

Independent Progress Review of Australia's Law and Justice Assistance in Indonesia (May 2014)

MANAGEMENT RESPONSE

Initiative Summary

Initiative Name			
AidWorks initiative numbers	INJ137 (Australia-Indonesia Partnership for Justice) INK495 (Prison Reform in Indonesia – Phase III)		
Commencement date	1 June 2011	Completion date	31 December 2015
Total Australian \$	53,700,000		
Total other \$			
Delivery organisation(s)	<ul style="list-style-type: none"> Government and judiciary of Australia, coordinated by the Department of Foreign Affairs and Trade (DFAT) Government and judiciary of Indonesia, coordinated by the National Development Planning Agency (Bappenas) 		
Implementing partner(s)	<ul style="list-style-type: none"> Cardno Emerging Markets (Australia) Pty Ltd — Implementation Service Provider for the Australia-Indonesia Partnership for Justice The Asia Foundation — managing grantee for the Prison Reform Program; sub-contractor for civil society support under the Australia-Indonesia Partnership for Justice from 2013 		
Country/Region	Indonesia		
Primary sector	Law and Justice		
Initiative objective/s	<p>The independent progress review examined two initiatives:</p> <ul style="list-style-type: none"> The Australia-Indonesia Partnership for Justice, which is a five-year program operating from mid-2011 to 2015 with an approximate investment value of \$50 million. The program helps people in Indonesia to realise their rights to fair and accessible legal services, legal identity documents, and legal information. It pays particular attention to the rights of women who are poor, people with disability and vulnerable children. The third phase of the Prison Reform program, which is a 3.5-year program operating from mid-2012 to 2015 with an approximate investment value of \$3.7 million. The program aims to reduce corruption in Indonesia's corrections system by improving information management within the Directorate General for Corrections (particularly through an electronic prisoner database) and strengthening prison audit systems. 		

Evaluation Summary

Review Objective: To provide an independent review of the performance of Australia's main bilateral aid investments in Indonesia's law and justice sector — the Australia-Indonesia Partnership for Justice (AIPJ) and the third phase of the Prison Reform Program. This involved examining the relevance of the programs to Australia's national interests, the alignment of the activities with the Government of Indonesia's priorities in the sector, whether meaningful results have been achieved to date, whether the current approaches are likely to lead to specified End of Program Outcomes being realised, whether impact will be sustained beyond the program, and to what extent the performance of the Australia-Indonesia Partnership for Justice has improved since an earlier independent review was conducted in 2012.

A second objective of this review was to inform the Governments of Australia and Indonesia on possible future aid investments in this sector beyond the conclusion of these programs in December 2015.

Review Completion Date: 30 May 2014.

Review Team:

- Dr Linda Kelly, Team Leader
- Ms Bivitri Susanti, Indonesian Law and Justice Expert

Key messages

1. Australia's support to law and justice is relevant to both Australia and Indonesia as it promotes stability, increased access to services, and certainty for investors. AIPJ is an effective program, making a considerable contribution to access to justice in Indonesia. The program is delivering tangible results, and is facilitating productive and sustainable partnerships between Australian and Indonesian judicial institutions, civil society organisations and disabled people's organisations. Similarly, the Prison Reform Program has well-articulated goals and is making good progress toward achieving them before its conclusion in December 2015.
2. The changes to the management structure of AIPJ, emerging from the 2012 independent progress review, have resulted in significant improvements in program operation. For example, the opening of three provisional offices has facilitated the development of effective local networks, improving implementation on the ground and feeding important lessons back up to the national level.
3. AIPJ is consistently not well understood by many stakeholders and lacks a metanarrative that links its different parts together in a simple manner. Within some parts of the program, such as activities relating to anti-corruption, gender equality and the rights of children, good work is being undertaken without the support of a coherent strategy or narrative.
4. While more work remains to be done in the area, AIPJ has achieved clear and obvious gains in support of the rights of people with disability in Indonesia.
5. To take advantage of the relationships and reform momentum generated through AIPJ and the Prison Reform Program, Australia should consider investing in a further phase of assistance in the sector beyond the conclusion of the current phase in December 2015.

DFAT's response to the Review

- DFAT agrees to all recommendations in the Independent Progress Review.
- DFAT is working with the Government of Indonesia and implementing partners to implement recommendations that are relevant to the current phase of Australia's law and justice assistance in Indonesia (due to conclude in December 2015).
- Subject to budget availability and approval processes, DFAT will design a second phase of AIPJ. This will likely commence in early 2016 and incorporate continued assistance to improve correctional services. The design of this assistance will be informed by the findings and recommendations of the independent progress review.

DFAT's response to the specific recommendations made in the Review

Recommendation	Response	Actions	Responsibility
1. A review of the AIPJ strategy for support for anti-corruption be undertaken prior to further development of activities and strategies in this area.	Agree.	AIPJ will review its anti-corruption strategy by the end of 2014, including through an assessment of the results of assistance to the Attorney General's Office and the likely impact of plans to recruit anti-corruption lawyers at the sub-national level in support of the World Bank's Justice for the Poor program.	Cardno.
2. Consideration be given to the best location for the work on legal identity and/or some work undertaken to explore the synergies between this work and other frontline service delivery.	Agree.	DFAT will continue to invest in access to legal identity, and will consider by the end of 2014 which program(s) should receive investment. DFAT's preliminary assessment is that court-related legal identity (eg. marriage and divorce certification) should remain part of DFAT's justice assistance, while access to other forms of legal identity could be supported by other aid programs in Indonesia.	DFAT.
3. The work on prison reform should be continued but with further attention to the strategic impact and potential wider value of this work in justice reform e.g. in relation to juvenile justice.	Agree, subject to budget availability and approval processes.	Subject to budget availability and approval processes, DFAT will continue to fund corrective services reform as part of the next phase of AIPJ from early 2016. This work will draw on lessons from a forthcoming DFAT-funded study, being undertaken by The Asia Foundation and the Overseas Development Institute, on pre-trial detention in Indonesia. This study will examine the broader, strategic impacts of pre-trial detention, including its socio-economic impacts. DFAT will also consider links and efficiencies between corrective services reform efforts in the next phase of AIPJ and other DFAT de-radicalisation and prisoner management programs.	DFAT.

