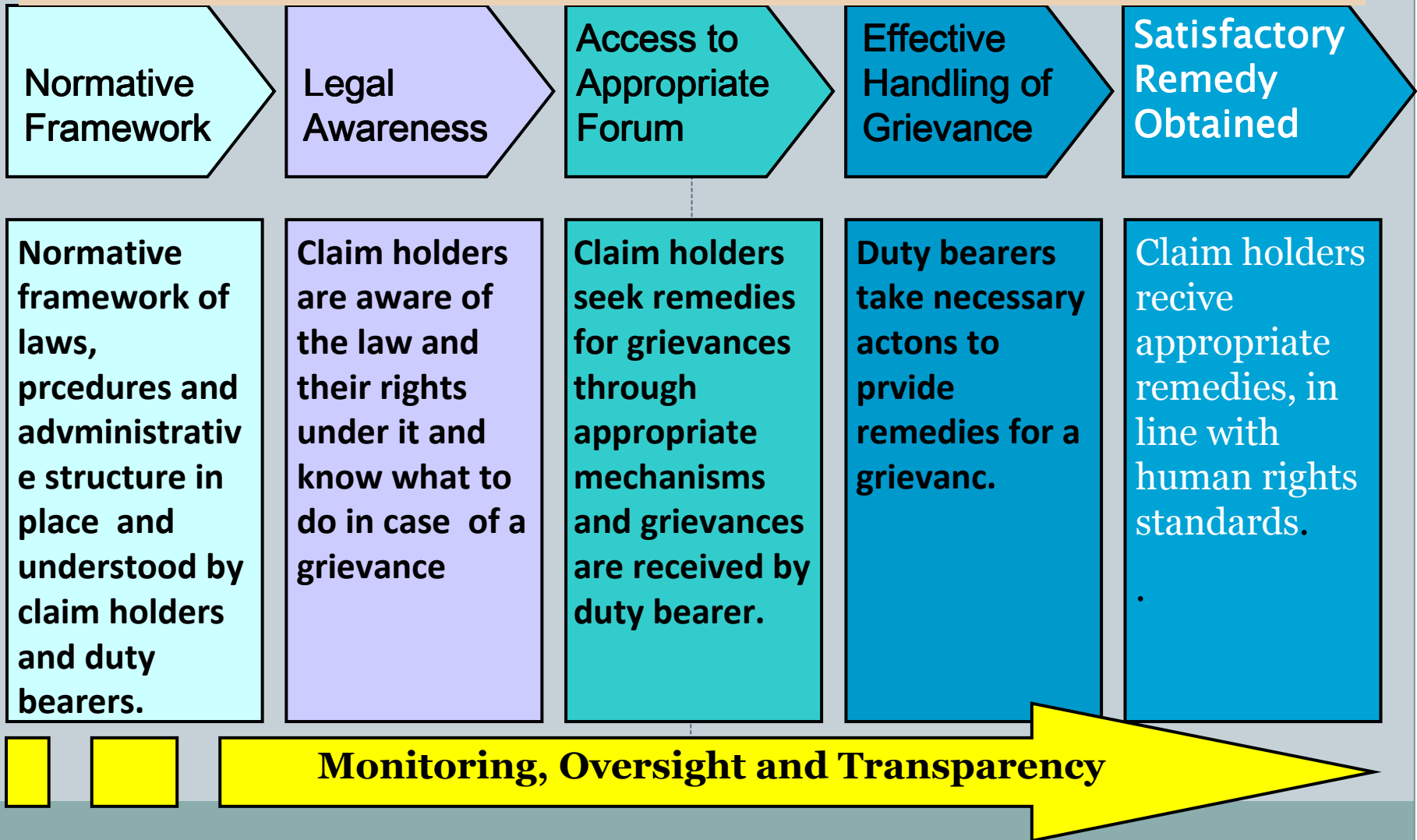
- Lastly on the supply side, the LEAD Project provided critical policy advice and technical support to the Government of Indonesia to develop and launch the National Strategy on Access to Justice (NSA2J) at the end of 2009.
- The Strategy was uniquely developed through a bottom-up, participatory process, involving consultations with over 600 stakeholders from all 33 provinces, using LEAD's local networks.
- Drafts of the Strategy and its Action Plans were also shared and consulted with relevant line ministries, national human rights institutions, local governments, civil society, academia, and UN agencies
- Launched in 2009 by the Minister of Development Planning and has been integrated into the National Mid-Term Development Plan, as well as Presidential Instruction No. 3/2010 on Equitable Development for 2010-2014. As such, line ministries and agencies have an obligation to mainstream the NSA2J into their annual work plans and budget.

NSA2J



- The Strategy constitutes a document that outlines key measures that need to be taken in order to improve access to justice services within the legal, governance, economic, and social sectors, particularly for poor and marginalized groups.
- ➔ The National Strategy aims to create a framework for policies and regulations that are inclusive of poor and marginalized people and afford them access to justice, so that they can utilize their resources to overcome poverty. It covers eight sectors:
 1. **The Legal and Judicial reform sector**
 2. **The Legal Aid Sector**
 3. **The Local Governance sector**
 4. **The land and natural resources sector**
 5. **Women (Access to justice for women)**
 6. **Children (Access to justice for children)**
 7. **Labour (Access to justice for migrant and child laborers)**
 8. **Disadvantaged Groups (Access to justice for the poor and the marginalized)**

Conceptual Framework for Access to Justice



Indonesia's NSA2J



The National Strategy on Access to Justice is remarkable for the several main features.

- First, it recognizes access to justice for the poor as a critical means of eradicating poverty, along more traditional economic and social approaches.
- Second, it focuses on society's most disadvantaged people and marginalized groups, and insists that government policies across all sectors explicitly aim to reach Indonesia's most vulnerable persons and communities and bring them within the law's protection.
- Third, line ministries and agencies have a responsibility to mainstream the National Strategy into their annual work plans and budget allocations, as the Strategy has been integrated into the National Mid-Term Development Plan (2010-2014).
- Fourth, the Strategy draws on community-level experiences in strengthening access to justice, representing the culmination of almost two years of consultations with local government and civil society actors throughout Indonesia, ministries and government bodies across all relevant sectors, as well as relevant UN agencies.
- Fifth, it aims to produce a paradigm shift in Indonesia that development and reforms must work for the poor and disadvantaged, and as such positions Indonesia at the forefront of promoting human rights, justice and legal empowerment of the poor in the Asia region.

Definition “Access to Justice” in NSA2J



- “In the Indonesian context, access to justice means fulfilling the rights promised by the Indonesian Constitution and the universal principles of human rights. Citizens should know, understand, and be able to invoke their fundamental rights in formal and informal institutions—with the support of responsive public complaint mechanism—and this should allow them to improve their own social welfare. Access to Justice is explicitly concerned with the problem of preventing and overcoming poverty, and this requires that disadvantaged communities be able to access justice through formal and informal institutions. Both community and state judicial institutions should be able to provide justice to those seeking out a legal remedyFurthermore, all citizens—especially the poor—should have access to mechanisms that are fair, effective, and responsive in protecting their rights, preventing their mistreatment, and addressing their conflicts. They should be able to obtain justice through both formal and informal mechanisms, and they should be able to participate in the framing, enforcement, and institutionalization of law (NSA2J 2009: 5).”

HRBA in NSA2J (2009:5)



- “This National Strategy acknowledges that poverty in Indonesia and other places around the world persists as a result of political, economic and legal structures that marginalise one group of society compared to others. Achievement of justice for the poor is not only about technical legal problems, but is also related to social and political issues, namely how to strengthen the weak bargaining position of poor people in obtaining legal protection and services. This strategy relies on a presumption that the paradigm of legal justice needs to be shifted to a paradigm of social justice in which legal reform and justice share a common objective of protecting the economic, social and cultural rights of poor people as well as strengthening their bargaining positions to secure access to justice, either through formal or informal mechanisms.”

Why NSA2J important?

For the fulfillment of all citizens' rights.

Development planning has not yet applied the “human rights based approach”. As a result, development activities and processes do not pay much attention to the fulfillment of rights of the poor and the marginalized as the outcome.

To change the perception of decision makers into believing that the State must ensure the fulfillment of rights for every citizen.

NSA2J

The National Access to Justice Secretariat

- BAPPENAS with UNDP support established a National Secretariat on Access to Justice (A2J Secretariat) in the government premise (staffed with UNDP personnel and others) that serves as a ‘vehicle’ for BAPPENAS to assist, monitor, advocate, and harmonize efforts towards the integration of 8 prioritized sectors in the Strategy into the annual work plans and budgeting of the ministries/agencies.
- Various donors and agencies also supporting national strategy on access to justice; the Secretariat calls for periodic meetings for all donors to map out the activities, and to coordinate and synergize with each other

Implementation of the National Strategy on Access to Justice



- The Strategy will not be implemented as separate programmes, but will be mainstreamed into existing national development programmes, especially into national rural development plan, national human rights strategies, as well as the annual work plans and budgets of all relevant ministries/agencies.
- Main Challenge: How to ensure implementation of Strategy's action plans both at the national (by ministries/agencies) and subnational levels.
- “Gap Analysis” conducted by BAPPENAS-UNDP at the end of 2010 indicated a number of discrepancies between the Strategy and the annual work plans and budgets of ministries/agencies.