4. Further work is undertaken to clearly articulate the program meta-narrative and strategy and the relevance of this to the Indonesian law and justice sector and Australian government priorities.	Agree.	The design document for the proposed second phase of AIPJ, to be finalised by DFAT teams in Canberra and Jakarta by early 2015, will articulate a clear overarching narrative about why Australian investment in law and justice is important for development in Indonesia and for Australia's national interests.	DFAT.
5. Consideration is given to institutions and actors in the justice sector which are currently not focused on reform and increased access to justice, and how this program, or other interventions, could influence on leverage the change required in these institutions	Agree.	Australian investment will continue to focus primarily on supporting reform-oriented institutions. However, following the presidential election in July 2014 and selection of a new Cabinet in Indonesia, Australia and relevant Indonesian partners will also look for opportunities for Australia to support reform-oriented leaders within institutions that have to date been less open to reform. DFAT will also continue to support activities that indirectly impact institutions with which we do not currently engage, for example changing police behaviour by assisting the Ministry of Law and Human Rights to increase the number of publically-funded legal aid lawyers to advise clients being questioned or detained by the police.	DFAT.
6. Further attention is given to program monitoring and evaluation, expanding performance reporting to make full use of the current PAF.	Agree.	AIPJ will make better use of its Performance Assessment Framework for the remainder of the program, including through presenting information generated from the Framework in a concise and logical manner on the AIPJ website and in AIPJ's six-monthly progress reports. The staff and advisors AIPJ recruited to develop its Performance Assessment Framework will now focus on implementing it, including through training all AIPJ staff on performance reporting. AIPJ staff capacity in monitoring and evaluation will also be strengthened with the recruitment of a part-time international Monitoring & Evaluation Advisor.	Cardno.
7. Work with people with disability is extended to all program activity areas.	Agree.	AIPJ has made incorporating disability across all program areas a priority through AIPJ's final work plan, which DFAT and the Government of Indonesia approved in April 2014.	Cardno and DFAT.

8. Program communication is further developed utilising concise explanations of the program metanarrative and clearly articulated program logic for each of the activity areas.	Agree.	AIPJ will communicate the logic behind each component of the program, together with achievements to date, on its web page (www.aipj.or.id). AIPJ will also develop a series of key messages about the program for use in speeches and other forms of public communication. DFAT will develop a metanarrative for Australia's law and justice assistance through the design process for the proposed second phase of AIPJ to commence in early 2016.	Cardno and DFAT.
9. AIPJ should be extended to a second phase, with an ongoing focus on current activity areas, in particular legal aid implementation (extending this to the paralegal work), ongoing court reform, and development of civil society.	Agree, subject to budget availability and approval processes.	Subject to budget availability and approval processes, DFAT will design a second phase of AIPJ to commence activities in early 2016.	DFAT.
10. There should be increased expertise and focus on children to enable effective contribution to the implementation of the new Law for Juvenile Justice.	Agree.	DFAT and the Government of Indonesia have approved additional funding under the latest AIPJ work plan to assist Indonesian government agencies to implement the Juvenile Justice Law. This has involved the recruitment of a well-known Indonesian child rights expert to advise the Government of Indonesia's Technical Secretariat for the Implementation of the Juvenile Justice Law. AIPJ will also explore the possibility of drawing on expertise from the Australian Human Rights Commission to support the implementation of Indonesia's Juvenile Justice Law.	Cardno.
11. There should be increased expertise and focus on women, alongside the current focus on people with disability, and the experience of women in access to justice.	Agree.	AIPJ has dedicated more resources to developing clearer strategies to promote gender equality and better articulating AIPJ's impact on gender equality. This has included engaging a National Gender Expert.	Cardno.

12. The future program should look to draw lessons, particularly from the current provincial work, work with people with disability and civil society support, to shape and inform those future developments.	Agree.	The design process for the proposed second phase of AIPJ will articulate lessons — both positive and negative — from the first phase. This will include an examination of innovations during the first phase such as opening provincial offices, delivering targeted support for the rights of people with disability, and providing core funding for civil society organisations in the law and justice sector.	DFAT.
13. The program should consider a modest expansion to support improvements in legal education which are relevant to legal reform and access to justice.	Agree.	The design process for the proposed second phase of AIPJ will consider the costs and benefits of investing in improvements to legal education in Indonesia.	DFAT.
14. DFAT take the opportunity presented by this program to manage for increased synergy within the aid program, particularly on programs working at the decentralised level, those focused on service delivery and those supporting CSO.	Agree.	DFAT will facilitate discussions and the sharing of work plans across program areas. DFAT also plans to make AIPJ responsible for implementing two activities on behalf of the World Bank's Justice for the Poor Program that have a local-level focus, which will strengthen synergies with other DFAT investments at the local level. DFAT will also maintain the current Contractor Performance Assessment criteria, which assess Cardno's implementation of AIPJ on the basis of — among other things — the extent to which AIPJ supports other parts of the Australian aid program.	DFAT and Cardno.