Recommendations and Lessons Learned



- **Legal empowerment makes a real impact on people's lives.** This project report and the LEAD Impact Assessment indeed demonstrate that legal empowerment projects such as LEAD, which combines the demand and supply side of justice can and do make a great impact on the lives of its beneficiaries and on the country's policy framework. Initiatives to address community grievances on land and natural resources can be particularly challenging as they must struggle with powerful interest groups and fundamental power imbalances in complex ways. Nevertheless, legal empowerment activities that increase rights awareness and strengthen advocacy skills can still help increase the protection of rights and welfare of indigenous people and local communities, as exemplified by LEAD's success in North Maluku with regards to cancellation of a land concession as a result of community-CSO advocacy efforts.
- **Establishment or enhancement of a public complaint mechanism can provide an effective channel for addressing citizens' concerns and grievances on a variety of issues.** In LEAD's experience, any success in this area requires that the project facilitate constructive engagement and build sustainable partnership between CSOs and the local government. For greater success in this area, LEAD needs to develop concrete guidelines on how to establish a public complaint mechanism, to be adopted by local government offices/agencies.

“Strengthening Access to Justice in Indonesia”



- To provide coordinated and strategic support to the implementation of the key recommendations of the NSA2J, UNDP and Government of Indonesia have launched a new umbrella project on access to justice, under the name of “**Strengthening Access to Justice in Indonesia**” (SAJI) Project (2012-2015).
- Output 1: Strengthened institutional mechanisms, legal and regulatory framework, and capacities of government institutions to implement the recommendations and Action Plans of the National Strategy on Access to Justice
- Output 2: Enhanced public complaint and grievance handling mechanisms (PCGMs) in government institutions at both national and subnational levels
- Output 3: Access to fair and accountable justice in community-based (informal) justice channels, particularly for women and vulnerable groups
- Output 4: Knowledge management and policy advocacy for development of new policies and initiatives to effectively strengthen Access to Justice

Lessons learned



- **While CSO grant-making is an effective way to do legal empowerment at the grass-roots level, ongoing and strategic capacity building support is necessary to ensure successful implementation of the CSO grant-making programme. Training and mobilizing community (voluntary) actors to provide information and accompaniment support to their own villagers is an effective strategy of community legal empowerment; at the same time, it is necessary to provide sustained encouragement to the trained paralegals and citizen advisors, and to promote intensive interaction and synergies among the trainees to help them stay motivated.**
- In LEAD's experience, some trained paralegals and citizen advisors, particularly women found it difficult to continue their voluntary services for a long term due to competing (economic) priorities and lack of extensive follow-up support. When LEAD provided them with a paid CSO staff to live in or frequently visit the villages to provide ongoing guidance, this problem decreased significantly. For women, in particular, ongoing capacity building to increase their self-confidence and participation in socio-political governance of the villages helped to sustain the trainees services to their community.

Lessons Learned



- **Continue to target the poor and the disadvantaged for maximum impact.** Studies and evaluations on LEAD show that the majority of the participants agreed with the projects' target groups. The impact of the LEAD Project was the greatest for women and citizens with low education levels, the groups for which the Project was particularly designed. Therefore, future projects on access to justice are recommended to target the poor, the disadvantaged, and women as its target groups in its local implementation.
- **Involve the community more in the project development and implementation processes.** Independent study on the LEAD Project showed when communities evaluate their level of satisfaction with programmes, it is not solely the provision of resources that they consider to be a top priority. Communities prioritize their own involvement in development programmes, understanding and experiencing the benefits of programmes, seeing programmes target the right groups and needs (particularly vulnerable and disadvantaged groups), trust in programme implementers, communication with villagers about programme aims and progress, accountability and transparency, and knowledge of local conditions. Such findings indicate that development *processes* are as important as actually delivering tangible goods and resources. Therefore, future projects shall ensure greater community involvement in programme decision-making, the process of deciding on and targeting of beneficiary groups, and determining village needs. Furthermore, greater efforts shall be made to clarify programme processes, aims and progress to communities, in order to minimize misunderstandings and the tensions that result from misperceptions and contribute to conflict sensitivity and development effectiveness.

Lessons learned



- **Support to access to justice projects must be provided on a longer term.**

Grassroots legal empowerment and policy transformation take many “learning by doing” efforts, partnership/relationship building, and capacity building over time. The four year lifespan of the LEAD project were not sufficient to realize the full potential of the initiatives, and the project evaluations indeed recommended that UNDP extend these projects to further support strategic components, with improvements and refinements, in order to give enough time to increase the capacities of the local stakeholders and to ensure the ownership of local governments on justice initiatives.